

LOS ANGELES CITY PLANNING DEPARTMENT RECOMMENDATION REPORT

CITY PLANNING COMMISSION

DATE: **May 11, 2006**
TIME: **after 8:30 a.m.***
PLACE: **Los Angeles City Hall**
200 N. Spring Street, 10th Floor
Los Angeles, CA 90012

Public Hearing completed: March 1, 2006
Expiration Date: May 14, 2006
Height District Change is appealable by applicant to City Council if disapproved in whole or in part; Variance and Adjustment and Site Plan Review are appealable to City Council (per LAMC Section 12.36)

CASE NO. CPC 2005-8980-HD-ZV-ZAA-SPR
HEIGHT DISTRICT CHANGE-ZONE VARIANCE-YARD ADJUSTMENT-SITE PLAN REVIEW
CEQA: ENV 2005-8971-MND

Location: 1011-1031 Serrano Avenue
Council District: 10
Plan Area: Wilshire
Neighborhood Council: Wilshire Center-Koreatown
Plan Land Use: High Medium Residential and Community Commercial
Zone: R4-1, C2-1
District Map: 129B193
Lots 7-11, Block 7, Pellissier Tract

REQUEST:

1. Pursuant to Section 12.32.B of the Los Angeles Municipal Code, a **Height District Change** from R4-1 (Multiple Dwelling Zone with Floor Area Ratio of 3:1) to R4-2 (Multiple Dwelling Zone with Floor Area Ratio of 6:1);
2. Pursuant to Section 12.27 of the Municipal Code, a **Variance** to permit a portion of a 58-unit condominium building observing a Floor Area Ratio of 5:1 in lieu of the maximum 1.5:1 permitted in the C2-1 Zone;
3. Pursuant to Section 12.28.A of the Municipal Code, a **Zoning Administrator's Adjustment** to permit a front yard setback of 10-feet in lieu of the 15-feet required

PROJECT: The construction of a 58-unit residential condominium building with 130 parking spaces (116 for residents, 14 guest parking). The proposed building will be six stories above two levels of subterranean parking, approximately 72-feet in height. The site is 31,050 net square feet and is currently vacant.

APPLICANT: Green Harbor, LLC

RECOMMENDATION:

1. **Approve and Recommend** that the City Council Adopt a Zone and Height District Change from R4-1 to (T)(Q)R4-2, subject to the attached Conditions of Approval.
2. **Approve** a Variance to permit a Floor Area Ratio of 5:1 in lieu of the maximum 1.5:1 permitted in the C2-1 Zone, subject to the attached Conditions of Approval.
4. **Approve** an Adjustment to permit a minimum front yard setback of 10-feet.
5. **Adopt** Mitigated Negative Declaration No. ENV 2005-8971-MND.
6. **Adopt** the attached Findings.
7. **Recommend** that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative classification or "Q" Qualified classification are specified in Section 12.32.G of the L.A.M.C. Conditions must be satisfied prior to the issuance of building permits and, that the "T" Tentative classification be removed in the manner indicated on the attached page.
8. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
9. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and /or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

S. GAIL GOLDBERG
Director of Planning

David Gay, Principal City Planner

Jim Tokunaga, Hearing Officer (213) 978-1470

Attachments

Conditions
Findings
Staff Report
Exhibits
ENV 2005-8971-MND

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 532, 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 the 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 this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with 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 not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

