TRANSMITTAL TO CITY COUNCIL

Case No.(s)	Planning Staff Name(s) and Contact No.	C.D. No.
ENV-2007-5180-MND	TERESA BATSON 213-978-1209	5

Items Appealable to Council:	Last Day to Appeal:	Appealed:
ENVIRONMENTAL		Yes ☑ No ☐

Location of Project (Include project titles, if any.)

375-393 N. LA CIENEGA BOULEVARD &
407-417 WESTMOUNT DRIVE

Name(s), Applicant / Representative, Address, and Phone Number.

NMSLUXE235, LLC
10194 WILSHIRE BLVD. 1550
LOS ANGELES, CA 90024
310-247-8182

Name(s), Appellant / Representative, Address, and Phone Number.

BRITTANY PERRINEAU
WEST HOLLYWOOD RESIDENTS ASSOCIATION
402 WESTBOURNE DRIVE
WEST HOLLYWOOD, CA 90048
310-659-3379

PADI MOSCHETTA
425 WESTMOUNT DRIVE
WEST HOLLYWOOD, CA 90048

Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)

Site Plan Review to allow demolition of approximately 17,400 square feet of existing commercial buildings and associated surface parking; the removal of 20 non-protected trees and a Density Bonus Compliance Review to allow the construction of an approximately 110,465 square foot apartment building with 125 units including 11 Very Low Income Affordable Units. The project will provide 166 parking spaces in surface and two subterranean parking areas, and 31 trees on an approximately 44,537 square foot lot in the C2-1VL-O and [Q]P-1-VL-O Zones. The project will be 5 stories tall, with a maximum height of 56 feet with the following two incentives or concessions; 1.) a 35% increase in height, for a maximum height of 56 feet in lieu of the permitted height of 45 feet and 2.) a floor area ratio of 2.99:1 in lieu of the permitted 1.5:1; for a project that reserves at least 11% of total units for Very Low Income households, as defined by Ordinance 179681.

Fiscal Impact Statement *Determination states administrative costs are recovered through fees.	Environmental No.	Commission Vote:
Yes ☑ No ☐	ENV-2007-5180-MND	7-0

JAMES WILLIAMS, Commission Executive Assistant I

Date: AUG 1 0 2010

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MASTER APPEAL FORM

ORIGINAL

City of Los Angeles – Department of City Planning

APPEAL TO THE: CITY COUNCIL
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: ENV-2007-5180-MND

PROJECT ADDRESS: 375-393 N. La Cienega Boulevard; 407-417 Westmount Dr. Los Angeles

FINAL DATE TO APPEAL: N/A-Filing pursuant to California Resources Code, Section 21151c of CEQA

TYPE OF APPEAL:

1. ☐ Appeal by Applicant
2. ☑ Appeal by a person, other than the applicant, claiming to be aggrieved
3. ☐ Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: Brittany Perrineau and Padi Moschetta

- Are you filing for yourself or on behalf of another party, organization or company?

☑ Self ☐ Other: _____

Address: 402 Westbourne Drive and 425 Westmount Drive, West Hollywood 90048

West Hollywood, CA Zip: 90048

Telephone: (310) 659-3379 E-mail: brittanydru@yahoo.com and padianna@yahoo.com

- Are you filing to support the original applicant's position?

☐ Yes ☑ No

REPRESENTATIVE INFORMATION

Name: West Hollywood West Residents Association c/o Doug Carstens, Chatten-Brown & Carstens

Address: 2601 Ocean Park Blvd., Suite 205

Santa Monica, CA Zip: 90405

Telephone: (310) 314-8040 E-mail: president@whwra.org and dpc@cbcearthlaw.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

AUG 06 2010
DATA ENTERED IN PCTS ON

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

☑ Entire ☐ Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."
--CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature: Brittany Lemineau x Aus Date: August 4, 2010 Aug. 4, 2010

Planning Staff Use Only

Amount $105.00	**Reviewed and Accepted by** K.C		**Date** 8-5-10
Receipt No. 282963	**Deemed Complete by** Rosette Avila		**Date** 8-6-10

☐ Determination Authority Notified ☐ Original Receipt and BTC Receipt (if original applicant)

August 4, 2010

Honorable Los Angeles City Council
c/o City Clerk
Los Angeles City Hall
200 N. Spring St., Rm. 360
Los Angeles, CA 90012

RE: MITIGATED NEGATIVE DECLARATION-NG-09-266-PL: ENV-2007-5180
and CPC DIR-2007-5179-SPR-DB-1A-2A
Concerning property at 375-393 N. La Cienega Blvd; 407-417 N. Westmount Dr.
Adopted MND No ENV-2007-5180-MND - Determination mailing date: July 29, 2010

Dear Honorable Council members:

We urge the City Council to deny approval of the above-mentioned Mitigated Negative Declaration (MND) and the entire project, which is proposed to be 125 units of apartments ("project").

We file this appeal pursuant to the California Resources Code, Section 21151c of the California Environmental Quality Act (CEQA).

21151. (a) All local agencies shall prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project that they intend to carry out or approve which may have a significant effect on the environment. When a report is required by Section 65402 of the Government Code, the environmental impact report may be submitted as a part of that report.

(b) For purposes of this section, any significant effect on the environment shall be limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the area as defined in Section 21060.5.

(c) If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected Decision-making body, if any.

There are multiple grounds for rejecting the MND and the project, including:

(1) Inadequate Mitigated Negative Declaration. We have produced substantial evidence that suggests the impacts of the proposed project would be significantly greater than indicated in the Initial Study. Thus an Environmental Impact Report (EIR) must be prepared instead of an MND to ensure the full extent of the Project's potential adverse environmental impacts are identified and considered. The MND precludes all future necessary consideration of numerous significant environmental impacts and alternatives not adequately addressed by the Initial Study.

(2) Inadequate infrastructure and public services, which jeopardize public health and safety. The infrastructure is not in place to support the project as currently proposed. The availability of water, public transportation, public services, etc., are limited and inadequate for a project of this size. The City has not complied with its obligation to update, annually, the capacity of its infrastructure so as to properly evaluate the impacts of projects brought before it. Approval of this and other developments creates a further strain on the infrastructure in the form of potential power outages, water rationing and rate hikes which must be borne by the current residents of Los Angeles and West Hollywood at no risk to developers' profits.

3) The City lacks the legally required quantifiable standards to adequately evaluate either the economic feasibility or the environmental (and health and safety) component of SB1818 projects. SB1818 projects should not be approved until such procedures, processes, and protocols are in place. The Planning Department should investigate whether the proposed affordable units could be provided with far less density and/or with different concessions that would not trample on the General, Community or Specific Plans and which would be acceptable to the Neighborhood Council.

4) The development of this project is not consistent with the prevailing character of the community and is dramatically at odds with adjoining properties. The Planning Department should uphold and negotiate vigorously to minimize transgressions of the General, Community and Specific Plans and properly meld the City's planning obligations under the California Government Code.

5) The excessive height, massing, and density of this project will, in the future, be improperly cited as a precedent for variances and exceptions, which by its very outsized presence enable opportunities for projects that are not presently entitled to density bonus and further deteriorating the character of the neighborhood. The City has completely failed to evaluate this growth inducing impact.

CEQA requires an EIR whenever a project MAY have an adverse impact on the environment (per PRC Section 21151).

"If there is substantial evidence of a significant environmental impact, evidence to the contrary does not dispense with the need for an EIR when it can still be 'fairly argued' that the project may have significant impact."

Utilities – Local and Regional Water Supplies

Regarding local and regional water supplies, Staff states that water demand was addressed in the Initial Study. However, a "will serve letter" does not imply sufficient water supply nor does it address the potential impact on the general public.

In a letter dated January 14, 2009 (Appendix of the Initial Study), LA-DWP specifically writes on page 1, "Regarding water needs for the proposed project, this letter does **not** constitute a response to water supply assessment due to recent State legislative activity (i.e., SB 901, SB 610, and SB 221) for development projects to determine the availability of long-term water supply."

Clearly, DWP is not committing to serving this project long-term and it is disingenuous for Staff to suggest otherwise.

The total project demand for water is estimated at over 10 times the current demand (projected 17,899 gpd vs. 1,782 gpd).

We have entered a period of drought during which the Metropolitan Water District ("MWD") has already mandated water supply and use reductions. What impact will this increased use have on diminishing supplies of water and on existing customers who are being asked to conserve? How will this additional demand affect our rates?

Due to current water supply conditions, cities are already required to cut back on water use and demand, yet development is moving along as if there are unlimited sources for water. Any new development should be evaluated in the current environment of diminishing water. Why should existing uses be forced to conserve so there can be new development? Shouldn't existing water use and demand have priority over new development that will by definition create new demand? Why are residents' rates (Tier 1, Tier 2, etc.) based on past usage; yet, new projects do not have to abide by past usage in order to conserve? How is "baseline usage" determined for the new project?

Approving this project as proposed would be inconsistent with State and local policies regarding water conservation. While we commend the developer in their desire to provide 11 affordable units, the reality is that water is a limited resource that cannot be replaced like electricity can with solar energy. Every drop of water that goes towards this project is a drop being literally taken away from current customers. Every raise in current customers' rates to force conservation is effectively forcing current customers to subsidize new developments.

We challenge the claim in the Initial Study of being able to provide water service to this project without it negatively impacting current customers.

Please see Exhibit A – "State of Emergency - Water Shortage PROCLAMATION by the Governor of the State of California" dated February 27, 2009.

Please see Exhibit B - "SOUTHLAND CONSUMERS, BUSINESSES FACE SECOND YEAR OF MANDATORY CONSERVATION -- *Delta problems prevent Metropolitan from capturing traditional supplies, continuing shortage conditions, contributing to rate increases dated April 13, 2010."*

Please see Exhibit C – Response to NOP dated January 14, 2009.

Traffic and Transit Issues

According to the MND, "the project site is located in an urban area, which is served by major bus routes. Therefore, the proposed project would be consistent with this policy."

This is a misleading statement. Just because there are bus routes doesn't mean there is service. Over the last year, the City of Los Angeles has cut funds for its local transit – the DASH, specifically, in the Los Angeles/West Hollywood/Fairfax area. So rather than increasing public transportation, the City of Los Angeles is actually decreasing public transportation.

Staff states that "in spite of the discontinued service of the DASH, an abundance of public transportation options exist in the project area," citing several Metro bus lines.

Metro is a County agency and LA City does not control its operation or budget. Metro is facing an historic operating deficit ($250 million in the fiscal year starting July 1, 2010) and recently raised its rates. More than 500 Metro jobs are being eliminated as well as steep cuts in administrative overhead and other expenses. Further decreases in transit service appear imminent.

The proposed continuation of the Metro line seems to be the City's stock answer to concerns about increases in density and traffic. Yet in public meetings, LA County MTA representatives have reported that it could take more than 20 years until the train makes its way through this part of Los Angeles. Certainly, the City and the developers are counting their chickens before they hatch.

Their traffic study does not include an analysis of Rosewood Avenue (i.e., between Melrose and Beverly) and how the project would impact this local, neighborhood street. Without an EIR, there is no up-to-date, in-depth study of the potential cumulative impacts on the surrounding neighborhood of the project along with other projects currently in the pipeline.

Intersections at La Cienega/Melrose show an LOS E in the AM peak and an LOS F in the PM peak hour for La Cienega/Beverly an LOS E in the AM and PM peak hours. The project, while residential in nature, still nets additional trips... 467 net new daily trips according to the Initial Study. Any new traffic is unwanted traffic, particularly on La Cienega, which is, for the most part, gridlocked at peak hours, when these residents will be driving to and from work.

Please see Exhibit D – *"L.A. DEPARTMENT OF TRANSPORTATION ANNOUNCES FARE INCREASES AND SERVICE CHANGES TO DASH AND COMMUTER EXPRESS SERVICES"* dated January 24, 2010

Please see Exhibit E – *"WHAT'S NEW? SPECIAL RIDER ALERT - DASH Hollywood/West Hollywood EFFECTIVE August 1, 2010: DASH Hollywood/West Hollywood Will Be ELIMINATED"* dated June 25, 2010.

Please see Exhibit F – *"New Metro Fares Take Effect July 1"* dated June 15, 2010.

Aesthetics

We are concerned how the project relates to its immediate neighbor, the low-density residential neighborhood in West Hollywood immediately adjacent, both to the north and the west. The neighborhood is zoned R1b (single-family homes and duplexes), and is limited to 25 ft. height and .5 FAR.

The fact that the visual character of this residential neighborhood will be altered by the project needs to be addressed. While it may be an urbanized area, the adjacent single-family residential area is not, in and of itself, highly urbanized. Thus, potential impacts to this visual environment, particularly those resulting from the construction of increased building heights, need to be discussed.

The significance of aesthetic impacts is, to some extent, subjective, and in this instance, those that would be most impacted find this project to have a significant aesthetic impact.

There exists a 'fair argument' that the drastic changes in the area's aesthetics that would be caused by a project would be a significant impact. Courts have found that such aesthetic impacts that are objected to by those who will most often view it, are significant for purposes of CEQA review.

In Ocean View Estates Homeowners Assoc., Inc. v. Montecito Water District, the court held that the placement of an aluminum cover on a reservoir, which would be visible from private residences as well from a hiking trail, was a significant impact even though landscaping of the area was proposed as mitigation.

The court also found that while the significance of this impact could be subjective, that there were more than just "a few people expressing concern about the aesthetics of the project."

The project would likely have a negative impact on the character of the West Hollywood West neighborhood adjacent to this project. It should be noted that this West Hollywood West neighborhood is a Neighborhood Conservation Overlay District. The Neighborhood Conservation overlay zoning district is used to identify sites and areas within the city that represent clearly defined neighborhoods with predominantly consistent historic or architectural character.

As the project borders an area with a Neighborhood Conservation Overlay, there exists a 'fair argument' that the drastic changes in the area's aesthetics that would be caused by the project, would be a significant impact.

Regarding light, glare, sun and shade, with only 17 ft. between the project and its neighbors to the west, we challenge the finding that light and glare from a project of this size and scope can be mitigated to an acceptable level if the project were to be approved as is.

We also have concerns about the landscape plan and how long it will take for the project's trees to mature – and that neighbors to the west will still be facing a 56 ft. "white elephant," with balconies overlooking their backyards. In fact, the building will appear even larger than 56 ft. due to equipment on the roof.

Please see Exhibit G – email from John Keho, City of West Hollywood, dated May 20, 2010 RE: Neighborhood Conservation Overlay District.

Shade And Shadow:

The Initial Study states that "Shadow-sensitive uses in the immediate project vicinity include the residences located north and west of the project site. There are no other shadow-sensitive uses in the immediate vicinity of the project site. The project site currently consists of three commercial buildings, which are one and two stories in height. Due to the low-rise nature of the on-site buildings, coupled with the directions in which shadows are cast (generally to the north, northwest, and northeast) the existing on-site buildings cast shadows into the backyards of the adjacent single-family and multi-family residences."

The Initial Study states these assumptions, yet there is no analysis to show the length of the shadow, how long the shadows last, nor are there comparisons between what exists now, the proposed project and what is allowed by the current zoning of the property – a building which would be 25% smaller than the proposed project.

The Initial Study states that the proposed project would cast shadows upon the residential uses located north and northwest of the project site during the winter months, yet there is no detailed analysis.

The Initial Study states that the project would provide a 17-foot setback on the first four levels, with the fifth level setback approximately 26 feet from the western property line adjacent to the single-family and multi-family residences, and the northernmost portion of the proposed structure would be located roughly 50 feet from the northern property line adjacent to the neighboring single-family residences. What the Initial Study doesn't report is that the shadow created by the project will be about 24% greater than a project that is within the current code. A 56 ft. building would cast a shadow of approximately 165 ft. at 9:00 am, approximately 88 ft. at noon and approximately 168 ft. at 3:00 pm in December.

Given that the project is only 50 ft. away from residences to the north and 17 ft. away from residences to the west, there is substantial evidence of a potential significant environmental impact and claims to the contrary do not dispense with the need for an EIR when it can still be 'fairly argued' that the project may have significant impact.

The standards of significance cited by the Initial Study result in any shadow impact being insignificant unless it blocks sunlight "for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. between late October and early April or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. between early April and late October." This standard is inappropriately lax since hardly any proposed project would ever have a significant impact. Unless a structure is directly north of a sensitive site and the structure is wider than the sensitive site, no proposed structure would ever block sunlight for more than three hours of the day between 9:00 a.m. and 3:00 p.m. between late October and early April.

Even the City of West Hollywood, sharing two borders with the proposed project – directly north and west of the project – has cited a stricter threshold than the City of LA! In several recent EIR documents analyzed by the City of West Hollywood (e.g., 8801 Sunset Boulevard), it was stated that a significant shade and shadow impact would occur if a shade-susceptible use is shaded for more than two hours.

Structures that block sunlight can have a significant impact by blocking the sun for even one hour of the day. What will happen to the neighbors' grass, trees and other landscaping? How will shade and shadow impacts affect neighbors' ability to utilize solar panels?

We assert that without the benefit of an Environmental Impact Report and an in-depth study of the project in terms of solar access, shade and shadow, the potential impacts of the proposed project on our solar rights have not been adequately addressed.

The State's Solar Shade Control Act (Public Resources Code sections 25980-25986) prohibits shading of solar collectors that result from trees, and is precedent-setting legislation in terms of the power of solar energy.

The State's Solar Easement Law (Civil Code Sections 801 and 801.5) provides the opportunity to protect future solar access via a negotiated easement with neighboring property owners.

The City of West Hollywood's Solar Access Ordinance (19.20.170) includes provisions to ensure that solar energy systems are protected from shading and to facilitate their safe operation.

The above-mentioned protections were not considered or addressed nor were the differences between the City of LA's threshold and that of the City of West Hollywood, even though the project directly borders the City of West Hollywood on two sides.

Please see Exhibit H – *"California's Solar Access Laws,"* by Kurt Newick & Andy Black

Please see Exhibit I – Draft Environment Impact Report for 8801 Sunset Boulevard prepared by AECOM, February 2010

Please see Exhibit J – West Hollywood Municipal Code – Title 19 Zoning Ordinance 19.20.170: *"Solar Access and Solar Equipment"*

Noise

We know that sound carries. How will everyday sounds, such as voices or music, from walkways or balconies overlooking backyards, be deflected or muffled so as to not disturb the neighbors 17 ft. away? The conditions of approval includes that all exterior windows located along La Cienega Blvd. be constructed with double-pane glass – what about the windows that face west and north? Shouldn't the neighbors to the west and north be considered in terms of noise going out of the units as well as noise going in?

Regarding noise from construction: using plywood and flexible curtains to reduce 106 dB to less than significant (75 dB)? They might get a 10 or 20 dB reduction, but that only lowers the noise to 80 or 90 dB, still above the level of significance. They say they will impose all measures that are technically feasible, but that does not mean they reduce the noise to a level of insignificance. The residential area is 5 ft. away! We believe that an EIR must be prepared and if the City then wants to claim that mitigation is infeasible, make a statement of overriding consideration.

In addition, we have concerns about how the use of large construction equipment will impact the adjacent neighborhood of single-family homes. When LA County worked on the Storm Drain project the vibrations of large equipment caused damage to people's homes; i.e., cracks in walls, foundations, etc. What will the contractor do to ensure this doesn't happen, and if it does happen, will the developer take financial responsibility?

Also, construction hours cited in the Initial Study are not neighborhood-friendly. More acceptable hours would be: 8 am to 5 pm, Monday through Friday, no outdoor construction on Saturdays, and interior construction only from 8 am to 5 pm on Saturdays and no construction on Sundays.

Geology And Soils

We have concerns about subsidence. We've seen it at other nearby areas, such as the Sherbourne-Ashcroft cul-de-sac (i.e., a result of the San Vicente Boulevard storm drain construction). Since this is a highly seismic area, has there been any study as to how an earthquake might affect the area once water removal has begun or, once dry, after it has been rehydrated?

What is the specific fallback position if too much water is encountered to complete the project as designed? What happens if this building becomes so damp as to pose a public health concern? What are the truck routes for removing dirt? What are the impacts of the trucks on traffic? What are the impacts of the trucks on the physical roadways? Will they be using diesel trucks? If so, what are the impacts of the diesel from the trips on our air quality?

In Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles, the court found there would be "some adverse environmental implications" because as many as four truck trips per day would be added to the Los Angeles public streets to undertake a temporary drilling project. (Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles (1982) 134 Cal.App.3d 491, 498-499.)

Hydrology And Water Quality

The geological and hydrological setting description does not describe or document the major underground water system that underlies the site or the surrounding area; i.e., amount of water, where it comes from, the flow and where it goes.

We know that this site overlays a major underground water system that had sufficient reliable flow to supply the Beverly Hills Water Department water wells on La Cienega for nearly a century. This system, including source watershed, source flows, routes and dimensions of major aquifers and rivers, flow rates, directional flows, and pressures, is not adequately described and the impacts of its interference have not been properly analyzed in the Initial Study.

We challenge the conclusion that there will be no significant increase in surface runoff. The existing structures contain many varieties of surfaces that hold, diffuse and redirect runoff. The proposed project is more monolithic and would appear to have more impervious surfaces. We believe there needs to be a complete evaluation of surface water flows, particularly impacts upon gutters and storm channels. Will the project have any impact upon areas downstream? Will increase surface run-off exacerbate surface flows? Due to the topography and grade, area gutters and storm drains are known to overflow during heavy rains and rainy seasons. This has already occurred at the Westmount cul-de-sac on the West Hollywood side. Is there capacity for extra runoff? How much capacity is there and how much will this project contribute? How much will the project pay to offset this contribution?

Local experience with the high groundwater table is extensive and spans periods of drought and deluge. There have been numerous reports of special problems in the area owing to the high groundwater table including subsidence, collapse, flooding, flotation, buoyancy, mold, and the discovery and inadvertent dispersal of hazardous and/or toxic substances including but not limited to oil, tar, explosive fumes, gasoline and oil production residue. These conditions and environmental impacts have not been adequately assessed, described, quantified, evaluated and subsequent mitigation measures discussed in the Initial Study.

We know high water table conditions have interfered with construction at numerous individual locations covering a large area around the project site below Melrose within the same watershed. The Center of Early Education, located at La Cienega and Melrose, had planned to construct 2 levels of underground parking and then could not because they encountered "unexpected" water table problems. We know that some local homeowners and developers in West Hollywood West attempting to build pools encountered water pressure resistance at shallow depths and the pools could not be constructed in ground. County Flood Control had to import special trenching techniques from Southeast Asia to accommodate such conditions for the installation of major flood control pipelines throughout the area (San Vicente Blvd. and Rosewood). And we personally observed the trenches fill with water to stasis one foot from the surface despite their technology.

We have empirical local experience that groundwater table levels permanently rose immediately to the north following the construction of the Sofitel Hotel on Beverly Place. We know the Hotel must pump (dewater) 24 hours a day. It would appear the hydrogeology near the Sofitel is likely part of the same system and features as the project site. Yet there is no review, discussion, or analysis.

The Initial Study lacks any data or modeling to assess similar impacts related to interference with this major underground water system. What happens should the proposed project act like a dam or a huge impenetrable obstacle across this major water system? Will the neighborhood to the north saturate and flood? How much can we expect the groundwater to rise? What happens should the neighborhood to the north, where many mature trees draw from the existing water table, go fallow? What is the projected new route of this water system when it is interrupted with this project?

What impact will there be to surrounding properties, streets and major public and private assets? What protection is needed to warrant surety, completion, and indemnification for potential damages? And how much variability is caused by actual accumulated seasonal rainfall? What are the long-term effects of the underground conditions on liquefaction and on the water table?

Utilities – Solid Waste

Estimated total project generation of solid waste is nearly six times existing generation (projected 500 lbs. per day vs. 87 lbs. per day). Landfills in and around Los Angeles are full. The Initial Study suggests that they can dump the waste in Sunshine Canyon Landfill or Chiquita Canyon Landfill. The City must consult with the California Integrated Waste Management Board (CIWMB) to comply with CEQA (Pub. Resources Code §21153) – has this been done?

Is there any analysis of trips or traffic along routes to those areas, or should Los Angeles and West Hollywood stakeholders not be concerned with the bigger picture? Have the governmental agencies, residents, business owners of the Valencia and Sylmar areas been contacted to gather their feedback regarding additional waste being dumped in their respective areas? What are the environmental impacts of increasing waste production, transportation and disposal including impacts relating to increased transit (e.g., air quality and traffic)? Are these landfills currently in compliance? -- because both landfills appear to have had compliance issues in the recent past. What are the anticipated closure dates of these landfills are since they may close during the project's anticipated lifetime and waste will have to go elsewhere, where will it go?

In addition, Southern California cities (e.g., City of Beverly Hills, City of West Hollywood) are raising property owner's taxes on City Solid Waste And Recyclable Collection And Disposal Service to keep up with demand. Current customers continue to have to subsidize new development, which is an unfair financial burden for a city to expect of its citizens.

Land Use And Planning

The Initial Study states that the proposed project would not diminish the quality of life for residents of the surrounding single-family residences. We respectfully disagree. A 56 ft.+ project looming over one-story or two-story single family homes will diminish the quality of life for those residential neighbors surrounding the project. The surrounding West Hollywood area consists primarily of single-family homes, some single-family homes with guest units and a few duplexes.

Staff states "the proposed project would not introduce an incompatible element to the visual character of the project vicinity considering the existing varying building heights and the urban character of the area." On the contrary, the proposed project is out-of-scale and incompatible with the surrounding neighborhood, West Hollywood West, which is a Neighborhood Conservation Overlay district.

The Initial Study specifically states that the proposed project would be out of scale with the surrounding community with respect to height and this cannot be mitigated. The zoning of the project site is C2-1VL-O, which allows for buildings 45 ft. tall and a very limited FAR of 1.5:1. However, with its bonuses and incentives, the proposed project will be over 56 ft. tall, with an FAR of nearly 3:1. This increase in FAR is not consistent with the zoning of the surrounding area on La Cienega (in fact, it is double what would be allowed if no bonuses), and would be setting a dangerous precedent. In terms of land use and planning, it is not compatible in terms of height or FAR with either the existing commercial establishments on La Cienega or the adjacent neighborhoods.

Unlike the east side of La Cienega, there's no alley between the commercial properties and residential to act as a buffer. A 56 ft. tall building, with its balconies and open space looming over backyards, will literally overwhelm the adjacent single-family homes.

The City of Los Angeles has in its Zoning Ordinance a code to address situations such as this -- Transitional Zoning. While, true, the residential neighborhood to the north and west is in West Hollywood and not the City of Los Angeles, and zoning definitions vary, the City of Los Angeles should follow the spirit of their own laws and utilize Transitional Zoning as a way to mitigate the potential environmental impacts to the residential neighborhood surrounding it. The proposed 56' project, even if set back 11 ft. on upper floors, will be towering over its neighbors.

It is stated that the project is consistent with the Wilshire Community Plan, which is part of the General Plan. However, the General Plan is outdated and you cannot find consistency with this project until there is an updated general plan.

The project proposes a residential use building along La Cienega Boulevard, an established commercial corridor. Will this project set a precedent on La Cienega in terms of use? How will this project impact the rest of La Cienega Boulevard and the businesses that currently exist?

The Wilshire Community Plan designates the project site for Neighborhood Commercial land uses. The primary benefit of a commercial use in a Neighborhood Commercial zone, such as a store or restaurant, is that hours of use are limited and the surrounding residential neighborhood can have some expectation of privacy and "quiet" during non-business hours.

How will a large, residential project looming over its neighbor – a low-density, residential neighborhood, impact that community in terms of their right to enjoy their property?

Public Safety and Welfare

In the City's application of SB1818, it says it can deny the application if: (ii) The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment.

In a court case that the City of LA was involved in a few years ago — Morgan v. Community Redevelopment Agency [, supra,] 231 Cal.App.3d [at p.] 243 [284 Cal.Rptr. 745], one of the City's winning arguments for taking over an area for redevelopment was: "(4) Residential overcrowding or an excess of bars, liquor stores, or other businesses that cater exclusively to adults, that has led to problems of public safety and welfare." Blighted conditions in Morgan included: incompatible adjacent adult-entertainment and industrial uses.

We assert that the proposed project will have a Specific Adverse Impact upon public health and safety because it is a residential project on a commercially-zoned street with an existing strip club, specifically, The Star Strip club, located less than 75 ft. away.

According to the City's own Municipal Code: "C. Prohibition. (Amended by Ord. No. 158,579, Eff. 1/23/84.) No person shall cause or permit the establishment, or substantial enlargement of an adult entertainment business within 500 feet of any lot in an "A" or "R" zone, or within the "CR", "C1", or "C1.5" zones in the City of Los Angeles."

Based upon the City's own code, the conclusion can be made, that an adult entertainment business is considered a high risk use, which is incompatible with residential. Therefore, by allowing a residential project within 500 ft of a strip club could have a Specific Adverse Impact upon public health and safety or the physical environment, particularly, for those people living in the new project, and may be grounds for denial of an SB1818 application.

This area has, historically, had serious response issues with LAPD. We have had major incidents with the "Star Strip" club on La Cienega, as well as issues with the homeless, with no resolution. While residents have tried to work with LAPD, LAPD has yet to resolve the situation. Over the past three years, we've had numerous meetings with various officers from the LAPD (Art Gallegos and Capri Maddox) and LA County Sheriffs (Sgt. J.C. Farrell) as well as an ADA for the City of Los Angeles.

For the Initial Study to state that an additional 125 residences will have no significant impact on Police services is not realistic and requires further study.

Population And Housing

The West Hollywood West neighborhood immediately adjacent to the proposed project (i.e., between La Cienega and San Vicente, and Beverly and Melrose) includes approximately 400 households. The addition of the proposed project would increase the neighborhood's density by over 30%. Is this responsible growth?

As mentioned in many of the previous sections, how will the increase in density impact public services and utilities, such as the demand for water, electricity, gas, schools, parks, the Police and Fire department?

CONCLUSION

For the above-cited reasons, we request that the Council deny adoption of the MND and deny approval of the entire project.

Please send the Project back to the Planning Department with the requirement that an Environmental Impact Report (EIR) be prepared to accurately analyze potentially significant project impacts and ways to mitigate those impacts. We reserve the right to amend this appeal with additional information.

Thank you for your consideration.

Sincerely,

Lauren Meister

for Appellants Brittany Perrineau, Padi Moschetta

Attachments

Cc w/att. City of Los Angeles Planning
Douglas Carstens, Chatten-Brown & Carstens

Exhibit A



02/27/2009 Print Version | ShareThis

State of Emergency - Water Shortage

PROCLAMATION

by the
Governor of the State of California

WHEREAS the State of California is now in its third consecutive year of drought; and

WHEREAS in each year of the current drought, annual rainfall and the water content in the Sierra snowpack have been significantly below the amounts needed to fill California's reservoir system; and

WHEREAS the rainfall and snowpack deficits in each year of the current drought have put California further and further behind in meeting its essential water needs; and

WHEREAS statewide, 2008 was the driest spring and summer on record, with rainfall 76 percent below average; and

WHEREAS the Sacramento and San Joaquin River systems, which provide much of the state's reservoir inflow, were classified as Critically Dry for the 2008 water year; and

WHEREAS in the second year of this continuous drought, on June 4, 2008, I issued an Executive Order proclaiming a statewide drought, and I ordered my administration to begin taking action to address the water shortage; and

WHEREAS because emergency conditions existed in the Central Valley in the second year of the drought, I issued an Emergency Proclamation on June 12, 2008, finding that conditions of extreme peril to the safety of persons and property existed in the counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern caused by severe drought conditions, and I ordered my administration to take emergency action to assist the Central Valley; and

WHEREAS the drought conditions and water delivery limitations identified in my prior Executive Order and Emergency Proclamation still exist, and have become worse in this third year of drought, creating emergency conditions not just in the Central Valley, but throughout the State of California, as the adverse environmental, economic, and social impacts of the drought cause widespread harm to people, businesses, property, communities, wildlife and recreation; and

WHEREAS despite the recent rain and snow, the three year cumulative water deficit is so large there is only a 15 percent chance that California will replenish its water supply this year; and

WHEREAS in the time since the state's last major drought in 1991, California added 9 million new residents, experienced a significant increase in the planting of permanent, high-value crops not subject to fallowing, and was subjected to new biological opinions that reduced the flexibility of water operations throughout the year; and

WHEREAS because there is no way to know when the drought will end, further urgent action is needed to address the water shortage and protect the people and property in California; and

WHEREAS rainfall levels statewide for the 2008-2009 water year are 24 percent below average as of the February 1, 2009 measurement; and

WHEREAS the second snow pack survey of the 2009 winter season indicated that snow pack water content is 39 percent below normal; and

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- Gov. Schwarzenegger on Twitter
- Gov. Newsroom on Twitter

MORE WATER MANAGEMENT PROCLAMATIONS

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Lake Oroville 70 percent below capacity, Shasta Lake 66 percent below capacity, Folsom Lake 72 percent below capacity, and San Luis Reservoir 64 percent below capacity; and

WHEREAS low water levels in the state's reservoir system have significantly reduced the ability to generate hydropower, including a 62 percent reduction in hydropower generation at Lake Oroville from October 1, 2008 to January 31, 2009; and

WHEREAS a biological opinion issued by the United States Fish and Wildlife Service on December 15, 2008, imposed a 30 percent restriction on water deliveries from the State Water Project and the Central Valley Project to protect Delta Smelt; and

WHEREAS State Water Project water allocations have now been reduced to 15 percent of requested deliveries, matching 1991 as the lowest water allocation year in State Water Project history, and Central Valley Project water allocations for agricultural users have now been reduced to zero; and

WHEREAS the lack of water has forced California farmers to abandon or leave unplanted more than 100,000 acres of agricultural land; and

WHEREAS California farmers provide nearly half of the fresh fruits, nuts and vegetables consumed by Americans, and the crop losses caused by the drought will increase food prices, which will further adversely impact families and economies throughout California and beyond our borders; and

WHEREAS agricultural revenue losses exceed $300 million to date and could exceed $2 billion in the coming season, with a total economic loss of nearly $3 billion in 2009; and

WHEREAS it is expected that State Water Project and Central Valley Project water delivery reductions will cause more than 80,000 lost jobs; and

WHEREAS the income and job losses will adversely impact entire communities and diverse sectors of the economy supported by those jobs and income, including the housing market and commercial business; and

WHEREAS these conditions are causing a loss of livelihood for many thousands of people, an inability to provide for families, and increased harm to the communities that depend on them; and

WHEREAS this loss of income and jobs will increase the number of defaults, foreclosures and bankruptcies, and will cause a loss of businesses and property at a time when Californians are already struggling with a nationwide and worldwide economic downturn; and

WHEREAS the Central Valley town of Mendota, as one example, already reports an unemployment rate of more than 40 percent and lines of a thousand or more for food distribution; and

WHEREAS when jobs, property and businesses are lost, some families will move away from their communities, causing further harm to local economies, lower enrollments in local schools and reduced funding for schools; and

WHEREAS at least 18 local water agencies throughout the state have already implemented mandatory water conservation measures, and 57 agencies have implemented other water conservation programs or restrictions on water deliveries, with many agencies considering additional rationing and water supply reductions in 2009; and

WHEREAS the lack of water has forced local communities to draw water from their emergency water reserves, putting communities at risk of further catastrophe if emergency reserves are depleted or cut off; and

WHEREAS the state recently endured one of its worst wildfire seasons in history and the continuing drought conditions increase the risk of devastating fires and reduced water supplies for fire suppression; and

WHEREAS on February 26, 2009, the United States Department of Agriculture and the United States Department of Interior created a Federal Drought Action Team to assist California to minimize the social, economic, and environmental impacts of the current drought; and

WHEREAS the circumstances of the severe drought conditions, by reason of their magnitude, are beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist in California caused by the current and continuing severe drought conditions and water delivery restrictions.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with the authority vested in me by the California Constitution and the California

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HEREBY PROCLAIM A STATE OF EMERGENCY to exist in California.

IT IS HEREBY ORDERED that all agencies of the state government utilize and employ state personnel, equipment and facilities for the performance of any and all activities consistent with the direction of the California Emergency Management Agency (CalEMA) and the State Emergency Plan.

I FURTHER DIRECT THAT:

1. The California Department of Water Resources (DWR) shall, in partnership with other appropriate agencies, launch a statewide water conservation campaign calling for all Californians to immediately decrease their water use.

2. DWR shall implement the relevant mitigation measures identified in the Environmental Water Account Environmental Impact Report, Environmental Impact Statement, Supplement, and Addendums for the water transfers made through the 2009 Drought Water Bank. In addition, the California Air Resources Board shall, in cooperation with DWR and other agencies, expedite permitting and development of mitigation measures related to air quality impacts which may result from groundwater substitution transfers.

3. DWR and the State Water Resources Control Board (SWRCB) shall expedite the processing of water transfers and related efforts by water users and suppliers that cannot participate in the 2009 Drought Water Bank, provided the water users and suppliers can demonstrate that the transfer will not injure other legal users of water or cause unreasonable effects on fish and wildlife.

4. The SWRCB shall expedite the processing and consideration of the request by DWR for approval of the consolidation of the places of use and points of diversion for the State Water Project and federal Central Valley Project to allow flexibility among the projects and to facilitate water transfers and exchanges.

5. DWR shall implement short-term efforts to protect water quality or water supply, such as the installation of temporary barriers in the Delta or temporary water supply connections.

6. The SWRCB shall expedite the processing and consideration of requests by DWR to address water quality standards in the Delta to help preserve cold water pools in upstream reservoirs for salmon preservation and water supply.

7. To the extent allowed by applicable law, state agencies within my administration shall prioritize and streamline permitting and regulatory compliance actions for desalination, water conservation and recycling projects that provide drought relief.

8. The Department of General Services shall, in cooperation with other state agencies, immediately implement a water use reduction plan for all state agencies and facilities. The plan shall include immediate water conservation actions and retrofit programs for state facilities. A moratorium shall be placed on all new landscaping projects at state facilities and on state highways and roads except for those that use water efficient irrigation, drought tolerant plants or non-irrigated erosion control.

9. As a condition to receiving state drought financial assistance or water transfers provided in response to this emergency, urban water suppliers in the state shall be required to implement a water shortage contingency analysis, as required by California Water Code section 10632. DWR shall offer workshops and technical assistance to any agency that has not yet prepared or implemented the water shortage contingency analysis required by California law.

10. DWR shall offer technical assistance to agricultural water suppliers and agricultural water users, including information on managing water supplies to minimize economic impacts, implementing efficient water management practices, and using technology such as the California Irrigation Management Information System (CIMIS) to get the greatest benefit from available water supplies.

11. The Department of Public Health shall evaluate the adequacy of emergency interconnections among the state's public water systems, and provide technical assistance and continued financial assistance from existing resources to improve or add interconnections.

12. DWR shall continue to monitor the state's groundwater conditions, and shall collect groundwater-level data and other relevant information from water agencies, counties, and cities. It is requested that water agencies, counties and cities cooperate with DWR by providing the information needed to comply with this Proclamation.

13. DWR and the Department of Food and Agriculture shall recommend, within 30 days from the date of this Proclamation, measures to reduce the economic impacts of the drought, including but not limited to, water transfers, through-Delta emergency transfers, water conservation measures, efficient irrigation practices, and improvements to CIMIS.

14. The Department of Boating and Waterways shall recommend, within 30 days from the date of this Proclamation, and in cooperation with the Department of Parks and Recreation, measures to reduce

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relocation or extension of boat ramps and assistance to marina owners.

15. The Labor and Workforce Development Agency shall recommend, within 30 days from the date of this Proclamation, measures to address the impact of the drought conditions on California's labor market, including but not limited to, identifying impacted areas, providing one-stop service, assisting employers and workers facing layoffs, and providing job training and financial assistance.