[Q] QUALIFIED CONDITIONS OF APPROVAL

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

A. Entitlement Conditions

1. **Use.** The use of the subject property shall be limited to those uses permitted in the R4-2 Zone as defined in Section 12.11 of the LAMC.
2. **Site Plan.** Prior to the issuance of any permits for the subject project, detailed development plans, including a complete landscape and irrigation plan shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The plan shall be in substantial conformance with the plot plan labeled as Exhibit "A" stamped and dated May 11, 2006, attached to the subject case file. 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.
3. **Height.** No building or structure located on the subject property shall exceed a height of 73-foot and in substantial conformance with the elevation plan labeled as Exhibit "A" stamped and dated May 11, 2006, pursuant to Section 12.21.1 of the Municipal Code.
4. **Floor Area.** The total floor area shall not exceed six times the buildable area of the lot as defined by Section 12.03 of the Municipal Code.
5. **Density.** Not more than 58 dwelling units may be constructed on the subject site.
6. **Parking.** All project related parking shall be provided in compliance with Section 12.21.A.4 of the Municipal Code and the following:
 - a. Residential guest parking space at a minimum of one quarter space per dwelling unit, shall be provided in addition to Municipal Code required parking which shall be readily accessible, conveniently located and specifically reserved for guests
 - b. Tandem parking may be used only for the spaces which are assigned and designated for a single residential unit.
 - c. If any residential guest parking is located behind security gates, the following shall be apply:
 - 1) A remote electronic gate opening system shall be installed so that the security gate can be opened from each residential unit served by the secured guest parking.
 - 2) An electronic intercommunication system shall be installed. The system shall be readily accessible to the drivers of guest vehicles and to the units served by the secured guest parking.
 - 3) Alternatives to the provisions of this condition may be approved by the Department of City Planning provided that the intent of readily accessible guest parking facilities and no interference with the public right-of-way is assured.

B. Other Conditions

7. **Construction Related Parking.** No employees or subcontractor shall be allowed to park on surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of heavy construction vehicles along Serrano Avenue before 9:00 AM or after 4:00 PM, Monday through Friday. All construction vehicles shall be stored on site unless returned to their owners base of operations.
8. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 4:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site shall occur on any local or collector street within the project vicinity outside of that time period.
9. **Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.
10. **Maintenance.** The subject property including associated parking facilities, sidewalks, outdoor pool areas, and landscaped planters adjacent to the exterior walls along the property lines shall be maintained in an attractive condition and shall be kept free of trash and debris. Trash receptacles shall be located throughout the site.
11. **Landscape Plan.** Prior to the issuance of a building permit, a landscape plan shall be submitted in substantial conformance to the schematic landscape plan shown on the plot plan labeled as Exhibit "A" stamped and dated May 11, 2006. The landscape plan shall include a front yard open space courtyard setback a minimum of 28-feet from the front property line.
12. **Balcony Walls.** The balcony walls along the north, south, and west sides of the building shall be fully enclosed. Balcony walls along the front portion of the building (east face) facing the street shall be at minimum half fully enclosed, the remaining half may be open with railing or similar material.

C. Environmental Conditions

13. **Open Space Landscape.** 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 consistent with the landscape provisions of Sections 12.40 through 12.43 of the Municipal Code by a licensed landscape architect to the satisfaction of the Planning Department.
14. **Lighting.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
15. **Seismic.** 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.
16. **Construction (Air Quality).**

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
- b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.
- e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

17. Construction (Noise). The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

- a. All construction equipment shall be fitted with residential grade mufflers.
- b. A ten-foot temporary sound barrier shall be erected along the northern boundary of the project site such that the "line of sight" between construction activity and adjacent residential uses along Mansfield Avenue and Orange Drive is blocked. This barrier shall be comprised of, or line with, acoustical blankets or similar device with a sound transmission class rating of twenty-five or more.
- c. Construction shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.
- d. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
- e. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- f. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.

18. General Construction.

- a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials and

wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

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

19. Stormwater and Urban Runoff Pollution Control. The project shall comply with the following:

- a. Ordinance Nos. 172,176 and 173,494 (Stormwater and Urban Runoff Pollution Control), which require the application of Best Management Practices (BMPs).
- b. Chapter IX, Division 70 of the Municipal Code, which addresses grading, excavations, and fills.
- c. The Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board (A copy of the SUSMP can be downloaded at <http://www.swrcb.ca.gov/rwqcb4/>).
- d. Stormwater BMPs shall be incorporated to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the *Development Best Management Practices Handbook Part B Planning Activities*. A signed certificate shall be required from a California licensed civil engineer or licensed architect that the proposed BMPs comply with this numerical threshold standard.
- e. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater drainage rate will result in increased potential for downstream erosion.
- f. Maximize trees and other vegetation at the site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- g. Any connection to the sanitary sewer shall be required to receive authorization by the Bureau of Sanitation.
- h. All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical

icons to discourage illegal dumping.