16. DWR and the Department of Food and Agriculture shall be the lead agencies in working with the Federal Drought Action Team to coordinate federal and state drought response activities.

17. The emergency exemptions in Public Resources Code sections 21080(b)(3), 21080(b)(4) and 21172, and in California Code of Regulations, title 14, section 15269(c), shall apply to all actions or efforts consistent with this Proclamation that are taken to mitigate or respond to this emergency. In addition, Water Code section 13247 is suspended to allow expedited responses to this emergency that are consistent with this Proclamation. The Secretary for the California Environmental Protection Agency and the Secretary for the California Natural Resources Agency shall determine which efforts fall within these exemptions and suspension, ensuring that these exemptions and suspension serve the purposes of this Proclamation while protecting the public and the environment. The Secretaries shall maintain on their web sites a list of the actions taken in reliance on these exemptions and suspension.

18. By March 30, 2009, DWR shall provide me with an updated report on the state's drought conditions and water availability. If the emergency conditions have not been sufficiently mitigated, I will consider issuing additional orders, which may include orders pertaining to the following:

(a) institution of mandatory water rationing and mandatory reductions in water use;

(b) reoperation of major reservoirs in the state to minimize impacts of the drought;

(c) additional regulatory relief or permit streamlining as allowed under the Emergency Services Act; and

(d) other actions necessary to prevent, remedy or mitigate the effects of the extreme drought conditions.

I FURTHER REQUEST THAT:

19. All urban water users immediately increase their water conservation activities in an effort to reduce their individual water use by 20 percent.

20. All agricultural water suppliers and agricultural water users continue to implement, and seek additional opportunities to immediately implement, appropriate efficient water management practices in order to minimize economic impacts to agriculture and make the best use of available water supplies.

21. Federal and local agencies also implement water use reduction plans for facilities within their control, including immediate water conservation efforts.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of February, 2009.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State

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Exhibit D

The Metropolitan Water District of Southern California

NEWS RELEASE

P. O. Box 54153, Los Angeles, California 90054-0153 • (213) 217-6485 • www.mwdh2o.com

Contact: Bob Muir, (213) 217-6930; (213) 324-5213, mobile

April 13, 2010

SOUTHLAND CONSUMERS, BUSINESSES FACE
SECOND YEAR OF MANDATORY CONSERVATION
Delta problems prevent Metropolitan from capturing traditional supplies, continuing shortage conditions, contributing to rate increases

For the first time in the history of the Metropolitan Water District of Southern California, Southland consumers and businesses face consecutive years of mandatory water supply reductions.

Continuing environmental restrictions in Metropolitan's Northern California supply are perpetuating shortage conditions and driving costs higher.

The district's Board of Directors today approved an allocation plan that will continue for a second year the water supply reductions to the agency's 26 member public agencies, effective July 1.

Metropolitan's imported deliveries are down about 20 percent from previous years, with programs to replenish groundwater basins and sustain limited agriculture operations accounting for the greatest cutbacks. The actual percentage reductions impacting specific local districts will continue to vary because of the differing availability of local supplies such as groundwater.

"The supply restrictions require us to continue saving water now and into the future," said board Chairman Timothy F. Brick. "Our water challenges today are not going to be solved by one or two wet winters."

Metropolitan General Manager Jeffrey Kightlinger said the continuing supply restrictions reflect the long-term nature of the problems in the Sacramento-San Joaquin Delta facing California and the need to stay on track to implement comprehensive solutions.

"This was once the kind of winter that would have allowed Metropolitan and other water districts to make modest improvements to water reserves while meeting the needs of the economy. That's no longer the case," Kightlinger said.

more . . . . .

"The historic pumping restrictions in the Delta because of endangered fish species are compromising the statewide water system's ability to capture adequate supplies," he said.

The approved allocation continues to offer local water providers the flexibility to choose among various conservation strategies, from tiered pricing to limits on outdoor water use, to help ensure that demands stay in balance with limited supplies. As the region's primary wholesale supplier of water imported from Northern California and the Colorado River, Metropolitan provides water to its 26 member public agencies and helps supplement local supplies to meet the needs of 19 million Southern Californians in the district's six-county service area.

Formed where the rivers of the Sierra Nevada merge before heading toward San Francisco Bay, the Delta is a critical component of the state's water supply, helping sustain two-thirds of California's residents and grow about half of the nation's fruits and vegetables. About 30 percent of Southern California's total supplies in an average year moves across the Delta to Metropolitan through the State Water Project's pumps and aqueduct.

A final SWP allocation to Metropolitan is still weeks away. Yet, due to Delta pumping restrictions, the Southland has lost the equivalent supply to sustain the water needs of a city the size of Anaheim for more than three years, Kightlinger said.

"We will be living with one set of Delta restrictions or another until major improvements to the ecosystem and water system are under way," said Kightlinger. "That is still many years away."

Meanwhile, higher costs because of the Delta restrictions represent the primary factor behind consecutive 7.5 percent annual water rate increases approved in a separate action by Metropolitan's board. The first rate increase will take effect Jan. 1, 2011.

In taking the action, the board directed staff to craft a 2010-11 fiscal year budget that will cover the full cost of water service by adopting significant budget cuts for the third consecutive year. The board is expected to consider the 2010-11 budget at its May 11 meeting.

Metropolitan's SWP costs have increased by about $100 million over the past four years, with higher power costs to transmit supplies a major factor, Kightlinger said.

more . . . . .

The effect of the rate adjustment on Southland consumers will depend on the amount of Metropolitan's imported water purchased by their local water agency to augment supplies, such as groundwater and recycled supplies.

For more information on Metropolitan, visit the district's Web site at www.mwdh2o.com.

###

The Metropolitan Water District of Southern California is a cooperative of 26 cities and water agencies serving 19 million people in six counties. The district imports water from the Colorado River and Northern California to supplement local supplies, and helps its members to develop increased water conservation, recycling, storage and other resource-management programs.

Exhibit C

Department of Water and Power the City of Los Angeles

ANTONIO R. VILLARAIGOSA
Mayor

Commission
EDITH RAMIREZ, *Vice President*
LEE KANON ALPERT
WALLY KNOX
FORESCEE HOGAN-ROWLES
BARBARA E. MOSCHOS, *Secretary*

H. DAVID NAHAI,
Chief Executive Officer and General Manager

January 14, 2009

Mr. Riley Graetz
Research Assistant
Christopher A. Joseph & Associates
523 West 6th Street, Suite 1134
Los Angeles, CA 90014

Dear Mr. Graetz:

Subject: Los Angeles Department of Water and Power (LADWP)
Water and Electricity Connection Services Request
375 N La Cienega Project

The Los Angeles Department of Water and Power (LADWP) is in receipt of your letter dated December 18, 2008 requesting LADWP's ability to provide water & power services for the 375 N La Cienega Project located at 375-379 North La Cienega Boulevard (APN 4337-012-038) and 417 Westmount Drive (APN 4337-012-067). The project site borders the City of West Hollywood to the west and north (Thomas Bros. Maps, page 592, J7).

The proposed project involves the demolition of three existing commercial structures. The proposed project would include a four-story building with 125 multi-family residential units.

We are providing information for consideration and incorporation into the planning, design, and development efforts for the proposed project. Regarding water needs for the proposed project, this letter does not constitute a response to a water supply assessment due to recent state legislative activity (i.e., SB 901, SB 610, and SB 221) for development projects to determine the availability of long-term water supply. Our understanding is that a water supply assessment by the water supply agency needs to be requested and completed prior to issuing a draft Negative Declaration or draft Environmental Impact Report (EIR). Before investing resources in preparation of a water supply assessment, we recommend that you contact LADWP (Ms. Fatima Akhter, [213] 367-0904 or by e-mail at Fatima.Akhter@ladwp.com) and provide specific project details as requested to help staff make a determination on whether or not the proposed project meets the criteria for compliance with this legislation.

If proposed project parameters (e.g., development details such as type, square footage, anticipated water demand by 2020, population increase, etc.) are such that they are subject to state law requiring a water availability assessment, a separate request must be made in writing to:

Mr. James B. McDaniel
Chief Operating Officer – Water System
Los Angeles Department of Water and Power
111 North Hope Street, Room 1455
Los Angeles, CA 90012

Below you will find some information about water needs. Enclosed, you will find a list of water and energy conservation measures that can be incorporated into the project design.

Water Needs

As the project proceeds further in the design phase, we recommend the project applicant or designated Project Management Engineer contact Mr. Hugo Torres at (213) 367-1178 or by e-mail at Hugo.Torres@ladwp.com to make arrangements for water supply service needs.

The following responses are provided to your enumerated questions regarding impacts to water service.

1. Please describe the sizes and capacities of existing water mains that would serve the project site and the surrounding area. Please include a map illustrating your description.

   The Water Services Organization (WSO) is presently maintaining a 6" cast iron main in La Cienega Boulevard and a 4" cast iron main in Westmount Drive. (see attached map).

2. Are there any known existing water service problems/deficiencies in the project area?

   There are no water service problems/deficiencies in the project area.

3. If water service problems/deficiencies exist, how would they affect the proposed project, and how would you suggest those effects be mitigated by the project developer?

   Does not apply, see answer (2) above.

4. Would there be a disruption in water service in the project area when "hooking-up" the proposed project? If so, about how long would the disruption last?

   New water service installations are generally wet tapped so as to avoid water service interruptions.

5. Would the Department of Water and Power (DWP) be able to accommodate the proposed project's demand for water service with the existing infrastructure in the project area?

   Project demands need to be supplied to the Department to determine if existing facilities are adequate.

6. If the answer to question five is "no", what new infrastructure or upgrades to infrastructure would be needed to meet the proposed project's demand for water?

   See answer 5.

7. Would the DWP be able to accommodate the proposed project's demand for water service with the existing water supplies?

   The WSO can supply the domestic need of the project from the existing water system. The WSO cannot determine the impact on the existing water system until the fire demands of the project are known.

8. Would the water pressure and supply in the project area be adequate to meet the Los Angeles Fire Department's fire flow and residual water pressure requirements with implementation of the proposed project?

   The private engineer shall request from the Department of Building and Safety the required fire flow requirements for the project. The WSO shall then determine whether the existing system is capable of meeting these requirements. If fire flows cannot be provided, main replacements may be required.

9. In order to predict the proposed project's future consumption of water, we propose to use the following water consumption rates (Source: City of Los Angeles, Bureau of Engineering, March 2002). If these rates are not acceptable, please provide us with your recommended rates.

   - Residential Multi-Family Unit (1-Bedroom): 120 gallons / du / day
   - Residential Multi-Family Unit (1-Bedroom): 160 gallons / du / day
   - Residential Multi-Family Unit (1-Bedroom): 200 gallons / du / day
   - Retail Area: 0.08 gallons / sf / day
   - Parking: 0.02 gallons / sf / day

   The WSO does not provide water consumption rates, these should be determined by your private engineer.

10. Please provide any recommendations that might reduce any potential water impacts that would be associated with the proposed project.

Contact our Water Resources Group at (213) 367-0800 to determine if a "Water Availability Assessment" will be required.

The Project's water consumption (quantity, size, and type of the needed services) is determined by the Developer's engineering staff based on the Los Angeles Department of Building and Safety and applicable building code requirements. The onsite (sprinkler system and private fire hydrants) and offsite (public fire hydrants) fire flow demands are determined based on the Los Angeles Fire Department and the applicable building code requirements.

Once a determination of the proposed project fire demands has been made, LADWP will assess the need for additional facilities, if any.

Power Needs

It should be noted that the Project Applicant may be financially responsible for some of infrastructure improvements (e.g., installation of electric power facilities or service connections) necessary to serve the proposed project.

As the project proceeds further, please contact one of our Engineering Offices, as listed on page 1-4 of the Electric Service Requirements (available on-line at www.ladwp.com) for dealing with power services and infrastructure needs.

1. Please describe the sizes and voltages of existing electrical distribution lines that would serve the project site and the surrounding area. Please include a map illustrating your description.

   Overhead 4.8-kV runs along La Cienega Blvd adjacent to the site.
   Overhead 34.5-kV runs along La Cienega Blvd adjacent to the site.
   We do not release or provide electrical distribution maps.

2. Are there any existing electricity service problems/deficiencies in the project area?

   No, however, cumulative effect of this and other projects in the area will require the Department to construct additional distribution facilities in the future.

3. If electricity service problems/deficiencies exist, how would they affect the proposed project, and how would you suggest those effects be mitigated by the project developer?

   Does not apply, see answer (2) above.

4. Would there be any disruption in electrical service in the project area when "hooking-up" the proposed project? If so, about how long would the disruption(s) last?

   No outages or short outage.

5. Would the Department of Water and Power (DWP) be able to accommodate the proposed project's demand for electricity service with the existing infrastructure in the project area?

   Yes, however, the cumulative effects of this and other projects in the area will require the Department to construct additional distribution facilities in the future. This project will require on-site transformation.

6. If the answer to question five is "no", what new infrastructure would be needed to meet the proposed project's demand for electricity?

   See answer 5.

7. Would the DWP be able to accommodate the proposed project's demand for electricity with existing electricity supplies?

   Since the question is related to energy demand/capacity (generation), refer this question to the Department's Power Generation (Resource) Planning staff.

8. In order to assess the proposed project's future consumption of electricity, we propose to use the electricity consumption rates (Source: SCAQMD, CEQA Air Quality Handbook, 1993). If these rates are not acceptable, please provide us with your recommended rates.

   - Residential: 5,626.50 kilowatt-hour / unit / year
   - Retail: 13.55 kilowatt-hour / square foot / year

   LADWP does not provide consumption rates.

9. Please provide any recommendations that might reduce any potential electricity impacts that would be associated with the proposed project.

   Refer to a list of energy conservation measures that could be incorporated into the proposed project.

Water and Energy Conservation

Enclosed is a list of water and energy conservation measures that can be incorporated into the project design. Since the proposed project is in the planning and design phase, it may be an opportunity to incorporate some of these measures in the design and operations of the proposed facilities.

Water Conservation. LADWP is always looking for means to assist its customers to use water resources more efficiently and welcomes the opportunity to work with new developments to identify water conservation opportunities. Some water conservation

measures are enclosed. Mr. Robert Estrada is the Water Conservation Program Manager and can be reached at (213) 367-0276 or by e-mail at Robert.Estrada@ladwp.com.

Energy Efficiency. LADWP suggests consideration and incorporation of energy- efficient design measures (enclosed) for building new commercial and/or remodeling existing facilities. Implementation of applicable measures would exceed Title 24 energy efficiency requirements. LADWP continues to offer a number of energy efficiency programs to reduce peak electrical demand and energy costs. Mr. Steve Matsuda is the Program Manager and can be reached at (213) 367-4947 or by e-mail at Steve.Matsuda@ladwp.com.

Renewable Solutions and Advanced Technologies. LADWP is committed to promoting the development of clean, efficient and renewable energy solutions. We have several programs, including Green Power for a Green LA, Customer Generation Rebate Program and advanced energy generation and transportation expertise that may be useful. Mr. Mo Mirseyedi is the Program Manager and can be reached at (213) 367-4969 or by e-mail at Mo.Mirseyedi@ladwp.com.

Trees for a Green LA. As part of its ongoing commitment to environmental initiatives that reduce energy use, improve air quality, and beautify local communities, LADWP is sponsoring the Trees for a Green LA program. The program is intended to provide shade trees to LADWP residential customers to provide natural cooling and thus reduce air conditioning electricity use. Mr. Steven Starks is the Program Manager and can be reached at (213) 367-4019 or by e-mail at Steven.Starks@ladwp.com.

Solar Energy. Solar power is a renewable, nonpolluting energy source that can help reduce our dependence on fossil fuels. Mr. William Glauz is the Solar Energy Program Manager and can be reached at (213) 367-0410 or by e-mail at William.Glauz@ladwp.com.

For more information on these programs, please visit our website at www.ladwp.com.

Please include LADWP in your mailing list and address it to the undersigned in Room 1044. We look forward to reviewing your environmental document for the proposed project. If there are any additional questions, please contact Mr. Hal Messinger of my staff at (213) 367-1276.

Sincerely,

Thomas C. Vaiden for

Charles C. Holloway
Manager of Environmental Assessment

HM:sc
Enclosures
c/enc: Mr. Hal Messinger

Exhibi.



City of Los Angeles Department of Transportation 100 S. Main St., Los Angeles, CA 90012 · (213) 972-8470 · Fax (213) 972-8410

FOR IMMEDIATE RELEASE

MEDIA INQUIRIES ONLY Contact: Bruce Gillman, Public Information
(213) 972-8406; Bruce.Gillman@lacity.org

L.A. DEPARTMENT OF TRANSPORTATION ANNOUNCES FARE INCREASES AND SERVICE CHANGES TO DASH AND COMMUTER EXPRESS SERVICES

LOS ANGELES (June 24, 2010)— The City of Los Angeles Department of Transportation (LADOT) announced that the Los Angeles City Council and the Mayor's Office approved LADOT's recommendations to raise fares on DASH and Commuter Express services and to reduce and/or eliminate certain DASH and Commuter Express bus routes in order to curtail a severe budget shortfall. As a result of the L.A. City Council's action, the recommendations will go into effect on August 1, 2010.

The fare increases are a two-tiered approach, in which fares will increase August 1, 2010 and again in July 2011. The new fares will raise the DASH bus fare to 35 cents for the next year and to 50 cents beginning July 1, 2011. Senior and disabled fares will be 15 cents for this year and 25 cents beginning July 1, 2011. Monthly passes for unlimited rides on DASH for the specified month will be available at the new price of $13.00 per month and booklets containing 60 tickets will be available for $21.00 per booklet.

Commuter Express fares will increase as follows:

ZONES	CASH	Senior/Disabled	8/1/10 Monthly Pass	Trip Tickets
Base	$1.25	$ 0.60	$ 50.00	$25.00
Zone 1	$2.20	$1.10	$ 70.00	$40.00
Zone 2	$2.75	$1.35	$ 89.00	$49.00
Zone 3	$3.30	$1.65	$108.00	$58.00
Zone 4	$3.90	$1.95	$124.00	$65.00

For information about new Commuter Express fares next year (effective July 1, 2011), please consult the LADOT website at www.ladottransit.com.

MORE

Major changes to DASH services are as follows:

DASH ROUTES **ELIMINATED** AS OF AUGUST 1, 2010:

DASH Central City East	DASH Hollywood/West Hollywood
DASH Downtown Route C	Hyde Park Shuttle
DASH Downtown Route DD	DASH Warner Center (North & South)

DASH ROUTES WITH **MAJOR ROUTE CHANGES** AS OF AUGUST 1, 2010:

DASH Highland Park/Eagle Rock

DASH ROUTES WITH **SUNDAY SERVICE ELIMINATED** AS OF AUGUST 1, 2010:

DASH Crenshaw	DASH Lincoln Heights/Chinatown
DASH Highland Park/Eagle Rock	DASH Midtown
DASH Hollywood	

Many other DASH routes will have reduced hours of service or frequencies. Riders are advised to consult the LADOT website at www.ladottransit.com or call the Transit Store at (213, 310, 323 or 818) 808-2273.

Major changes to Commuter Express services are as follows:

COMMUTER EXPRESS ROUTES **ELIMINATED** AS OF AUGUST 1, 2010:

Route 413	Route 430	Route 575

COMMUTER EXPRESS ROUTES WITH **MAJOR CHANGES** AS OF AUGUST 1, 2010:

Route 142	Route 419	Route 422
Route 423	Route 431	

LADOT's General Manager, Rita L. Robinson, said, "LADOT made a concerted effort to reach out to our citizens, explain our budget dilemma and listen to their opinions and suggestions. The final recommendations that were approved by the Council were a result of those efforts. With the action of the Council and Mayor's Office, LADOT will have a balanced transit budget and continue to provide our citizens with effective and affordable public transportation."

For specific information about DASH and Commuter Express routes, schedules or fares, please visit our website at www.ladottransit.com or call (213, 310, 323 or 818) 808-2273.

Exhibit E

What's New?



This is where you can find new postings of rider alerts and upcoming route changes to LADOT transit services:

COMMUTER EXPRESS

DASH

SPECIAL RIDER ALERT - DASH Hollywood/West Hollywood

EFFECTIVE August 1, 2010:

DASH Hollywood/West Hollywood Will Be ELIMINATED

Alternate transit service options are as follows:

- Sunset Blvd: Metro Lines 2 and 302
- La Cienega Blvd: Metro Lines 105 and 705
- Fairfax Ave: Metro Lines 217 and 780
- Beverly Blvd: Metro Lines 14 and 714

For route and schedule information on these transit service alternatives, please call 1-800-COMMUTE or visit metro.net.

For LADOT information, please call the LADOT Transit Store at (213, 310, 323, 818) 808-2273 or visit the website at www.ladottransit.com.

06/25/10

Exhibit F

New Metro Fares Take Effect July 1

Tuesday June 15, 2010

Share | | |

Metro fares for regular riders will change effective July 1. However, there will be no change in discounted fares for seniors, students, disabled and Medicare recipients. Fares on the Metro Silver Line, the bus service connecting the San Gabriel Valley and South Bay, with stops in downtown Los Angeles, also will remain the same.

Even with the fare increase, Metro fares will remain among the lowest of any major transit agency in the nation. The regular cash fare will go up from $1.25 currently to $1.50 but that compares with a $2.25 base fare charged by transit agencies in New York, Chicago and San Diego.

As a result of expanding service and keeping the lid on fares for decades, Metro riders today only pay 26 percent of what it costs to operate Metro buses and trains. Under the new fare structure, the farebox recovery ratio will increase slightly to 28 percent.

Due to the deep economic recession, Metro had faced an historic $250 million operating deficit in the fiscal year starting July 1, 2010. Metro has been buffeted by a sharp drop in local transportation sales tax revenue and fare box revenue along with cuts in state transportation funding.

To balance the budget, more than 500 Metro jobs are being eliminated and there have been steep cuts in administrative overhead and other expenses. The fare change – only the third in the last 15 years – is necessary to bring in an estimated $24 million in additional revenue.

Attached is a complete list of the New Metro Fare Structure set to go into place on July 1.

Contact

Marc Littman - 213-922-2700
Metro Media Relations

Return to Current News Releases

New Metro Fare Structure

Regular		**Current**	**As of 7/1/10**
	Cash	$1.25	$1.50
	Token	$1.25	$1.50
	Day Pass	$5.00	$6.00
	Weekly	$17.00	$20.00
	Month	$62.00	$75.00
	EZ transit pass	$70.00	$84.00

Regular – Other

Cash Zone 1	$0.60	$0.70
Cash Zone 2	$1.20	$1.40
Monthly premium each zone	$18.00	$22.00
Owl/Late-Night/Off-Peak	$1.25	$1.50
Metro to Muni Transfer	$0.30	$0.35

Senior/Disabled/Medicare

Cash	$0.55	$0.55
Cash - Off-Peak (65+)	---0.25	$0.25
Zone 1	$0.30	$0.30
Zone 2	$0.60	$0.60
Day Pass	$1.80	$1.80
Monthly	$14.00	$14.00
EZ transit pass	$35.00	$35.00
___Monthly premium each zone	$9.50	$9.50
Metro to Muni Transfer	$0.10	$0.10

Students

K-12	$24.00	$24.00
College	$36.00	$36.00

Metro-118

Keywords: "Metro fares"
Published: Tuesday June 15, 2010

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Exhibit G

Subject: FW: **Scanned document 20-05-2010 14:09:53**
Date: Thursday, May 20, 2010 1:08 PM
From: John Keho <JKeho@weho.org>
To: <president@whwra.org>
Category: WeHo Contacts

Here is the page out of the General Plan that talks about the conservation overlay.

John

-----Original Message-----
From: F2sw-oce2070@weho.org [mailto:F2sw-oce2070@weho.org] On Behalf Of jkeho@weho.org
Sent: Thursday, May 20, 2010 2:10 PM
To: John Keho
Subject: Scanned document 20-05-2010 14:09:53

You have received this email from the City of West Hollywood CDD OCE copier

Oce VarioPrint 2075: F2sw-oce2070
(2nd floor CDD copy room Installed 71907) 20-05-2010 14:09:53

al/historical/cultural district complement the existing structures and open space characteristics (I1.1, I1.7, I1.10 and I1.14).

1.42.5 - Recognize, document and protect historic districts with stylistic or thematic groupings of significance, including:

a. Sunset Plaza

b. Old Sherman Thematic Grouping

c. Fountain Corridor Apartments

d. Craftsman Style Grouping

e. Lingenbrink Commercial Building

f. Santa Monica Boulevard Commercial Groupings

g. Plummer Park Apartment Groupings (I1.1 and I1.7).

1.42.6 - Recognize, document, and protect Conservation Zones as identified by the 1987 Historic Resources Survey Project, including:

a. Greenacres/Poinsettia

b. Laurel Park

c. Norma Triangle

d. West Hollywood West

e. Sunset Strip (I1.1 and I1.7)

Exhibit H

California's Solar Access Laws

By Kurt Newick & Andy Black

California has several laws designed to encourage solar access and prevent restrictions on solar energy systems. These laws address municipal restrictions, residential landscaping, and homeowner association restrictions.

- Solar Rights Act amended in 2004 by AB 2473 (Civil code section 714, Health and Safety Code section 17959.1, Government code section 65850.5): Prohibits local governments from restricting the installation of a solar energy system based on aesthetics.
- Solar Rights Act amended in 2003 by AB 1407 (Civil Code section 714): Requires that public entities do not place unreasonable restrictions on the procurement of solar energy systems when applying for state-sponsored grants and loans.
- Solar Shade Control Act of 1979 (Public Resources Code sections 25980-25986): addresses shade from neighboring vegetation.
- Solar Rights Act of 1978 (Civil Code section 714): Homeowner associations must not place unreasonable restrictions on homeowners wishing to install solar energy systems.
- Solar Easement Law (Civil code sections 801 & 801.5): Provides the opportunity to protect future solar access via a negotiated easement with neighboring property owners.
- Many cities and counties have local solar access laws and guidelines. For regional specific information on these and financial incentives, including tax credits, that make solar power more affordable, go to www.dsireusa.org.

Solar Rights Act amended by AB 2473

This law became effective on 1/1/2005. It is the intent of this law that "local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes." Local authorities shall approve applications through permit issuance and can only restrict solar installations based on health and safety reasons. It is thus intended to encourage installations by removing obstacles and minimizing permitting costs. Additional key changes limit aesthetic solar restrictions to those that cost less than $2,000 and limits a building official's review of solar installations to only those items that relate to specific health and safety requirements or local, state and federal law.

Solar Rights Act modified by AB 1407

This law prohibits public entities from receiving state grant funding or loans for solar energy systems if it places unreasonable restrictions on their installations. This law specifically

applies to cities, counties and other public entities and thus does not directly affect private parties.

Solar Shade Control Act of 1979

This act prohibits shading of solar collectors that result from tree growth occurring after a solar collector is installed. It applies to solar systems for electric generation, water heating and space heating or cooling.

It states that no plant may be placed or allowed to grown such that it shades a collector more than 10% from 10 am to 2 pm. It does not apply to plants already in place or replacement of plants that die after the installation of the solar collectors. It does require trees already in place, but not yet shading the system, to be trimmed and maintained so that they do not impact the system.

The solar collectors are required to meet building setback requirements, or a minimum of 5 feet from the property line and 10 feet from the ground. Further setback is required if the collector is lower than 10 feet.

A city or county may adopt an ordinance exempting its jurisdiction from the provisions of the act. Alternatively, some cities have passed ordinances that are more favorable to solar. In some cases, they require existing vegetation to be cleared to allow good solar access in at least some suitable place on a property.

Solar Rights Act of 1978

This law relates to homeowner associations. This code states that Community Covenants and Restrictions (CC&Rs) that prohibit or unreasonably restrict the installation or use of solar energy systems are void and unenforceable. It does provide for reasonable restrictions that don't significantly (more than 20%) increase the cost or reduce the output of a solar system from the original design.

Reasonable restrictions include 1) that the owner of the system take responsibility for roof maintenance, repair and replacement and 2) that the installers indemnify the association for any damage caused by the installation, maintenance, or use of the solar energy system.

Any homeowner covered by CC&Rs who has a roof immediately above his or her living space can use the roof for a solar system. A strategy to get maximum flexibility and output from the final "compromise" design is to propose a system designed to optimize solar production, at minimum cost, not considering other factors. Then, through the necessary negotiation stages to adjust for aesthetics, a final design might be achieved that isn't far from the owners original intention.

There may be significant costs associated with taking on responsibility for the roof maintenance that should be discussed and negotiated before project advancement. It may be possible to have a portion of association dues for roofing held separately.

Solar Easement Law

A solar easement can be written up and attached to the deed of neighboring properties to legally protect your right to receive future sunlight. Such an easement can be used to address concerns regarding neighboring structural changes. New developments may be required to include a solar access easement (a deed restriction to protect solar access within a development). Local building codes regarding building height restrictions, building set back requirements relative to property lines and solar orientation relative to neighboring properties may reduce the need for an easement.

To view these California laws see: www.leginfo.ca.gov/calaw.html

California Municipalities with specific Solar Access Laws/Guidelines

- Los Angeles - Zoning Code
- Marin County - Energy Conservation
- Sacramento - Zoning and Subdivision Regulations
- San Diego County - Solar Access Regulations
- San Jose - Solar Access Design Guidelines
- Santa Cruz - Solar Access Ordinance
- Santa Cruz County - Solar Access Protection
- Sebastopol - Solar Access

FOR MORE INFORMATION
DSIRE Database Summary of California Solar benefits – scroll down to end for Solar Access laws:
http://www.dsireusa.org/library/includes/statesearch.cfm?State=CA&back=fintab&CurrentPageID=7&Search=TableState

Energy Efficiency and Renewable Energy:
http://www.eere.energy.gov/consumerinfo/factsheets/ja1.html
Includes reference material, example solar access ordinances, bibliography including web resources.

American Planning Association 1313 East 60th Street Chicago, IL 60637(312) 955-9100 http://www.planning.org/

© 2005 by Kurt Newick & Andy Black

weather. Negative impacts of shading can be the loss of natural light causing substantial degradation of the existing visual character. Shadows cast by the proposed project and the existing residential areas adjacent to the project site were simulated using Google SketchUp, which is a three-dimensional computer modeling software. For the purpose of the shadow analysis, shadows cast by the proposed project and the surrounding existing buildings were simulated for the various seasons of the year including the summer solstice (June 21), the winter solstice (December 21), the spring equinox (March 20), and the autumn equinox (September 22) at 9:00 a.m., 12:00 p.m., and 3:00 p.m.

Generally, shadow lengths are the longest during the winter season when the period of daylight is short and the sun appears to be its lowest in the sky. In particular, the shortest day of the year occurs on the winter solstice, which falls on or around December 21. Conversely, shadow lengths are the shortest during the summer when the period of daylight extends more than 12 hours. The longest day of the year occurs on the summer solstice, which falls on or around June 21. The direction of the shadows cast move with the sun throughout the day, resulting in different variations in the length of shadow projections at different times of the day and seasons of the year. Shadows are projected in a westerly direction during the morning hours when the sun rises from the east and move in a northerly direction during the late morning and early afternoon hours. Finally, shadows are cast in an easterly direction during the late afternoon to early evening hours when the sun sets in the west. According to the City of West Hollywood accepted threshold, a significant shade and shadow impact would occur if a shade-susceptible use is shaded for more than two hours. Figures 3.1-15 through 3.1-18 present shadow projections from the proposed project during the winter, summer, spring, and fall.

As shown in Figure 3.1-15, few shadows would be cast by the proposed project on adjacent properties on June 20 (summer solstice) when shadows are the shortest. The only shading of adjacent structures would occur during the morning hours. At 9:00 a.m., the eastern façade of a residential structure north of the IAC Building located directly west of the project site would be completely shaded. However, the densely treed area currently occupying the project site adjacent to this residential structure already shades this façade completely. Consequently, summer shadows would remain unchanged by the proposed project and, therefore, its impact on this residential building would be less than significant. The eastern façade of the mixed-use building west of the project site would be approximately 50 percent shaded by the proposed project at 9:00 a.m. However, all shadows would move off the face of this building by 11:00 a.m. resulting in less than two hours of shadow coverage, and therefore the impact would be less than significant. Additionally, visitors to the commercial uses near the project site would not be considered to have a high potential to be affected by shadow coverage, and therefore the amount of shading for this limited duration would not significantly impact these viewers.

Exhibit J

West Hollywood Municipal Code

19.20.170 Solar Access and Solar Equipment.

These provisions are intended to ensure that solar energy systems are protected from shading and to facilitate their safe operation. The standards may be modified by the Director in the case where compliance would demonstrably reduce the operating efficiency or performance of the solar energy system and compliance will not adversely impact public health and safety.

A. *Protection of Solar Access.* A structure, fence, or wall shall not be constructed or modified in a residential zoning district, and vegetation may not be placed or allowed to grow, so as to obstruct more than 10 percent of the absorption area of a solar energy system on a neighboring parcel at any time.

B. *Solar Energy Systems Standards.* The following installation standards shall apply to solar energy systems.

1. Solar Collectors.

a. Roof-mounted collectors shall be placed in the location least visible from public streets and, where feasible, be integrated into the design of the structure as an architectural element.

b. Wall-mounted and ground-mounted collectors shall be screened from public view.

2. Appurtenant Equipment. Where Feasible, appurtenant equipment, plumbing, and related fixtures, shall be installed in the attic. Appurtenant Equipment, plumbing, and related fixtures shall comply with the setback requirements of Section 19.20.150 and shall be screened from public view.

(Ord. 08-794 § 8, 2008: Ord. 01-594 § 2 (Exh. A (part)), 2001)

Los Angeles CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801
(213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: JUL 29 2010

CASE NO. DIR-2007-5179-SPR-DB-1A
CEQA: ENV-2007-5180-MND

Location: 375-393 N. La Cienega Boulevard and 407-417 Westmount Drive
Council District: 5 - Koretz
Plan Area: Wilshire
Request(s): ~~Site Plan Review~~, Density Bonus

Applicant: NMSLUXE235, LLC
Appellant: Padi Moschetta and Brittany Perrineau
Dr. Merle S. Glick, DDS

At its meeting on July 8, 2010, the following action was taken by the City Planning Commission:

1. **Denied** the appeals.
2. **Modified** in part the Determination of the Director of Planning in **approving** a ~~Site Plan Review and~~ Density Bonus Compliance Review to add a condition to require that the project comply with the Q Conditions of Ordinance 172,741.
3. **Sustained** the remainder of the Determination of the Director of Planning in **approving** ~~a Site Plan Review and~~ **Density Bonus** Compliance Review to allow the construction of 125 residential dwelling units, with 11% as restricted affordable units.
4. **Adopted** the attached Findings.
5. **Adopted** Mitigated Negative Declaration No. **ENV-2007-5180-MND**.

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:	Burton
Seconded:	Orozco
Ayes:	Cardoso, Freer, Kezios, Roschen, Woo
Absent:	Romero
Vacant:	One

Vote: 7 - 0

James K. Williams, Commission Executive Assistant I
City Planning Commission

Effective Date / Appeals: **Not Further Appealable**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Findings, Conditions
City Planning Staff: Teresa Batson / Blake Lamb

CONDITIONS OF APPROVAL

Approval of the subject development project is made with the following Terms and Conditions imposed, in order to ensure compliance with applicable requirements of the State Government Code Section 65915 (State Density Bonus Program), and the promotion of development compatible with existing and future development of neighboring properties.

A. ENTITLEMENT CONDITIONS

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan, floor plans, elevations, and landscape plans labeled Exhibit "A" and stamp-dated September 30, 2009, attached to the subject case file, as to location of structures, planters, equipment and pedestrian amenities.

   Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions and the intent of the subject permit authorization.

2. **Use**. The main use of the subject property shall be limited to a 125-unit residential building. Accessory uses on the subject property shall be restricted to those incidental uses permitted in the C2-1VL-O zone per Section 12.14 A and the [Q] P-1VL-O zone per Section 12.21 of the Los Angeles Municipal Code (LAMC), and as permitted in this grant. Eleven of these 125 dwelling units shall be reserved as restricted affordable units, as defined by the State Density Bonus Program. The proposed project shall comply with all [Q] Conditions in accordance with Ordinance 172,741 for the surface parking lot that is adjacent to residential properties.

3. **Height/FAR.** The project shall be limited to a maximum building height of 56 feet which shall be measured according to the LAMC. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties. The project shall be limited to a 2.99:1 floor area ratio.

4. **Setbacks.** A front yard setback is not required in the C2 zone pursuant to Section 12.14. C. 1 of the LAMC. All other yards for the C2 zone shall conform to the minimum required setbacks, pursuant to Section 12.11 C of the LAMC. Pursuant to Section 12.21 C 1 (b) of the LAMC no setbacks are required for the [Q]P zoned portion of the property.

5. **Open Space.** The project shall provide any required open space required by Section 12.21 G of the LAMC.

6. **Automobile Parking.** The 125 unit residential building will provide a total of 166 parking spaces in a surface parking lot and two subterranean parking garages. Tandem parking may be used only for those spaces which are assigned and designated for a single unit.

7. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department to make 11 of the units of the development available for rent solely to very low income residents, at a rent determined to be affordable by the Los Angeles Housing Department, for a period of 30 years. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. The applicant will present a copy of the

recorded covenant to the Planning Department prior to the issuance of any building permits.

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

   a. Responsibilities/Guarantees.

      1) Prior to issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

         a. Construction of sewers to the satisfaction of the City Engineer. **(BOE)**

         b. Construction of drainage facilities to the satisfaction of the City Engineer. **(BOE)**

         c. Installation of street lights to the satisfaction of the Bureau of Street Lighting. **(BOE)**

         d. Submit plot plans to the Fire Department for review and approval. **(FIRE)**

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

B. ENVIRONMENTAL CONDITIONS

9. **Aesthetics (Landscaping).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.

10. **Aesthetics (Glare).** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties and the building is required to incorporate non-reflective exterior materials and windows.

11. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

12. **Greenhouse Gas Emissions.**

a. The project shall meet or exceed 14 SEER (EnergyStar) for all air conditioning units.

b. The proposed project shall comply with either: (1) 2005 Title 24 building energy efficiency standards plus 14 percent; or (2) 2008 Title 24 building energy efficiency standards.

13. **Air Pollution (Stationary).** RESIDENTIAL - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 12, to the satisfaction of the Department of Building and Safety.

14. **Nesting Bird Habitats.** If project activities cannot feasibly avoid the breeding bird season, beginning 30 days prior to the disturbance of suitable nesting habitat the applicant shall:

a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work;

b. If a protected native bird is found the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31; and

c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes, Construction personnel shall be instructed on the sensitivity of the area.

d. The applicant shall record the result of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of the native birds.

16. **Tree Removal (Non-Protected Trees)**

a. Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

b. All significant tress (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree.

c. A Landscape Plan shall be prepared, indicating the location of all replacement trees, to the satisfaction of the decision-maker. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted towards replacement tree requirements.

d. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-485-5675. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

17. Cultural Resources (Archeological).

a. (Human Remains) In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- Stop immediately and contact the County Coroner:
- 1104 N Mission Road
- Los Angeles, CA 90033
- 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
- 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
- The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
- The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
    i. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
    ii. If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

b. Prior to obtaining a grading permit, the applicant shall record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Director of Planning, stating that if any archaeological materials are encountered during the course of the project development, construction shall be halted and the services of an archaeologist shall be secured by contacting the Center of Archaeology – Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist to assess the resources, evaluate the impact (if any), and prescribe an appropriate method for preserving the resource either by removing the resource from where it is found or by documenting the resource before construction may

again commence. Copies of the archaeological survey, study or report shall be submitted to the South Central Coastal Information Center (SCCIC), located at the California State University Fullerton, Department of Anthropology.