- j. The owner shall record a covenant and agreement satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.
- k. Design an efficient irrigation system to minimize runoff including: (1) drip irrigation for shrubs to limit excessive spray; (2) shutoff devices to prevent irrigation after significant precipitation; and (3) flow reducers.

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

21. Parking Structure Ramps. Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas.

22. Solid Waste. The developer shall institute a recycling program to the satisfaction of the Planning Department to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.

D. Administrative Conditions

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

24. Code Compliance. Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.

25. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

26. Definition. Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.

27. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the

agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

28. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
29. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
30. **Idemnification.** The applicant shall defend, idemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, idemnify, or hold harmless the City.

VARIANCE AND ADJUSTMENT CONDITIONS OF APPROVAL**A. Entitlement Conditions**

1. **Front Yard Setback.** A ten-foot front yard setback shall be permitted and in substantial conformance with the plot plan labeled as Exhibit "A" stamped and dated May 11, 2006, attached to the subject case file. In addition, a front yard landscaped courtyard, open to the street, shall be provided with a minimum setback of 28-feet. All other yard requirements shall comply with Section 12.11.C of the LAMC.
2. **Floor Area (C2-1 Zone).** The floor area in the C2-1 Zone portion of the project may exceed 1.5:1 provided that the building is part of a uniform development in substantial conformance with the plot plan labeled as Exhibit "A" stamped and dated May 11, 2006, attached to the subject case file. In no event shall an individual building be permitted in the C2-1 Zone portion of the site that exceeds 1.5:1 FAR.

B. Administrative Conditions.

3. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
4. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
5. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
6. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
7. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
8. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
9. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions

are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

- 10. Utilization of Entitlement.** The applicant/owner shall have a period of two years from the effective date of the subject grant to effectuate the terms of this entitlement by either securing a building permit or a certificate of occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the privileges, the applicant files a written request and is granted an extension to the termination period for up to one additional year pursuant to Sections 12.24.J.3 and 12.28.C, of the Municipal Code. Thereafter, the entitlement shall be deemed terminated and the property owner shall be required to secure a new authorization for the use.
- 11. Multiple Entitlements.** The subject Adjustments for building setback require the completion of all applicable conditions of approval herein to the satisfaction of the Planning Department and the effective date of these grants shall coincide with that of the associated zone/height district change on the property involved.
- 12. Idemnification.** The applicant shall defend, idemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, idemnify, or hold harmless the City.

CONDITIONS FOR EFFECTUATING [T] TENTATIVE CLASSIFICATION REMOVAL

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

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

Responsibilities/Guarantees.

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.
 - a. Street Dedication and Improvements. If determined necessary, dedicate and improve all adjacent streets to the satisfaction of the City Engineer.
 - b. Street Lighting. Provide street lighting to the satisfaction of the Bureau of Street Lighting.
 - c. Street Trees. Construct tree wells and plant street trees to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
 - d. Sewers. Construct sewers to the satisfaction of the City Engineer.
 - e. Drainage. Construct drainage facilities to the satisfaction of the City Engineer.
3. Parking and Driveway Plan. Prior to the issuance of a building permit, the applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation (Citywide Planning Coordination Section) for approval.
4. Recreation and Parks Dedication/Fee. Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

5. Schools. The applicant shall make payment to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
6. Cable Television. The applicant shall make necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05.N, to the satisfaction of the Department of Telecommunications.
7. Police. The building plans shall incorporate 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 and building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. 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, Phone: 213-485-3134). These measures shall be approved by the Police Department prior to the issuance of building permits.
8. Fire. The requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features:
 - a. Fire lanes, where required, shall be a minimum of 20 feet in width;
 - b. All structures shall be within 300 feet of an approved fire hydrant;
 - c. Entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

Notice. If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

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.

FINDINGS

- 1. General Plan Land Use Designation.** The subject property is located within the area covered by the Wilshire Community Plan, which was adopted by the City Council on September 19, 2001 (Case No. CPC-1997-0051-CPU). The Wilshire Community Plan designates the subject site with two different land use categories. Four of the five parcels are designated as High Medium Residential with a corresponding zone of R4 and these parcels are zoned R4-1, consistent with the land use designation. One parcel is designated as Community Commercial with corresponding zones of CR, C2, C4, P, PB, RAS3, and RAS4, this parcel is currently zoned C2-1 and consistent with the land use designation. The High Medium Residential designation also has a Plan Footnote No. 6 which permits Height District No. 2 and a six to one floor area ratio (FAR).
- 2. General Plan Text.** Chapter III of the Wilshire Community Plan under Land Use Policies and Programs, includes the following relevant language for residential and commercial uses:

Goal 1: Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Wilshire community.

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

Policy 1-1.3: Provide for adequate Multiple Family residential development.

Program. The Community Plan Map identifies land where Multiple Family residential development is permitted.

The Plan map identifies the site for multi-family residential and the proposed project is comprised of 58 new condominium units and will replace an existing vacant site.

- 3. The Transportation Element** of the General Plan may be affected by the recommended action herein. However, as part of the zone change "T" and/or tract map conditions of approval, any necessary dedication and/or improvements of Serrano Avenue to Plan designated Local Street standards will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.
- 4. The Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
- 5. Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the street which adjoin the subject property.

6. Zone/Height District Change Findings.

- a. *Pursuant to Section 12.32.C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.*

The subject property is a level, rectangular shaped, interior parcel of land composed of five record lot, located on the west side of Serrano Avenue southerly of Olympic Boulevard. The property fronts on Serrano Avenue for a distance of 730 feet with a uniform depth along the northerly and southerly side lot lines of 135-feet. The site is currently vacant with the northerly 46-feet (Lot 11, Block 7, Pellissier Tract) classified in the C2-1 Zone and the remainder (Lots 7, 8, 9, and 10, Block 7, Pellissier Tract) classified in the R4-1 Zone. The current application is a request to change the Height District of the R4-1 Zone portion of the site to R4-2 which will permit an increase in the allowable floor area ratio (FAR) from 3:1 to 6:1 or double the current maximum. In order to accommodate the proposed project a concurrent zone variance request has been submitted to increase the FAR in the C2-1 Zone portion but not a subject of the Height District Change.

The proposed project is for the construction of a six story, 58-unit residential condominium building across all five parcels. As currently zoned, the FAR is limited to 3:1 in the R4-1 Zone which would allow a maximum 74,520 square feet of floor area. The C2-1 Zone with a 1.5:1 FAR would permit a floor area of 9,315 square feet. When adjusted to exclude the area utilized for yards (as required for condominium developments) a development of approximately 74,535 square feet could be constructed. The proposed project is approximately 121,000 square feet observing a floor area of approximately 5:1 (including the C2-1 Zone portion).

The Wilshire Community Plan designates the subject site for Community Commercial and High Medium Residential. A footnote to the High Medium Residential designation permits Height District 2 (6:1 FAR) in this designation and the request to change the height district is consistent with the Wilshire Community Plan footnote. There is no actual height limit in this zone classification and the proposed 72 feet, six inches is permitted by the Wilshire Plan.

- b. The action, as recommended, has been made contingent upon compliance with the "T" and "Q" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

7. Zone Variance Findings (for C2-1 Zoned Lot). Pursuant to Section 12.27.D of the Municipal Code:

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

The applicant has requested a Zone Variance to permit an increase in FAR in the C2-1

Zone portion of the site. Currently, the C2-1 Zone limits the FAR to 1.5:1. There is a practical hardship in this case because the one lot that is zoned C2-1 is part of a unified development consisting of five parcels in which the remaining four parcels are zoned R4-1 and a Height District change request to R4-2 has been submitted on those lots. A variance is needed to permit the increase in FAR in the C2-1 Zone. Because the request to permit the increase in FAR is part of an overall development on five continuous lots, and not a stand alone building with a 6:1 FAR in the C2-1 Zone, the proposed project is consistent with the intent and purpose of the zoning regulations in not permitting a commercial project with a 6:1 FAR in the current C2 Zone.