18. **Cultural Resources (Paleontological).** Prior to issuance of a grading permit, the applicant shall record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Director of Planning, stating that if any paleontological materials are encountered during the course of the project development, construction shall be halted and the services of a paleontologist shall be secured by contacting the Center for Public Paleontology – USC, UCLA, Cal State Los Angeles, Cal State Long Beach or the Natural History Museum of Los Angeles County, to assess the resources evaluated the potential impact (if any), and prescribe an appropriate method for preserving the resource either by removing the resource from where it is found or by documenting the resource found before construction may again commence. Copies of the paleontological survey, study, or report shall be submitted to the natural Museum of Los Angeles County.

19. **Geotechnical Report and Engineering Conditions.** The proposed project shall implement all recommendations included in the Los Angeles Department of a Building and Safety Soils Report Approval Letter, Log #64350, dated August 18, 2008, and as it may be subsequently amended.

20. **Seismic.**

    a. The proposed project shall implement all recommendations for building design features included in the Department of Building and Safety's Soils Report Approval Letter, Log #64350, dated August 18, 2008, and as it may be subsequently amended.

    b. The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

21. **Erosion/Grading/Short-Term Construction Impacts (Air Quality)**

    a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

    b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.

    c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

    d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

e. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

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

h. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, bee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

i. Stockpiles and excavated soil shall be covered with secure tarps or plastic sheeting.

22. **Liquefaction.** Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

23. **Demolition Notification.** A minimum of 7 days prior to demolition, the developer shall designate a school liaison and provide written notice to Rosewood Children Center, Maimonides Academy, and The Center for Early Education, regarding the demolition and construction schedule. Such notice shall also contain the name and phone number of the liaison.

24. **Explosion/Release (Methane Gas)**

a. All commercial, industrial, institutional and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to Department of Building and Safety and Fire Department approval.

b. All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.

25. Explosion/Release (Asbestos Containing Materials)

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

b. Prior to issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

c. Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.

26. State Water Resources Control Board. Prior to the issuance of construction/demolition permits, the Applicant shall file a Notice of Intent (NOI) with the SWRCB and prepare a project-specific Storm Water Pollution Plan (SWPPP) that incorporates Best Management Practices (BMPs) to control erosion and to protect the quality of surface water runoff during the construction period.

27. Single Family Dwelling (10+ Home Subdivision/Multi-family)

a. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: http://www.swrcb.ca.gov/rwqcb4/).

b. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.

c. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.

d. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

e. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.

f. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.

g. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.

h. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

i. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.

j. Promote natural vegetation by using parking lot islands and other landscaped areas.

k. Paint messages that prohibits the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.

l. Promote natural vegetation by using parking islands and other landscaped areas.

m. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING – DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.

n. Legibility of stencils and signs must be maintained.

o. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosed such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

p. The storage area must be paved and sufficiently impervious to contain leaks and spills.

q. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.

r. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and intlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical devise composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.

s. All waste shall be disposed of properly. Appropriately labeled recycling bins shall be used to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

t. Leaks drips and spills shall be cleaned immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

u. Pavement shall not be hosed down at material spills, Dry cleanup method shall be used whenever possible.

v. All construction equipment and vehicles shall be inspected for leaks and repaired according to a regular schedule.

w. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or cloths shall be used to catch drops and spills.

x. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or cover with tarps or plastic sheeting.

y. Appropriate dust suppression techniques, such as watering or tarping, shall be used.

z. Construction entrances shall be designed to facilitate removal of debris from vehicles exiting the site.

28. Walkability Checklist

a. Prior to submittal for Plan Check, project plans shall be submitted to the Department of City Planning's Urban Design Studio for review and compliance with the Walkability Checklist.

b. Ground-level doorways opening onto La Cienega Boulevard shall incorporate articulations to disrupt the massing of the ground-level façade, to the satisfaction of the Planning Department's Urban Design Studio.

29. **Groundborne Noise and Vibration.** The operation of construction equipment at the project site that generates high levels of vibration, such as large bulldozers (above 300 horsepower) and caisson drills, shall be prohibited within 25 horizontal feet of the single-family and multi-family residential uses located adjacent to the project site. Instead, small bulldozers shall be used during this time period within these areas during grading and site preparation operations.

30. **Severe Noise Levels (Residential Only)**

a. All new residential uses shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which insure an acceptable interior noise environment.

b. All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles, Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extend feasible.

c. The project shall comply with the City of Los Angeles Building Regulations Ordinance No, 178,048, which required a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.

d. All exterior windows of habitable rooms located along La Cienega Boulevard shall be constructed with double-pane glass so that the interior noise level at these units would be reduced to below a CNEL of 45 dBA.

e. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which regulate construction noise sources.

f. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

g. Barriers such as, but not limited to, construction sound control curtains, extending eight feet in height shall be erected around the project site's northern, western, and southern boundaries to minimize the amount of noise during construction on the adjacent single-family residential uses located offsite.

h. Construction sound control curtains or barriers shall be places around drilling apparatuses and drill rigs used within the project site.

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

j. The use of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Example includes the use of drill rigs and jackhammers.

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

l. Adjacent land uses within 300 feet of the construction site shall be notified in writing about the estimate duration and hours of construction activity at least 30 days before the start of construction.

31. **Public Services (Parks).** Per Section 21.10.3 of the LAMC (Dwelling Unit Construction Tax), the Applicant shall pay applicable Recreation and Park fees to improve existing facilities in the project area, expand existing park sites, or add new park sites.

32. **Public Services (Fire).**

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

b. The proposed project shall be equipped with automatic fire sprinkler systems.

c. During plot plan review, the project applicant shall consult with the LAFD regarding the installation of private fire hydrants, sprinklers, and/or other fire protection features within the proposed project. All required fire protection features shall be installed to the satisfaction of the LAFD.

33. **Public Services (Police General).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818,

Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

34. Public Services (Schools).

a. The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

b. Pursuant to California Government Code Section 65595, the project applicant shall be responsible for the payment of all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

c. Environmental impacts may result from project implementation due to the close proximity of the project to a school. However, the potential impact will be mitigated to a level of insignificance by the following measures:

d. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

e. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.

f. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

g. The developer shall maintain unrestricted access for school buses during construction.

h. The developer shall provide crossing guards when safety of students may be compromised by construction related activities at impacted school crossings.

i. Prior to construction, the project developer shall contact LAUSD Transportation Branch at (323) 342-1400 regarding potential impact to school bus routes.

j. The developer shall comply with provisions of the California Vehicle Code by requiring construction vehicles to stop when encountering school buses using red flashing lights.

k. The developer shall not endanger passenger safety or delay student drop-off or pick up due to chances in traffic patterns, lane adjustments, altered bus stops, or traffic lights.

l. The developer shall maintain safe and convenient pedestrian routes to LAUSD schools.

m. The developer shall maintain ongoing communication with school administration at affected schools, providing sufficient notice to forewarn

students and parent/guardians when exiting pedestrian and vehicle routes to school may be impacted.

n. No truck hauls past affected school sites, except when school is not in session. If that is infeasible, do not haul during school arrival and dismissal times.

o. The developer shall provide security patrols to minimize trespassing, vandalism, and short-cut attractions.

35. Traffic Impacts (Demolition/Construction Activities)

a. A Work Area Traffic Control Plan shall be developed for use during the entire construction period. The plan shall incorporate safety measures around the construction sute to reduce the risk to pedestrian traffic and any potential impact to nearby schools. The Work Area Traffic Control Plan shall identify the location of any roadway or sidewalk closures, traffic detours, traffic control measures, warning signs, delineators, protective devices, haul routes, hours of construction, access to abutting properties, and work instructions to be implemented by the construction contractor throughout the duration of demolition and construction activities.

b. Construction workers shall not be permitted to park on the residential neighborhood streets.

c. A schedule of construction activities will be provided to the public and to nearby schools.

d. To the greatest extent feasible, deliveries to the project site shall be coordinated to reduce wait times for trunks to unload building materials.

e. The Applicant shall appoint a community liaison to respond to inquiries or concerns of surrounding residents, schools, and businesses.

f. All construction-related traffic shall be restricted to off-peak hours.

36. Utilities (Local or Regional Water Supplies)

a. The project shall comply with ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation, and water less in the cooler months and during the rainy season).

b. (All new Construction, Commercial/Industrial Remodel, Condominium Conversions, and Adaptive Reuse) Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:

i. High-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.

ii. Restroom faucets with a maximum flow rate of 1.5 gallons per minute.

Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

c. (Landscaping)
In addition to the requirements of the landscape Ordincanec, the landscape plan shall incorporate the following:

i. Weather-based irrigation controller with rain shutoff;
ii. Matched precipitation (flow) rates for sprinkler heads;
iii. Drip/microspray/subsurface irrigation where appropriate;
iv. Minimum irrigation system distribution uniformity of 75 percent;
v. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; and
vi. Use of landscape contouring to minimize precipitation runoff.
vii. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

d. (All New Residential, Condominium Conversions, and Adaptive Reuse)
Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall:

i. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
ii. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance, Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
iii. Install and utilize only high-efficiency Energy Star-rated dishwasher in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

37. Utilities (Solid Waste)

a. Environmental impacts may result from project implementation due to the creation of additional solid waste. However, this potential impact will be mitigated to a level of insignificance by the following measures:

b. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

c. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

d. To facilitate onsite separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

C. ADMINISTRATIVE CONDITIONS

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

39. Code Compliance. Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with Los Angeles Municipal Code, except where herein granted conditions override.

40. Definition. Any agency, public official, or city department referenced in these conditions shall mean that agency, public official, or city department, or its successor(s) or designee(s). "State Density Bonus Program" refers to State Government Code Section 65915. "Ordinance" refers to Ordinance 179,681 as the implementation Ordinance approved by the City Planning Commission on June 9, 2005 and August 21, 2006 and the Planning and Land Use Management Committee of the City Council on April 4, 2006, adopted by the City Council on February 20, 2008 effective on April 15, 2008.

41. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

42. **Building Plans**. Page 1 of this grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.

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

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

FINDINGS

After thorough consideration of the information, statements, and plans contained in the application; the reports received from other city departments and governmental agencies; the project's environmental clearance; and the State Government Code Section 65915 (State Density Bonus Program), I hereby find that the requirements for issuing a Density Bonus Compliance Review approval have been established by the following:

Description of the Subject Project

The project involves the demolition and removal of three existing commercial buildings containing approximately 17,400 square feet of floor area, surface parking areas, and landscaping, including non-protected trees, on the subject property to construct a new, approximately 110,465 square foot apartment development containing 125 dwelling units and 166 surface and subterranean parking spaces including the reuse of an existing surface parking lot. The project will be 5 stories tall with a maximum height of 56 feet. There will also be 31 trees planted.

The subject project is located at 357-393 N. La Cienega Boulevard and 407- 417 N. Westmount Drive. The site is located within the Wilshire Community Plan Area and is bordered by the City of West Hollywood to the west. The project site is comprised of five lots which are zoned C2-1VL-O (approximately 36,835 square feet) and [Q]P-1VL-O (approximately 7,702 square feet) , encompassing a total area of approximately 44,537 square feet. The Q Conditions of Ordinance 172,741 impose design and use restrictions on the 417 Westmount Drive parcel. The General Plan Land Use Designations are Neighborhood Commercial for the commercial zoned lots and Neighborhood Commercial for the parking lot. Footnote No. 7 of the Wilshire Community Plan states that the Neighborhood Commercial land use designation includes associated parking.

La Cienega Boulevard, adjoining the subject property to the east, is a designated Class II Major Highway dedicated approximately 100 feet in width and improved with curb, gutter, and sidewalk. Westmount Drive, adjoining the property to the north, is a non-continuous designated Local Street dedicated approximately 50 feet in width and improved with curb, gutter, and sidewalk. It is not a through street and terminates as it intersects with the property at the northeasterly corner of the project site.

Existing Land Use and Zoning

The property to the north, across Westmount Drive, is developed with a one-story restaurant. The property further north, extending along the westerly side of La Cienega Boulevard is developed with one- and two-story commercial buildings. The properties to the east, across La Cienega Boulevard, are developed with one- to three-story commercial building. The property to the south, fronting the west side of La Cienega Boulevard is developed with a two-story commercial building located along the front property line and a two-story apartment building located near the rear property line. Each of the properties mentioned thus far are zoned C2-1VL-O and have a land use designation of Neighborhood Commercial. The properties to the west, located in the City of West Hollywood, are zoned R1B and developed with one- and two-story, single- and multi-family buildings.

DENSITY BONUS COMPLIANCE FINDINGS

1. The Project substantially complies with the applicable regulations, standards and provisions of the State Density Bonus Program.

As conditioned by this approval, the subject project complies with all applicable provisions of State Density Bonus Program and the City's adopted implementation Ordinance. The project qualifies for a 35% density bonus because 11% of its by-right units are set-aside as restricted for very-low income households. On the C2 zoned portion of the site, 1 dwelling unit is allowed for each 400 square feet of lot area in the C2 Zone, resulting in a by-right density of 92 dwelling units. Utilizing the Density Bonus, 35% of the 92 unit base density yields 32.2 units, which per the code is rounded up to 33 units. Therefore, 125 total units may be developed on the property and 11 percent of the 92 unit base density, which is 10.12 units or 11 units as also rounded up per the code, will be reserved for Very Low Income households. For the height incentive, 11% of the units are required to be reserved for Very Low Income households. Accordingly,11 units in the development are set aside. As noted in the adopted Ordinance, the set aside units allow by-right increases in density and reduced parking requirements (based on the type and number of units). Since the project sets aside at least 11% of its units for very-low income households, the applicant is eligible for two incentives and has requested two incentives from a specified menu of concessions, as described below:

Incentives/Concessions:

The following concessions are required to maximize the number of affordable units for this under-served population.

(1) **Height.** Pursuant to the draft Density Bonus Ordinance, the subject project qualifies for an eleven (11) additional feet in building height. This allows the construction of a fifth floor of the building to extend to a maximum of 56 feet, excluding permitted roof-top structures, to provide the Affordable Restricted Units. Due to the proximity to low density residential properties to the west, portions of the development constructed over 45 feet in height will be set back one foot for each foot of additional height as required by 12.22 A 25 (f) (5) (i) (b) of the LAMC, resulting in an approximate 26 foot setback of these portions of the fifth floor building façade from the rear property line.

(2) **Floor Area Ratio.** Pursuant to the Density Bonus Ordinance, the subject project qualifies for a 3:1 floor area ratio, given that it's located in a Commercial Zone in Height District 1 (the site is zoned C2-1VL) and because the following criteria are met:

i. The development includes the number of Affordable Restricted Units sufficient to qualify for a 35% density bonus.

ii. More than 50% of the commercially zoned parcel is located on a Major Highway in or within 1,500 feet of a Transit Stop/Major Employment Center. An existing Major Bus Stop (The Metro Rapid 705) is within 1500 feet of the site (at the intersection of La Cienega Boulevard and Beverly Boulevard), and has peak-

hour headways of 15 minutes or less in two directions for at least two of the three hours between 4:00 pm and 7:00 pm.

2. **Environmental:** 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 extend physically feasible. In compliance with requirements of the California Environmental Quality Act (CEQA), the project was issued a Mitigated Negative Declaration (ENV 2007-5180-MND) in accordance with the Los Angeles CEQA guidelines. "Responses to Comments" comprises the response to comments as required under the California Environmental Quality Act and is incorporated into this determination by reference.

Nº 282963

Office:
Downtown [X]
Van Nuys [ ]

Date 8-5-10

Department of City Planning
Los Angeles

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant	West Hollywood West Residents Assoc			
Representative	Brittany Perrineau			
Project Address	375-393 N. La Cienega Blvd			
Telephone Number	(310) 659-3379			
Case Number and Description	**Task**	**SubTask**	**Ordinance Fee**	
			$	
ENV-2007-5180-MND-1A			$ 89	00
			$	
			$	
		Sub Total Fees Paid	$ 89	00
OSS Surcharge - 2%			$ 1	78
Development Surcharge - 6%			$ 5	34
Operating Surcharge - 7%			$ 6	23
~~Expediting Fee~~ GPM Fee			$ 2	67
Bad Check Fee			$	
Miscellaneous/Photocopy			$	
			$	
		TOTAL FEES PAID	$ 105	02

( ) Cash Credit Card

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( ) Money Order # _____

Council District 5

Plan Area Wilshire

LA Department of Building and Safety
LA 05 10 293306 08/05/10 02:16PM

PLAN & LAND USE	$89.0
ONE STOP CITY PL	$1.7
DEVELOPMT SURCHG	$5.3
OPERATING SURCHG	$6.2
GEN PLAN MAINT SURCHARGE	$2.6
Total Due:	$105.0
Credit Card:	$105.0

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ITEM 5

DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

LOS ANGELES CITY PLANNING DEPARTMENT

City Planning Commission

Date: July 8, 2010
Time: **after 8:30 a.m.***
Place: Los Angeles City Hall
200 N. Spring Street, 10th Floor
Los Angeles, CA 90012

Public Hearing: Required
Appeal Status: Not further appealable under LAMC
Expiration Date: July 23, 2010

Case No.: **DIR-2007-5179-SPR-DB-1A-2A**
APPEAL – SITE PLAN REVIEW AND DENSITY BONUS COMPLIANCE REVIEW
CEQA No.: **ENV-2007-5180-MND**
Related Cases: None
Council No.: 5 - Koretz
Plan Area: Wilshire
Certified NC: Mid-City West
GPLU: Neighborhood-Office Commercial
Zone: C2-1VL-O / [Q]P-1VL-O

PROJECT LOCATION: 375-393 N. La Cienega Boulevard and 407-417 Westmount Drive

PROPOSED PROJECT: Site Plan Review to allow demolition of approximately 17,400 square feet of existing commercial buildings and associated surface parking; the removal of 20 non-protected trees and a Density Bonus Compliance Review to allow the construction of an approximately 110,465 square foot apartment building with 125 units including 11 Very Low Income Affordable Units. The project will provide 166 parking spaces in surface and two subterranean parking areas, and 31 trees on an approximately 44,537 square foot lot in the C2-1VL-O and [Q]P-1-VL-O Zones. The project will be 5 stories tall, with a maximum height of 56 feet with the following two incentives or concessions; 1.) a 35% increase in height, for a maximum height of 56 feet in lieu of the permitted height of 45 feet and 2.) a floor area ratio of 2.99:1 in lieu of the permitted 1.5:1; for a project that reserves at least 11% of total units for Very Low Income households, as defined by Ordinance 179681.

APPLICANT: NMSLUXE235, LLC

APPELLANT: Padi Moschetta and Brittany Perrineau
Dr. Merle S. Glick, DDS

REQUESTED ACTIONS: **Appeal** of the Director of Planning's **Conditional Approval of a Density Compliance Bonus Review and a Site Plan Review** pursuant to Section 12.22 A.25 and Section 16.05 of the Los Angeles Municipal Code (LAMC).

RECOMMENDED ACTIONS:

1. **Deny** the appeal;
2. **Modify** in part the Determination of the Director of Planning in approving a Site Plan Review and Density Bonus Compliance Review to add a condition to require that the project comply with the Q Conditions of Ordinance 172,741 (Exhibit F);

3. **Sustain** the remainder of the Determination of the Director of Planning in approving a Site Plan Review and Density Bonus Compliance Review to allow the construction of 125 residential dwelling units, with 11% as restricted affordable units;
4. **Adopt** the attached Findings; and
5. **Adopt** Mitigated Negative Declaration No. ENV 2007-5180-MND, as shown in Exhibit D.

S. GAIL GOLDBERG, AICP
Director of Planning

Kevin J. Keller, Senior City Planner

Blake Lamb, City Planner

Teresa L. Batson, Planning Assistant
Telephone: (213) 978-1209

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Exhibits:

Exhibit A: Appeal #1 of DIR-2007-5179-SPR-DB
Exhibit B: Appeal #2 of DIR-2007-5179-SPR-DB
Exhibit C: Director's Determination DIR-2007-5179-SPR-DB
Exhibit D: Mitigated Negative Declaration ENV-2007-5180-MND
Exhibit E: Initial Study - Response to Comments
Exhibit F: Ordinance 172,741
Exhibit G: Project Plan Sheets

ADVICE TO PUBLIC: * The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300).* While all written communications are given to the Commission for consideration, the initial packets are sent to the Commission's Office a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to the agency at or prior to the public hearing. As a covered entity under Title II of the American Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

PROJECT ANALYSIS

PROJECT SUMMARY AND BACKGROUND

The project involves the demolition and removal of three existing commercial buildings containing approximately 17,400 square feet of floor area, surface parking areas, and landscaping, including non-protected trees, on the subject property to construct a new, approximately 110,465 square foot apartment development containing 125 dwelling units and 166 surface and subterranean parking spaces including the reuse of an existing surface parking lot. The proposed development will utilize a 35 percent Density Bonus pursuant to the City's Affordable Housing Incentives – Density Bonus provisions contained in Section 12.22 A 25 (c) of the LAMC to allow 33 units in addition to the property's 92 unit maximum by-right density for 125 total units. The project will be 5 stories tall with a maximum height of 56 feet. There will also be 31 trees planted.

The subject project is located at 375-393 N. La Cienega Boulevard and 407- 417 N. Westmount Drive. The site is located within the Wilshire Community Plan Area and is bordered by the City of West Hollywood to the west. The project site is comprised of five lots which are zoned C2-1VL-O (approximately 36,835 square feet) and [Q]P-1VL-O (approximately 7,702 square feet), encompassing a total area of approximately 44,537 square feet. The General Plan Land Use Designations are Neighborhood Commercial for the commercial zoned lots and Neighborhood Commercial for the parking lot. Footnote No. 7 of the Wilshire Community Plan states that the Neighborhood Commercial land use designation includes associated parking.

La Cienega Boulevard, adjoining the subject property to the east, is a designated Class II Major Highway dedicated approximately 100 feet in width and improved with curb, gutter, and sidewalk. Westmount Drive, adjoining the property to the north, is a non-continuous designated Local Street dedicated approximately 50 feet in width and improved with curb, gutter, and sidewalk. It is not a through street and terminates as it intersects with the property at the northeasterly corner of the project site. Just southerly of the site, approximately 550 feet away, are located a major public Transit Stop, a Regional Center and a Community Center on the westerly and easterly sides of La Cienega Boulevard, respectively.

It is worth noting that the applicant initiated the pre-submittal review process with the community stakeholders, the associated Council Office, and the Planning Department in early 2007 prior to the adoption of Ordinance 179681, the Density Bonus Ordinance. The applicant met with community stakeholders and the Planning Department on numerous occasions prior to submitting the project application to the Planning Department on November 7, 2007. The project design went through various iterations before and after submittal, including a mixed use development option, in order to meet the conditions of the adopted ordinance. The revised plans that were approved as Exhibit "A" on May 11, 2010 were delivered to the Planning Department in April 2010.

The subject project as approved incorporates a reduction in parking spaces, a floor area ratio (FAR) increase of up to 3:1, and an incentive of up to 35% increase in additional height up to 11 feet for a project that reserves at least 11% of total units for Very Low Income households, as defined by Ordinance 179681. The project is conditioned to provide a minimum of 128 parking spaces by utilizing Parking Option 1 of the Ordinance. However, the 125 unit residential building will provide a total of 166 parking spaces in a surface parking lot and two subterranean parking garages.

The FAR increase from 1.5:1 to 2.99:1 complies with the following conditions. The subject property fronts along La Cienega Boulevard, which is identified as a Major Highway. The project complies with LAMC 12.22 A 25 (f) (4) (ii) which requires that at least 50% or more of the property is located within 1,500 transit stop. Just south of the site, approximately 550 feet away is a major public Transit Stop.

The increase in height from 45 feet to 56 feet for portions of the building complies with Section 12.22 A 25 (f) (5) (i) (b) of the LAMC, which requires an additional one foot setback for each foot of additional height of the building, for a maximum of 11 feet. To meet these conditions, the fifth floor of the building abutting the City of West Hollywood R1B zoned lots will be set back according to the code. Beginning at a point 15 feet from the rear property line the permitted building height gradually increases, allowing low-level planters and ultimately the fifth floor roof height 56 feet above grade. The resulting set back of the 5th floor portion of the building façade from the rear yard property line will be the required 26 feet. As part of this grant of additional height and FAR, a landscape plan and building elevations were reviewed and included in the conditions of approval. Requests for these incentives require an application to the Director of Planning under the Density Bonus Compliance Review procedures.

Two appeals have been filed regarding the original determination. One appeal was filed on May 20, 2010 and the other was filed on May 24, 2010. Appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

COMMUNITY CONCERNS RAISED REGARDING THE PROJECT

The applicant shared the proposed project with the community prior to submitting the project to the Planning Department. During the review of this project there were various concerns regarding the amount of parking spaces required, environmental impacts, and the compatibility of the project with surrounding uses. The commercial uses on the project site and the potential parking impacts were raised. Although the proposed project is a 100% residential building, the ground floor of the facade fronting La Cienega Boulevard is designed to complement the other commercial uses on the street. If the owner requests a change of use in the future, the additional parking spaces may be available to potentially meet the new minimum parking requirements since the project is providing 38 additional parking spaces.

The appellants contend that the decision-maker did not address public safety and infrastructure issues in the environmental review document. In addition the appellants also site concerns regarding the compatibility of the project with surrounding sites; insufficient parking; and traffic issues.

GENERAL PLAN CONSISTENCY

The proposed project is consistent with the land-use designation, goals and policies of the Wilshire Community Plan, the Housing Element of the General Plan and the Framework Element of the General Plan. The proposed apartment development is consistent with the Neighborhood Commercial land use designation and the property's combination C2 and [Q]P zoning. The C2 zone allows for R4 zone density development standards for the residential portion of projects. The [Q]P-1VL-O zone limits the subject parcel to uses permitted in the P zone. A surface parking lot will be located on this portion of the site. The subject project is consistent with the General Plan in that the proposed use complies with the uses permitted by the zones The development of commercial parcels along La Cienega Boulevard and other Major Highways in the Wilshire Community Plan Area represent the opportunity to achieve the following General Plan Goals and Policies:

Community Plan Policy 1-2.1	Encourage higher density residential uses near major public transportation centers.
Community Plan Policy 1-4.2	Ensure that new housing opportunities minimize displacement of residents.
Community Plan Policy 1-4.3	Encourage multiple family residential and mixed use development in commercial zones.
Housing Element Objective 1.1	Plan the capacity and develop incentives for the production of an adequate supply of rental and ownership housing for households of all income levels and needs.
Housing Element Objective 1.4	Promote an equitable distribution of affordable housing opportunities throughout the City.
Housing Element Policy 1.4.2	Provide the development of new affordable housing units citywide and within each Community Plan area.
Housing Element Policy 2.2.3	Provide incentives and flexibility to generate new housing and to preserve existing housing near transit.
Framework Element Policy 4.1.6	Create incentives and give priorities in permit processing for low- and very-low income housing developments throughout the City.
Framework Element Objective 4.4	Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.

The proposed project is consistent with the land-use designation and zoning for the subject lot. Pursuant to the State Density Bonus Program and the City's adopted implementation Ordinance, the incentives for height and floor area have been granted to encourage the development of very-low-income housing units.

APPEAL POINTS OF APPELLANT #1 AND STAFF RESPONSE

The appeals of the Director's Determination contend that:

1. **There are Public Safety Issues that were not addressed. This project will have a Specific Adverse Impact on public health and safety or the physical environment because it is a residential project on a commercially zoned street with an adult-entertainment use located nearby. The LAMC indicates that an adult entertainment business shall not be established or enlarged if it is located within 500 feet of an "A" or "R" zone, or within the "CR", "C1" or C1.5" zones in Los Angeles. The appellant concludes that an adult entertainment business is incompatible with residential, and allowing a residential project within 500 feet of this type of business could have a Specific Adverse Impact on public health and safety, especially for the people living in the new project.**

Response: The proposed residential project will be located on a C2 zoned parcel and is therefore permitted per the Los Angeles Municipal Code. In addition, there are already existing residential uses in the vicinity. There is an adult entertainment use within 50 feet of

the subject project that was established by ZA-1998-748-AE. If this use were to expand, it would need to seek appropriate approvals from the Department of City Planning.

2. **The infrastructure is not in place to support the project as currently proposed. The availability of water, public transportation, public services, etc. are limited and inadequate for a project of this size.**

Response: The impacts of the proposed multi-family residential development on the surrounding infrastructure including, but not limited to water, public services, and utilities were analyzed in the Mitigated Negative Declaration (MND). An Initial Study - Response to Comments document (Exhibit E), dated August 11, 2009, was prepared by the Planning Department to further explain why mitigation measures are not required and/or are sufficient to reduce infrastructure impacts. As stated in Response to Comments 1-6 and 1-7 on Pages 9 and 10 of Exhibit E, as a multi-family residential development, the proposed project is consistent with the land use and zoning designations for this project site.

a. **Police. Police services already have a poor response time due to the adjacent adult entertainment use and area homelessness. An addition of 125 residential units will further tax the existing police services.**

Response: Based on the Initial Study findings, the proposed residential project will not require the expansion to an existing police station or the construction of a new police station (see Response to Comment 2-6 on Pages 16 and 17 of Exhibit E). The environmental impacts on police services have been taken into consideration in the Mitigated Negative Declaration (Exhibit D). The potential impacts will be mitigated to a level of insignificance by various standard security measures which include adequate security lighting and secure parking facilities. The measures shall be approved by the Police Department prior to the issuance of building permits.

b. **Utilities – Local and Regional Water Supplies. The project is inconsistent with state and local policies regarding water conservation. The total project demand for water is estimated at over 10 times the current demand. Appellant believes that new development should be evaluated in the current environment of diminishing water resources, and that existing water use and demand should have priority over new development. Current customers will be forced to subsidize new developments because rates are being raised as a result of increased demand.**

Response: As stated and thoroughly discussed in Response to Comment 3-27 of Exhibit E, the water demand was addressed in the Initial Study (not an exhibit but a copy is available in City Hall Room 667). It was determined by analysis that water supply needs of the proposed multi-family residential development have already been accommodated within water supply projections for the region as the proposed project is consistent with existing land uses and zoning. Mitigation measures are recommended in the MND to ensure that water consumption is minimized with the implementation of the proposed project.

c. **Traffic. Public transit is decreasing, not increasing. The Mitigated Negative Declaration (MND) indicates that the project is served by a major bus route. The appellant counters that the City of Los Angeles has cut funds for**

public transit, specifically the DASH. The Metro line extension could take up to 20 years to be developed.

Response: In spite of the discontinued service of the DASH, an abundance of public transportation options exist in the project area. The Metro 705 Rapid stop and Metro 105 Local stop are located just southerly of the site on La Cienega Boulevard, approximately 550 feet away near Beverly Boulevard. There are two Metro bus routes along Beverly Boulevard which travel to and from Downtown. The Metro 305 bus stop and Metro 550 bus stop located on San Vicente Boulevard are also within walking distance to the project site. In addition, the project meets the criteria of the Walkability Checklist and is within walking distance to Neighborhood Commercial, Community Commercial, and Regional Center businesses and services.

d. **Transportation. The Initial Study should have included a study of Rosewood (between Melrose and Beverly) and should have included potential cumulative impacts of the project along with other proposed and approved projects. La Cienega is already gridlocked and any new traffic is unwanted. Parking on Westmount Drive will be impacted.**

Response: A traffic report generated by the Los Angeles Department of Transportation (LADOT) which is a part of the Initial Study determined that Rosewood Avenue would not be impacted by the net traffic generation from the project - note Comment 3-23 on Page 38 of Exhibit E. In addition, a cumulative traffic analysis was conducted to confirm the findings. The analysis and other traffic data are explained on Page 38 and Page 39 of the Response to Comments document (Exhibit E).

e. **Noise. The appellant has concerns about construction noise and the potential it has to cause damage to people's homes (cracks in the walls, foundations, etc). The construction hours in the MND should be limited to 8 am to 5 pm Monday to Friday, no outdoor construction on Saturday, and interior construction only from 8 am to 5 pm on Saturday. Once the project is constructed, there needs to be additional mitigation measures in order to ensure that sound does not carry to the adjacent residential uses.**

Response: Noise impacts are addressed and found to be in compliance with the State CEQA Guidelines and The City of Los Angeles Noise Ordinance. Numerous mitigation measures related to reducing the impacts of construction noise are listed on Pages 6 and 7 of the MND. The construction hour restrictions are standard. The construction hours permitted reflect a balance between the overall project's construction duration and the daily hours within which the work will be done. As required in the MND, adjacent land uses within 300 feet shall be notified in writing regarding the estimated duration of construction and the work hours. In regard to the noise generated once the project is constructed, all new residential uses shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which insure an acceptable interior noise environment. In addition, a response to a similar concern is presented in the Response to Comments document - Response to Comment 1-6 on Page 9 and Page 10.

f. Population. The population has likely already exceeded SCAG's growth projections. Since the SCAG projections are understated, then all the reports on public services including water, electricity, gas, schools, parks, police and fire department need further study.

Response: The population in the Wilshire Community Plan area has not exceeded SGAG's growth projections. The 2008 population estimate is 331,022. The 2005 RTP projected an area capacity of 359,850 when commercial zoned parcels are included for residential development. The proposed apartment development is consistent with the Neighborhood Commercial land use designation and the property's combination C2 and [Q]P zoning. The C2 zone allows for R4 zone density development standards for the residential portion of projects.

g. Hydrology. The site overlays an underground water system that is not adequately described or analyzed in the Initial Study. Following the construction of the Sofitel Hotel on Beverly Place, the groundwater table levels permanently rose immediately to the north. The appellant is concerned that this project site is part of the same system and has similar features and therefore this should be reviewed in the Initial Study. The appellant is concerned that the construction of the proposed project will cause a dam and flooding of the adjacent neighborhood and have significant, long term impacts.

Response: As stated and thoroughly discussed in the Response to Comments 3-11 and 3-12 on pages 31-33 of Exhibit E, water table impacts were addressed in the Geotechnical Report Update and the Soils Report Approval Letter included as Appendix D to the Initial Study. It was determined by analysis that certain engineering methods employed during construction and upon final build-out of the project would reduce any potential impacts to a level of insignificance. Mitigation measures are recommended to ensure that all excavations activities shall implement the procedures recommended in the report and letter noted above. In addition as noted in Response to Comment 3-12, a permanent dewatering system would be installed behind the subterranean walls as a mitigation measure.

h. Water Quality. The appellant does not agree that there will not be an increase in surface runoff as the proposed project appears to have more impervious coverage. There needs to be an evaluation of surface water flows and impacts on gutters, storm channels, storm drains.

Response: As stated and thoroughly discussed in the Response to Comment 3-10 on page 29 of Exhibit E, the issues of water runoff and storm drain capacity were thoroughly discussed in the Initial Study. It is anticipated that the proposed project will decrease surface runoff from the site, and proposed improvements to culverts would alleviate potential ponding. Therefore the proposed project would have a less than significant impact with respect to runoff. However since the proposed project is a residential development of ten or more units, the applicant will be required to provide a Standard Urban Stormwater Mitigation Plan (SUSMP) to reduce potential surface water quality impacts during construction.

i. **Geology and Soil. This area is highly seismic and there needs to be a study to analyze how an earthquake might affect the area once water removal has begun. Appellant has questions regarding haul routes and the impact of trucks on the physical roadways as well as the impact of the diesel fuel on air quality.**

Response: Geology and soil impacts were addressed in the Initial Study. Potential seismic and liquefaction impacts were analyzed. The Geology and Soils mitigation measures found on Page 4 of the MND would reduce any potential impacts to less than significant regarding seismic activity, haul routes to and from the project site, and liquefaction.

j. **Utilities and Solid Waste. The estimated total project generation of solid waste is almost 6 times that of existing generation. There is no analysis of the trips or traffic that could be created as a result of dumping this solid waste at alternative landfills. There is no analysis of the environmental impact of increasing waste production, transportation and disposal of the solid waste including air quality and traffic. It is also unfair to ask existing customers to subsidize new development, which other cities are doing as a result of increased demand that comes with new development.**

Response: As stated and thoroughly discussed in the Response to Comment 3-28, on page 41 the project's potential impact to solid waste is addressed in the Initial Study. Since the solid waste generated by the proposed project would be within the permitted capacity of the Sunshine Canyon Landfill, its potential impacts with respect to trip generation and capacity have already been analyzed under CEQA.

3. **The MND precludes all future necessary consideration of numerous significant environmental impacts and alternatives not adequately addressed by the document. In addition, the City's response to the publics' concerns regarding the MND does not adequately address the concerns raised.**

Response: As the Lead Agency, the Department of City Planning determined that an Environmental Impact Report was not warranted for the proposed project and that the appropriate environmental analysis document was a Mitigated Negative Declaration, in accordance with Sections 15063, 15064, and 15070 of the State CEQA Guidelines. As discussed throughout the Initial Study, all potential impacts would be reduced to a less than significant level with the implementation of mitigation measures. Therefore, a Mitigated Negative Declaration was the appropriate environmental analysis document.

4. **The proposed project is out-of-scale with the surrounding West Hollywood neighborhood, which is a Neighborhood Conservation Overlay District.**

a. **The project will alter the visual character of the adjacent low-density residential neighborhood, which is within the City of West Hollywood and designated as a Neighborhood Conservation Overlay District. Impacts to this neighborhood's visual character, especially due to the increased height of the project, must be addressed. The City of Los Angeles should require the project to comply with the Transitional Zoning ordinance. The appellant is concerned about shade and shadows on adjacent homes, as**

well as the impacts of light and glare from the project. It could take a significant amount of time for the landscape to mature, further impacting adjacent homes.

Response: The project site is located in an area comprised of various land use designations and development patterns. The proposed project is consistent with Wilshire Community Plan and Framework Element of the General Plan and the City's Walkability Checklist. As stated in Comment 3-3 on Page 26 of the Response to Comments document, in spite of the change in building height on the site and the visual contrast with the one- and two-story buildings immediately surrounding the project site, the proposed project would not introduce an incompatible element to the visual character of the project vicinity considering the existing varying building heights and the urban character of the area. The height of the proposed project would be consistent with the LAMC with respect to height. The subject development will be setback in accordance with the City of Los Angeles R4 Zone yard requirements, resulting in an approximate 17 foot rear yard along the westerly property line. The building façade of the fifth floor will be set back approximately 26 feet from the rear property line. The mass is further broken down through the introduction of a large, two-tiered courtyard that extends deep into the rear of the building, and a second floor courtyard opening to Westmount Drive.

The impacts of shade and shadow on adjacent properties were considered in the Density Bonus Ordinance regulations for additional height on a building adjacent to lower density uses. Pursuant to Section 12.22. A.25 (f) (5) of the LAMC, the Transitional Height Ordinance, Section 12.21.1 A.10. of the LAMC shall not apply. The varying heights and step building stepbacks will mitigate shade and shadow impacts on adjacent properties. They were also analyzed in the Mitigated Negative Declaration. These concerns were addressed in the Response to Comments (Exhibit E).

As stated on Page 5 in the Response to Comments (Exhibit E), the potential impact of the proposed project will be less than significant impacts because no shadow-sensitive uses would be shaded by the project-related structures for more than three hours between the hours of 9:00AM and 3:00PM PST between late October to early April and for more than four hours between the hours of 9:00AM and 5:00PM PST between early April and late October.

There will be an approximately 8 foot in height wall constructed along the rear property line to enclose the rear yard and screen views of the subject property. The proposed landscaping on the subject property and existing accessory structures and landscaping on the adjacent properties will provide buffering and screening of the new building proposed on the subject property.

b. Land Use Planning. The existing zoning of the property allows an FAR up to 1.5:1 and the proposed project has an FAR of 2.99. This FAR and height is incompatible with the existing commercial structures on La Cienega as well as the adjacent residential neighborhood. The project is not consistent with the Wilshire Community Plan, which is outdated.

Response: The FAR increase from 1.5:1 to 2.99:1 complies with the Density Bonus regulations in LAMC 12.22 A 25 (f) (4)) (ii) which requires that at least 50% or more of the property is located within 1,500 transit stop. Just south of the site, approximately 680 feet away is a major public Transit Stop. The sides and rear of the building are designed to be sensitive to neighboring residential context to achieve a more intimate scale and articulation. This is accomplished by stepping the building back at the fifth floor, accenting balcony insets, and alternating building materials. Proposed landscaping on

the subject property and existing accessory structures and landscaping on the adjacent properties will provide buffering and screening of the new building proposed on the subject property. In addition, the proposed multi-family residential development will provide a variation from higher intensity commercial uses along La Cienega Boulevard for these residential uses. Additionally, the project as designed is consistent with Objective 1-2 of the Wilshire Community Plan, updated in 2001, which encourages future development of higher density residential housing near public transportation centers.

c. La Cienega is an established commercial corridor and putting a residential use there will negatively impact the existing businesses; will impact the City of Los Angeles economically; will cause more noise; will impact the community in their right to enjoy their property.

Response: The C2 zone allows for R4 zone density development standards for the residential portion of projects. The subject project is consistent with the General Plan in that the proposed use complies with the uses permitted by the zone. The proposed residential development will be compatible with existing commercial development along this designated Major highway and consistent with potential future development in the area that may include commercial, mixed use, and /or multi-family residential developments. Additionally, the project as designed is consistent with Objective 1-2 of the Wilshire Community Plan which encourages future development of higher density residential housing near public transportation centers.

APPEAL POINTS OF APPELLANT #2 AND STAFF RESPONSE

The appeals of the Director's Determination contend that:

1. Denial of Due Process of Law to adjoining property owners based on lack of notice.

Response: On November 7, 2007, under CEQA Guideline Section 15063, the subject property was issued an Initial Study that recommended a Mitigated Negative Declaration (Exhibit D) be prepared by the Planning Department. The Planning Department also gave public Notice of Intent to Adopt a Mitigated Negative Declaration in the Los Angeles *Times* on May 28, 2009. There was a Review/Comment period that ended after the required 20 days on June 29, 2009. This is in conformance with CEQA Guideline 10572.(b) which requires the lead agency (City of Los Angeles) to use one of the following three methods to provide notice: publishing in a newspaper of general circulation; posting of the notice on and off site of the area affected; or direct mailing to adjacent owners and occupants. This is also in conformance with CEQA Guideline 15105.(b) which requires a public review period for a notice of intent to adopt an MND be not less than 20 days. Comments were submitted during the comment period and a Response to Comments Document (Exhibit E) was prepared.

With regards to the Density Bonus Review and Site Plan Review Determination notification, LAMC Section 12.22 A.25 and Section 16.05 provide the timeline and procedures for the Density Bonus Review and Site Plan Review by the Director of Planning.

A review of files indicates that staff mailed copies of the written determination for 375-393 La Cienega Boulevard and 407-417 Westmount Drive on May 11, 2010 to all parties in accordance

with LAMC Section 12.22 A.25 and Section 16.05. In addition, all parties were mailed a copy of the Response to Comments document.

2. **The appellant indicates that there have been various entitlement request on or near this project site, specifically parking and access issues with Westmount Drive and that the project proposes no mitigation for parking impacts on Westmount Drive or La Cienega Boulevard.**

Response: The approval of CPC-1997-0099-ZC-GPA-AN consisted of a zone change, a general plan amendment, and an annexation from the City of West Hollywood of the parcel at 417 Westmount Drive. The zone change Ordinance 172741 (CPC-1997-0099-ZC-GPA-AN) imposes development and use [Q] Conditions related to design, maintenance, signage, and limited use. As a result, the subject site shall be limited to those use permitted in the P zone. The project is adhering to the [Q] Conditions by maintaining the current use of the parcel – a surface parking lot.

Regarding access issues on Westmount Drive, Council File 03-2048 was a motion passed by the City Council on August 13, 2004 which authorized the Director of the Bureau of Street Services to construct a turnaround at the terminus of Westmount Drive at the City of West Hollywood boundary and to re-pave Westmount Drive from La Cienega Boulevard to the terminus of the Westmount Drive turnaround. This work has been completed. The environmental analysis and determination conditions are based on the existing conditions on and surrounding the site and on current ordinances and zoning, including Ordinance 172741.

3. **The access and egress to and from the proposed project directly affects access to the appellant's property.**

Response: Please reference Response #2 of Appellant #2.

Additionally, the proposed project's impacts on traffic are addressed the Initial Study and in Response to Comment 2-3 on Page 15 of Exhibit E. In summary, project related traffic impacts to the studied intersections Level of Service (LOS) would be less than significant. In addition, as part of the review process LADOT will review adjacent street standards and may require additional street dedications and improvements.

4. **The additional height of the proposed project directly affects the appellant's property by creating shade and shadows.**

Response: Please reference Response #4a for Appellant #1.

5. **The additional density will create more traffic. The cumulative impacts of other projects in the area, including the Beverly Center and Cedars Sinai Hospital have not been addressed.**

Response: Please reference Responses #2 and #3 of Appellant #2.

6. **The project does not provide adequate parking spaces.**

Response: Pursuant to the Density Bonus Ordinance, the applicant is required to provide a minimum of 128 on- site parking spaces. The project is designed to accommodate these required spaces in a surface parking lot and two subterranean parking garages. In response to community concerns about parking impacts on the surrounding streets prior to the

determination, the applicant volunteered to provide an additional 38 parking spaces for a total of 166 parking spaces. The approved plans reflect this increase in parking spaces. The increase in parking spaces is more than adequate based on the LAMC. In addition, the subject property fronts along La Cienega Boulevard, which is identified as a Major Highway. Just southerly of the site, approximately 550 feet away, is located a major public Transit Stop.

7. Inadequate public outreach was done by the City and the applicant.

Response: The requests for a Density Bonus Review compliance and a Site Plan Review compliance do not require a public hearing prior to the determination. The appropriate Certified Neighborhood Council (CNC) is mailed a copy of the project submittal package once the entitlement is requested and filed with the Planning Department Public Counter staff. To Planning Staff's knowledge, the appropriate CNC was mailed and received a submittal packet. In spite of the fact that no public outreach was required prior to submittal, the applicant worked in conjunction with the Council Office on numerous occasions prior to share the project design and to listen to any community concerns. And, as a result the project design was modified on several occasions in attempt to consider and address any concerns.

Numerous comments on the environmental review document were received during the MND comment period. The comments were addressed in the Initial Study – Response to Comments (Exhibit E). Section 16.05 3b. of the LAMC states that "if the Director finds that the matter may have a significant effect on neighboring properties, the Director shall set the matter for public hearing". Based on the Initial Study, the MND, the Initial Study-Response to Comments, Wilshire Community Plan, and the applicable provisions of LAMC, it was determined that a public hearing was not required.

8. The project is not compatible with the existing and future development of the neighboring properties, pursuant to LAMC Site Plan Review findings.

Response: Please reference Responses #4a-c for Appellant #1.

Additionally, the proposed apartment development is consistent with the Neighborhood Commercial land use designation and the property's combination C2 and [Q]P zoning. The C2 zone allows for R4 zone density development standards for the residential portion of projects. The subject project is consistent with the General Plan in that the proposed use complies with the uses permitted by the zone. The project is conditioned to comply with all side and rear yard setback requirements in accordance with LAMC Section 12.11 C.; the open space requirements in accordance with Section 12.21 G of the LAMC; the requirements of the [Q]P zone. The project is also conditioned so that the entire site will be appropriately landscaped in accordance with the detailed Landscape Plan.

The contemporary design of the project reflects the urban connection to the street frontage and the larger regional area. The proposed residential development will be compatible with existing commercial development along this designated Major highway and consistent with potential future development in the area that may include commercial, mixed use, and /or multi-family residential developments. Additionally, the project as designed is consistent with Objective 1-2 of the Wilshire Community Plan which encourages future development of higher density residential housing near public transportation centers.

9. As a result of the comments received during the MND review period, a public hearing should have been held.

Response: The impacts of the proposed multi-family residential development on the surrounding environment including, but not limited to water, public services, and utilities were analyzed in the MND. An Initial Study - Response to Comments document (Exhibit E) was prepared by the Planning Department to further explain why mitigation measures are not required and/or are sufficient to reduce all environmental impacts.

Additionally, please reference Response #7 for Appellant #2.

10. The allowance of a residential use along a commercial corridor removes the availability of small commercial spaces in an area that already offers few.

Response: Please reference Response #4c for Appellant #1.

11. The proposed project seems to be contrary to the spirit of a settlement agreement regarding the closure of Westmount Drive as noted in Council File 03-2048.

Response: A settlement agreement was executed and adopted by the City Council and the Mayor in August 2004 regarding 411-415 Westmount Drive. The settlement discussions occurred in closed session. As a result of the settlement, Council File 03-2048 was a motion passed by the City Council which authorized the Director of the Bureau of Street Services to construct a turnaround at the terminus of Westmount Drive at the City of West Hollywood boundary and to re-pave Westmount Drive from La Cienega Boulevard to the terminus of the Westmount Drive turnaround. However, the turnaround and re-pavement work were completed and all environmental analysis and determination conditions are based on the existing conditions.

12. The concerns voiced in during the Environmental Case No ENV-2007-5180-MND comment period were not addresses in the determination.

Response: An Initial Study - Response to Comments document dated August 11, 2009 was prepared by the Planning Department to address the concerns submitted during the MND comment period. The document was mailed as an attachment with the determination letter on May 11, 2010.

13. The appellant's property is limited to restaurant use only. Allowing a residential use at this site will cause potential complaints regarding incompatible land use issues with existing commercial restaurant uses which currently stay open late, utilize delivery trucks at all hours, and serve alcohol.

Response: Please reference Response #4c for Appellant #1.

CONDITIONS OF APPROVAL

Approval of the subject development project is made with the following Terms and Conditions imposed, in order to ensure compliance with applicable requirements of the State Government Code Section 65915 (State Density Bonus Program), and the promotion of development compatible with existing and future development of neighboring properties.

A. ENTITLEMENT CONDITIONS

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan, floor plans, elevations, and landscape plans labeled Exhibit "A" and stamp-dated September 30, 2009, attached to the subject case file, as to location of structures, planters, equipment and pedestrian amenities.

   Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions and the intent of the subject permit authorization.

2. **Use**. The main use of the subject property shall be limited to a 125-unit residential building. Accessory uses on the subject property shall be restricted to those incidental uses permitted in the C2-1VL-O zone per Section 12.14 A and the [Q] P-1VL-O zone per Section 12.21 of the Los Angeles Municipal Code (LAMC), and as permitted in this grant. Eleven of these 125 dwelling units shall be reserved as restricted affordable units, as defined by the State Density Bonus Program. The proposed project shall comply with all [Q] Conditions in accordance with Ordinance 172,741 for the surface parking lot that is adjacent to residential properties.

3. **Height/FAR.** The project shall be limited to a maximum building height of 56 feet which shall be measured according to the LAMC. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties. The project shall be limited to a 2.99:1 floor area ratio.

4. **Setbacks.** A front yard setback is not required in the C2 zone pursuant to Section 12.14. C. 1 of the LAMC. All other yards for the C2 zone shall conform to the minimum required setbacks, pursuant to Section 12.11 C of the LAMC. Pursuant to Section 12.21 C 1 (b) of the LAMC no setbacks are required for the [Q]P zoned portion of the property.

5. **Open Space.** The project shall provide any required open space required by Section 12.21 G of the LAMC.

6. **Automobile Parking.** The 125 unit residential building will provide a total of 166 parking spaces in a surface parking lot and two subterranean parking garages. Tandem parking may be used only for those spaces which are assigned and designated for a single unit.

7. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department to make 11 of the units of the development available for rent solely to very low income residents, at a rent determined to be affordable by the Los Angeles Housing Department, for a period of 30 years. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. The applicant will present a copy of the

recorded covenant to the Planning Department prior to the issuance of any building permits.

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

   a. Responsibilities/Guarantees.

      1) Prior to issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

         a. Construction of sewers to the satisfaction of the City Engineer. **(BOE)**

         b. Construction of drainage facilities to the satisfaction of the City Engineer. **(BOE)**

         c. Installation of street lights to the satisfaction of the Bureau of Street Lighting. **(BOE)**

         d. Submit plot plans to the Fire Department for review and approval. **(FIRE)**

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

B. ENVIRONMENTAL CONDITIONS

9. **Aesthetics (Landscaping).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.

10. **Aesthetics (Glare).** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties and the building is required to incorporate non-reflective exterior materials and windows.

11. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

12. **Greenhouse Gas Emissions.**

a. The project shall meet or exceed 14 SEER (EnergyStar) for all air conditioning units.

b. The proposed project shall comply with either: (1) 2005 Title 24 building energy efficiency standards plus 14 percent; or (2) 2008 Title 24 building energy efficiency standards.

13. **Air Pollution (Stationary).** RESIDENTIAL - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 12, to the satisfaction of the Department of Building and Safety.

14. **Nesting Bird Habitats.** If project activities cannot feasibly avoid the breeding bird season, beginning 30 days prior to the disturbance of suitable nesting habitat the applicant shall:

a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work;

b. If a protected native bird is found the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31; and

c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes, Construction personnel shall be instructed on the sensitivity of the area.

d. The applicant shall record the result of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of the native birds.

16. **Tree Removal (Non-Protected Trees)**

a. Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

b. All significant tress (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree.

c. A Landscape Plan shall be prepared, indicating the location of all replacement trees, to the satisfaction of the decision-maker. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted towards replacement tree requirements.

d. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-485-5675. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

17. Cultural Resources (Archeological).

a. (Human Remains) In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- Stop immediately and contact the County Coroner:
- 1104 N Mission Road
- Los Angeles, CA 90033
- 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
- 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
- The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
- The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
    i. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
    ii. If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

b. Prior to obtaining a grading permit, the applicant shall record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Director of Planning, stating that if any archaeological materials are encountered during the course of the project development, construction shall be halted and the services of an archaeologist shall be secured by contacting the Center of Archaeology – Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist to assess the resources, evaluate the impact (if any), and prescribe an appropriate method for preserving the resource either by removing the resource from where it is found or by documenting the resource before construction may

again commence. Copies of the archaeological survey, study or report shall be submitted to the South Central Coastal Information Center (SCCIC), located at the California State University Fullerton, Department of Anthropology.

18. **Cultural Resources (Paleontological).** Prior to issuance of a grading permit, the applicant shall record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Director of Planning, stating that if any paleontological materials are encountered during the course of the project development, construction shall be halted and the services of a paleontologist shall be secured by contacting the Center for Public Paleontology – USC, UCLA, Cal State Los Angeles, Cal State Long Beach or the Natural History Museum of Los Angeles County, to assess the resources evaluated the potential impact (if any), and prescribe an appropriate method for preserving the resource either by removing the resource from where it is found or by documenting the resource found before construction may again commence. Copies of the paleontological survey, study, or report shall be submitted to the natural Museum of Los Angeles County.

19. **Geotechnical Report and Engineering Conditions.** The proposed project shall implement all recommendations included in the Los Angeles Department of a Building and Safety Soils Report Approval Letter, Log #64350, dated August 18, 2008, and as it may be subsequently amended.

20. **Seismic.**

    a. The proposed project shall implement all recommendations for building design features included in the Department of Building and Safety's Soils Report Approval Letter, Log #64350, dated August 18, 2008, and as it may be subsequently amended.

    b. The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

21. **Erosion/Grading/Short-Term Construction Impacts (Air Quality)**

    a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

    b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.

    c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

    d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

e. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

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

h. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, bee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

i. Stockpiles and excavated soil shall be covered with secure tarps or plastic sheeting.

22. **Liquefaction.** Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

23. **Demolition Notification.** A minimum of 7 days prior to demolition, the developer shall designate a school liaison and provide written notice to Rosewood Children Center, Maimonides Academy, and The Center for Early Education, regarding the demolition and construction schedule. Such notice shall also contain the name and phone number of the liaison.

24. **Explosion/Release (Methane Gas)**

a. All commercial, industrial, institutional and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to Department of Building and Safety and Fire Department approval.

b. All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.

25. Explosion/Release (Asbestos Containing Materials)

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

b. Prior to issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

c. Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.

26. State Water Resources Control Board. Prior to the issuance of construction/demolition permits, the Applicant shall file a Notice of Intent (NOI) with the SWRCB and prepare a project-specific Storm Water Pollution Plan (SWPPP) that incorporates Best Management Practices (BMPs) to control erosion and to protect the quality of surface water runoff during the construction period.

27. Single Family Dwelling (10+ Home Subdivision/Multi-family)

a. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: http://www.swrcb.ca.gov/rwqcb4/).

b. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.

c. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.

d. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

e. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.

f. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.

g. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.

h. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

i. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.

j. Promote natural vegetation by using parking lot islands and other landscaped areas.

k. Paint messages that prohibits the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.

l. Promote natural vegetation by using parking islands and other landscaped areas.

m. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING – DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.

n. Legibility of stencils and signs must be maintained.

o. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosed such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

p. The storage area must be paved and sufficiently impervious to contain leaks and spills.

q. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.

r. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and intlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical devise composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.

s. All waste shall be disposed of properly. Appropriately labeled recycling bins shall be used to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

t. Leaks drips and spills shall be cleaned immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

u. Pavement shall not be hosed down at material spills, Dry cleanup method shall be used whenever possible.

v. All construction equipment and vehicles shall be inspected for leaks and repaired according to a regular schedule.

w. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or cloths shall be used to catch drops and spills.

x. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or cover with tarps or plastic sheeting.

y. Appropriate dust suppression techniques, such as watering or tarping, shall be used.

z. Construction entrances shall be designed to facilitate removal of debris from vehicles exiting the site.

28. Walkability Checklist

a. Prior to submittal for Plan Check, project plans shall be submitted to the Department of City Planning's Urban Design Studio for review and compliance with the Walkability Checklist.

b. Ground-level doorways opening onto La Cienega Boulevard shall incorporate articulations to disrupt the massing of the ground-level façade, to the satisfaction of the Planning Department's Urban Design Studio.

29. **Groundborne Noise and Vibration.** The operation of construction equipment at the project site that generates high levels of vibration, such as large bulldozers (above 300 horsepower) and caisson drills, shall be prohibited within 25 horizontal feet of the single-family and multi-family residential uses located adjacent to the project site. Instead, small bulldozers shall be used during this time period within these areas during grading and site preparation operations.

30. **Severe Noise Levels (Residential Only)**

a. All new residential uses shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which insure an acceptable interior noise environment.

b. All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles, Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extend feasible.

c. The project shall comply with the City of Los Angeles Building Regulations Ordinance No, 178,048, which required a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.

d. All exterior windows of habitable rooms located along La Cienega Boulevard shall be constructed with double-pane glass so that the interior noise level at these units would be reduced to below a CNEL of 45 dBA.

e. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which regulate construction noise sources.

f. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

g. Barriers such as, but not limited to, construction sound control curtains, extending eight feet in height shall be erected around the project site's northern, western, and southern boundaries to minimize the amount of noise during construction on the adjacent single-family residential uses located offsite.

h. Construction sound control curtains or barriers shall be places around drilling apparatuses and drill rigs used within the project site.

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

j. The use of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Example includes the use of drill rigs and jackhammers.

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

l. Adjacent land uses within 300 feet of the construction site shall be notified in writing about the estimate duration and hours of construction activity at least 30 days before the start of construction.

31. **Public Services (Parks).** Per Section 21.10.3 of the LAMC (Dwelling Unit Construction Tax), the Applicant shall pay applicable Recreation and Park fees to improve existing facilities in the project area, expand existing park sites, or add new park sites.

32. **Public Services (Fire).**

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

b. The proposed project shall be equipped with automatic fire sprinkler systems.

c. During plot plan review, the project applicant shall consult with the LAFD regarding the installation of private fire hydrants, sprinklers, and/or other fire protection features within the proposed project. All required fire protection features shall be installed to the satisfaction of the LAFD.

33. **Public Services (Police General).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818,

Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

34. Public Services (Schools).

a. The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

b. Pursuant to California Government Code Section 65595, the project applicant shall be responsible for the payment of all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

c. Environmental impacts may result from project implementation due to the close proximity of the project to a school. However, the potential impact will be mitigated to a level of insignificance by the following measures:

d. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

e. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.

f. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

g. The developer shall maintain unrestricted access for school buses during construction.

h. The developer shall provide crossing guards when safety of students may be compromised by construction related activities at impacted school crossings.

i. Prior to construction, the project developer shall contact LAUSD Transportation Branch at (323) 342-1400 regarding potential impact to school bus routes.

j. The developer shall comply with provisions of the California Vehicle Code by requiring construction vehicles to stop when encountering school buses using red flashing lights.

k. The developer shall not endanger passenger safety or delay student drop-off or pick up due to chances in traffic patterns, lane adjustments, altered bus stops, or traffic lights.

l. The developer shall maintain safe and convenient pedestrian routes to LAUSD schools.

m. The developer shall maintain ongoing communication with school administration at affected schools, providing sufficient notice to forewarn

students and parent/guardians when exiting pedestrian and vehicle routes to school may be impacted.

n. No truck hauls past affected school sites, except when school is not in session. If that is infeasible, do not haul during school arrival and dismissal times.

o. The developer shall provide security patrols to minimize trespassing, vandalism, and short-cut attractions.

35. Traffic Impacts (Demolition/Construction Activities)

a. A Work Area Traffic Control Plan shall be developed for use during the entire construction period. The plan shall incorporate safety measures around the construction sute to reduce the risk to pedestrian traffic and any potential impact to nearby schools. The Work Area Traffic Control Plan shall identify the location of any roadway or sidewalk closures, traffic detours, traffic control measures, warning signs, delineators, protective devices, haul routes, hours of construction, access to abutting properties, and work instructions to be implemented by the construction contractor throughout the duration of demolition and construction activities.

b. Construction workers shall not be permitted to park on the residential neighborhood streets.

c. A schedule of construction activities will be provided to the public and to nearby schools.

d. To the greatest extent feasible, deliveries to the project site shall be coordinated to reduce wait times for trunks to unload building materials.

e. The Applicant shall appoint a community liaison to respond to inquiries or concerns of surrounding residents, schools, and businesses.

f. All construction-related traffic shall be restricted to off-peak hours.

36. Utilities (Local or Regional Water Supplies)

a. The project shall comply with ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation, and water less in the cooler months and during the rainy season).

b. (All new Construction, Commercial/Industrial Remodel, Condominium Conversions, and Adaptive Reuse) Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:

i. High-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.

ii. Restroom faucets with a maximum flow rate of 1.5 gallons per minute.

Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

c. (Landscaping)
In addition to the requirements of the landscape Ordincanec, the landscape plan shall incorporate the following:

i. Weather-based irrigation controller with rain shutoff;
ii. Matched precipitation (flow) rates for sprinkler heads;
iii. Drip/microspray/subsurface irrigation where appropriate;
iv. Minimum irrigation system distribution uniformity of 75 percent;
v. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; and
vi. Use of landscape contouring to minimize precipitation runoff.
vii. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

d. (All New Residential, Condominium Conversions, and Adaptive Reuse)
Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall:

i. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
ii. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance, Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
iii. Install and utilize only high-efficiency Energy Star-rated dishwasher in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

37. Utilities (Solid Waste)

a. Environmental impacts may result from project implementation due to the creation of additional solid waste. However, this potential impact will be mitigated to a level of insignificance by the following measures:

b. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

c. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

d. To facilitate onsite separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

C. ADMINISTRATIVE CONDITIONS

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

39. Code Compliance. Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with Los Angeles Municipal Code, except where herein granted conditions override.

40. Definition. Any agency, public official, or city department referenced in these conditions shall mean that agency, public official, or city department, or its successor(s) or designee(s). "State Density Bonus Program" refers to State Government Code Section 65915. "Ordinance" refers to Ordinance 179,681 as the implementation Ordinance approved by the City Planning Commission on June 9, 2005 and August 21, 2006 and the Planning and Land Use Management Committee of the City Council on April 4, 2006, adopted by the City Council on February 20, 2008 effective on April 15, 2008.

41. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

42. **Building Plans**. Page 1 of this grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.

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

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

FINDINGS

After thorough consideration of the information, statements, and plans contained in the application; the reports received from other city departments and governmental agencies; the project's environmental clearance; and the State Government Code Section 65915 (State Density Bonus Program), I hereby find that the requirements for issuing a Site Plan Review and Density Bonus Compliance Review approval have been established by the following:

Description of the Subject Project

The project involves the demolition and removal of three existing commercial buildings containing approximately 17,400 square feet of floor area, surface parking areas, and landscaping, including non-protected trees, on the subject property to construct a new, approximately 110,465 square foot apartment development containing 125 dwelling units and 166 surface and subterranean parking spaces including the reuse of an existing surface parking lot. The project will be 5 stories tall with a maximum height of 56 feet. There will also be 31 trees planted.

The subject project is located at 357-393 N. La Cienega Boulevard and 407- 417 N. Westmount Drive. The site is located within the Wilshire Community Plan Area and is bordered by the City of West Hollywood to the west. The project site is comprised of five lots which are zoned C2-1VL-O (approximately 36,835 square feet) and [Q]P-1VL-O (approximately 7,702 square feet) , encompassing a total area of approximately 44,537 square feet. The Q Conditions of Ordinance 172,741 impose design and use restrictions on the 417 Westmount Drive parcel. The General Plan Land Use Designations are Neighborhood Commercial for the commercial zoned lots and Neighborhood Commercial for the parking lot. Footnote No. 7 of the Wilshire Community Plan states that the Neighborhood Commercial land use designation includes associated parking.

La Cienega Boulevard, adjoining the subject property to the east, is a designated Class II Major Highway dedicated approximately 100 feet in width and improved with curb, gutter, and sidewalk. Westmount Drive, adjoining the property to the north, is a non-continuous designated Local Street dedicated approximately 50 feet in width and improved with curb, gutter, and sidewalk. It is not a through street and terminates as it intersects with the property at the northeasterly corner of the project site.

Existing Land Use and Zoning

The property to the north, across Westmount Drive, is developed with a one-story restaurant. The property further north, extending along the westerly side of La Cienega Boulevard is developed with one- and two-story commercial buildings. The properties to the east, across La Cienega Boulevard, are developed with one- to three-story commercial building. The property to the south, fronting the west side of La Cienega Boulevard is developed with a two-story commercial building located along the front property line and a two-story apartment building located near the rear property line. Each of the properties mentioned thus far are zoned C2-1VL-O and have a land use designation of Neighborhood Commercial. The properties to the west, located in the City of West Hollywood, are zoned R1B and developed with one- and two-story, single- and multi-family buildings.

SITE PLAN REVIEW COMPLIANCE FINDINGS

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

The subject project is located within the Wilshire Community Plan and is not located within any Specific Plan. The subject property is a relatively level, approximate 1.02 acre, irregular shaped corner parcel of land fronting approximately 160 feet along the westerly side of La Cienega Boulevard and approximately 166 feet along the southerly side of Westmount Drive. The site is classified in a combination of C2-1VL-O (approximately 26,835 Square foot portion) and [Q]P-1VL-O (approximately 7,702 square foot portion) zoning.

The proposed development will utilize a 35 percent Density Bonus pursuant to the City's Affordable Housing Incentives – Density Bonus provisions contained in Section 12.22 A 25 (c) of the LAMC to allow 33 units in addition to the property's 92 unit maximum by-right density for 125 total units. Parking Option 1 will also be utilized pursuant to Section 12.22 A 25 (d) (1) of the LAMC, which allows qualifying Housing Development Projects to provide one parking space for each studio for each studio or one bedroom unit and two parking spaces for each two or three bedroom unit. The proposed development will provide 103 parking spaces for the 103 one-bedroom units, 6 parking spaces for the 3 two-bedroom units, 18 parking spaces for the 18 loft-style units, and 1 parking space for the studio unit which comprises the 128 required parking spaces. In response to community concerns about parking impacts on the surrounding streets, an additional 38 parking spaces will be provided for a total of 166 parking spaces.

The project complies with all side and rear yard setback requirements in accordance with LAMC Section 12.11 C. A residential building in the C2 zone is required to comply with the side and rear yard setback standards of the R4 zone. The entire development will observe 8-foot side yard setbacks and a 17-foot rear yard setback. While no front yard setback is required, the project will observe an 8-foot front yard setback along La Cienega Boulevard and an approximately 4-foot front yard setback along Westmount Drive. There are no yard requirements for the [Q]P zoned portion of the property, but the northwesterly side yard and portions of the westerly rear yard for the development will be provided in the [Q]P zoned portion of the property pursuant to Section 12.21 C 1 (b) of the LAMC. The proposed project is designed to comply with all [Q] Conditions in accordance with Ordinance 172,741 for the surface parking lot that is adjacent to residential properties. The project complies with open space all requirements in accordance with Section 12.21 G of the LAMC.

Two on-menu Affordable Housing Incentives are requested per the Density Bonus provisions contained in Section 12.22 A 25 of the LAMC to increase the Floor Area Ratio (FAR) and building height of the project. The requests are for a increase from 1.5:1 FAR to an approximate 2.99:1 FAR and an increase in the height of the building from 45 feet to a maximum 56-foot in height building (exclusive of rooftop structures).

The Density Bonus incentive authorizes a FAR increase of up to 3:1 provided the project complies with the following conditions. The subject property fronts along La Cienega Boulevard, which is identified as a Major Highway. The project complies LAMC 12.22 A

25 (f) (4)) (ii) which requires that at least 50% or more of the property is locate within 1,500 transit stop. Just south of the site, approximately 680 feet away is a major public Transit Stop. Therefore, the increase in FAR complies with the provisions of the LAMC.

Portions of the building above 45 feet in height will comply with Section 12.22 A 25 (f) (5) (i) (b) of the LAMC, which requires an additional one foot setback for each foot of additional height of the building, for a maximum of 11 feet. To comply with these requirements, the fifth floor of the building abutting the City of West Hollywood R1B zoned lots is set back according to the code. Beginning at a point 15 feet from the property line the permitted building height gradually increases, allowing low-level planters and ultimately the fifth floor roof height 56 feet above grade. This resulting set back of the 5th floor portion of the building façade from the rear yard property line is the required 26 feet. These on-menu incentives for FAR and height are permitted for a Housing Development project that provides Restricted Affordable Units under the City's Affordable Housing Incentives program.

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

The property is located within the Wilshire Community Plan Area. The latest revision was adopted by the Los Angeles City Council on September 19, 2001. The proposed apartment development is consistent with the Neighborhood Commercial land use designation and the property's combination C2 and [Q]P zoning. The C2 zone allows for R4 zone density development standards for the residential portion of projects. The subject project is consistent with the General Plan in that the proposed use complies with the uses permitted by the zone.

Additionally, the provision of 11 Very Low Income Restricted Affordable Units within the development addresses the affordable housing goals and objectives contained in the Plan. The subject property fronts along La Cienega Boulevard, which is identified as a Major Highway. Just southerly of the site, approximately 550 feet away, are located a major public Transit Stop, a Regional Center and a Community Center on the westerly and easterly sides of La Cienega Boulevard, respectively. This location along La Cienega Boulevard is therefore appropriate for the proposed multi-family housing development, including affordable units, and is situated in close proximity to an array of commercial/retail, transit, and community services.

3. The project is consistent with any applicable adopted Redevelopment Plan.

The project is not located within the boundaries of any Redevelopment Project Plan.

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

The subject property fronts along La Cienega Boulevard – a designated Major Highway, and is located within the Wilshire Community Plan area – which has one of the highest multi-family densities in the City. Along the primary street facades fronting La Cienega

Boulevard and Westmount Drive, clean contemporary lines are reinforced by simple bold massing.

Existing development within the immediate vicinity along La Cienega Boulevard consists of older, one-to three-story buildings and consistent with the established C2 zoning pattern northerly and southerly of the subject property, which is appropriate for this commercial corridor. The C2 Zone also allows R4 multi-family residential density/mixed use development, and the Community Plan Neighborhood Commercial Land Use designation allows RAS3 and RAS4 Zone mixed use development. Such future development would also be appropriate as the site and corridor are well-served by public transit routes and connections. In particular, the subject property is located approximately 680 feet northerly of a Transit Stop located at La Cienega Boulevard and Beverly Boulevard and along the metro 105 and Rapid 705 routes. The contemporary design reflects the urban connection to these street frontages and the larger regional area. Thus, the proposed residential development will be compatible with existing commercial development along this designated Major highway and consistent with potential future development in the area that may include commercial, mixed use, and /or multi-family residential developments. Additionally, the project as designed is consistent with Objective 1-2 of the Wilshire Community Plan which encourages future development of higher density residential housing near public transportation centers.

Property adjacent westerly, located in the City of West Hollywood, is zoned R1B and allows residential single-family or two-unit low density uses (comparable to the City of Los Angeles R2 Zone). The proposed multi-family residential development of the subject property will provide a variation from higher intensity commercial uses along La Cienega Boulevard for these residential uses. The subject development will be setback in accordance with the City of Los Angeles R4 Zone yard requirements, resulting in an approximate 17 foot rear yard along the westerly property line. The building façade of the fifth floor will be set back approximately 26 feet from the rear property line. There will be an approximately 8 foot in height wall constructed along the rear property line to enclose the rear yard and screen views of the subject property. The sides and rear of the building are designed to be sensitive to neighboring residential context to achieve a more intimate scale and articulation. This is accomplished by stepping the building back at the fifth floor, accenting balcony insets, and alternating building materials. The mass is further broken down through the introduction of a large, two-tiered courtyard that extends deep into the rear of the building, and a second floor courtyard opening to Westmount Drive. The proposed project is designed to comply with all [Q] Conditions in accordance with Ordinance 172,741 for the surface parking lot that is adjacent to residential properties. Proposed landscaping on the subject property and existing accessory structures and landscaping on the adjacent properties will provide buffering and screening of the new building proposed on the subject property. The entire site will be appropriately landscaped in accordance with the detailed Landscape Plan (as required by Condition 1 of this Determination), that must be submitted with the final plans.

The subject property is located at the intersection of both La Cienega Boulevard (Class II Major Highway) and Westmount Drive (Local Street), which terminates in a cul-de-sac. To provide efficient vehicular circulation for the development and to reduce the potential for pedestrian and vehicular conflicts, vehicular access to the development will be located along Westmount Drive. Parking will primarily be located underground and since Westmount Drive is a non-continuous cul-de-sac, there is no vehicle access to the adjacent residential neighborhood. The proposed project provides 166 off-street parking spaces in a one-level subterranean garage.

The proposed design is consistent with the guidelines of the City's Walkability Checklist which is included in the case file. The main pedestrian entry is prominently situated and oriented toward the intersection of La Cienega Boulevard and Westmount Drive. At ground-level, the common areas fronting along La Cienega Boulevard are programmed to achieve maximum transparency and to provide a pedestrian friendly orientation. The exterior ground-level walls of the building fronting along La Cienega Boulevard and Westmount Drive contain large, transparent windows, and there will also be tiered landscape planters along Westmount Drive, which is set back approximately 4 feet from the side yard to create additional area for landscape opportunities. The ground floor is articulated with storefront glazing which is consistent with existing commercial buildings along La Cienega Boulevard. Additionally, the upper level of the building is predominately translucent to compliment the base. There are public transit services available on La Cienega Boulevard in both northerly and southerly directions.

5. **The subject development project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or additional findings as may be required by CEQA.**

The Mitigated Negative Declaration, ENV-2007-5180-MND, was prepared by the Environmental Review Section of the City Planning Department in accordance with the City's CEQA guidelines and the mitigation measures are incorporated as conditions of approval of the project. As such, it reflects the independent judgment of its staff and the independent judgment of the Director of Planning, or the Director's designee as permitted by the Site Plan Review Ordinance (Ordinance No. 166,127). Responses to Comments" (Exhibit A) comprises the response to comments as required under the California Environmental Quality Act and is incorporated into this determination by reference.

6. **If the project contains residential uses, it provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.**

The project incorporates open space as required by the Los Angeles Municipal Code, and improves habitability for its residents by providing 12,576 square feet of open space for the 125 residential units which includes a 1,393 square-foot common room, 3,259 square feet of courtyards, 2,722 square feet of roof decks, and private balconies for 104 of the residential units.

DENSITY BONUS COMPLIANCE FINDINGS

1. **The Project substantially complies with the applicable regulations, standards and provisions of the State Density Bonus Program.**

As conditioned by this approval, the subject project complies with all applicable provisions of State Density Bonus Program and the City's adopted implementation Ordinance. The project qualifies for a 35% density bonus because 11% of its by-right units are set-aside as restricted for very-low income households. On the C2 zoned portion of the site, 1 dwelling unit is allowed for each 400 square feet of lot area in the C2 Zone, resulting in a by-right density of 92 dwelling units. Utilizing the Density Bonus, 35% of the 92 unit base density yields 32.2 units, which per the code is rounded up to 33 units. Therefore, 125 total units may be developed on the property and 11 percent of the 92 unit base density, which is 10.12 units or 11 units as also rounded up per the code, will be reserved for Very Low Income households. For the height incentive, 11% of the units are required to be reserved for Very Low Income households. Accordingly,11 units in the development are set aside. As noted in the adopted Ordinance, the set aside units allow by-right increases in density and reduced parking requirements (based on the type and number of units). Since the project sets aside at least 11% of its units for very-low income households, the applicant is eligible for two incentives and has requested two incentives from a specified menu of concessions, as described below:

Incentives/Concessions:

The following concessions are required to maximize the number of affordable units for this under-served population.

(1) **Height.** Pursuant to the draft Density Bonus Ordinance, the subject project qualifies for an eleven (11) additional feet in building height. This allows the construction of a fifth floor of the building to extend to a maximum of 56 feet, excluding permitted roof-top structures, to provide the Affordable Restricted Units. Due to the proximity to low density residential properties to the west, portions of the development constructed over 45 feet in height will be set back one foot for each foot of additional height as required by 12.22 A 25 (f) (5) (i) (b) of the LAMC, resulting in an approximate 26 foot setback of these portions of the fifth floor building façade from the rear property line.

(2) **Floor Area Ratio.** Pursuant to the Density Bonus Ordinance, the subject project qualifies for a 3:1 floor area ratio, given that it's located in a Commercial Zone in Height District 1 (the site is zoned C2-1VL) and because the following criteria are met:

i. The development includes the number of Affordable Restricted Units sufficient to qualify for a 35% density bonus.

ii. More than 50% of the commercially zoned parcel is located on a Major Highway in or within 1,500 feet of a Transit Stop/Major Employment Center. An existing Major Bus Stop (The Metro Rapid 705) is within 1500 feet of the site (at the intersection of La Cienega Boulevard and Beverly Boulevard), and has peak-hour headways of 15 minutes or less in two directions for at least two of the three hours between 4:00 pm and 7:00 pm.

2. **Environmental:** 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 extend physically feasible. In compliance

with requirements of the California Environmental Quality Act (CEQA), the project was issued a Mitigated Negative Declaration (ENV 2007-5180-MND) in accordance with the Los Angeles CEQA guidelines. Responses to Comments" (Exhibit A) comprises the response to comments as required under the California Environmental Quality Act and is incorporated into this determination by reference.

Case Number:
DIR-2007-5179-SPR-DB-1A
Determination Letter Mailing
MAILING DATE: 07/29/2010

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