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

Special circumstances exist in that the development site is comprised of five parcels under one ownership in which four of the parcels are zoned one zone (R4-1) and one parcel is zoned another zone (C2-1). In order to develop a project that is uniform in density and physical distribution across all five parcels, a variance is necessary to accommodate the proposed design. Without the variance, the project would have to be designed to meet zoning regulations of two different zones.

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

Special circumstances require a variance on the subject lot in order to design a building that can be uniformly built over the entire site. The practical difficulty is that without the variance, the proposed project on five lots would have to be designed with one set of zoning regulations on the four R4-2 Zoned parcels and another separate building on the C2-1 Zoned lot. The variance will allow the applicant to distribute the building across all five parcels allowing a more cohesive residential development to occur in conformance to the surrounding R4 Zoned properties along Serrano Avenue. Although the existing C2-1 Zone does not permit the proposed 5:1 FAR, the Wilshire Community Plan does not prohibit a FAR of 6:1 in the Community Commercial designation zoned C2.

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

The C2-1 Zone permits multi-family residential development, however, the existing Height District No. 1 limits the FAR to 1.5:1. The applicant is seeking a variance to permit an increase in FAR up to 6:1 as part of a residential development on this lot as well as the adjacent four parcels to the south. The concurrent Zone Change on the R4 Zoned properties to Height District 2 will permit an FAR up to 6:1 on those lots. The proposed development is a residential project on parcels that are designated as residential and will not be materially detrimental to public welfare in that there are residential uses immediately adjacent to and surrounding the subject site.

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

Zone variance procedures are established to grant relief when certain hardships and site impracticality makes compliance with the zoning regulations impossible. The existing zoning on the subject parcels which consist of four parcels with a R4 Zone and one parcel with a C2 Zone makes the development of a uniform project difficult. The variance will permit an increase in FAR on the C2-1 Zoned lot to match the remainder of the building on the R4 Zoned lots. There is no adverse effect on the General Plan since the Wilshire Community Plan permits a FAR of 6:1 in the C2 Zone designated for Community Commercial and the granting of the variance is restricted (by condition of approval) to this one lot and only in conjunction with approval of a project in which the building is part of a project encompassing the southern four lots.

8. **Adjustment Findings (for reduced front yard setback).** Pursuant to Section 12.28.C.4 of the Municipal Code:

- a. *The granting of an adjustment will result in development compatible and consistent with the surrounding area.*

The surrounding properties are developed with an assortment of single and two-story multi family and single family residences. Setbacks appear for the most part to comply with the 15-foot required per the LAMC. However, unlike other adjacent developments which are built on single or at most two parcels, this site is comprised of five parcels considerably larger than adjacent sites (starting at 53.8 feet south of Olympic Boulevard for 230-foot midpoint along Serrano Avenue). In addition, one of the parcels is zoned C2-1 where a commercial use would not require any setbacks (although required for residential uses). The project has been designed with for the most part a 10-foot landscaped setback however around the entrance to the building is a front yard courtyard setback 28-feet from the property line. This courtyard will be a unique feature of the project design and allow for a visual break along the buildings 230-foot facade.

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

The General Plan designates the site for "High Medium Residential" with a corresponding zone of R4 and "Community Commercial" with corresponding zones of CR, C2, C4, P, PB, RAS3, and RAS4. The proposed project is for a residential condominium use permitted within the land use designations and the existing and proposed height district zone. Approval of an adjustment to reduce the required front yard setback from 15-foot to 10-foot will not adversely affect the General Plan since the overall development of the entire site of 58 residential units is in conformance with the intent of the General Plan land use designations.

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

The setback requirements are intended to preserve light and air, and to add privacy to adjacent uses. The nearest adjacent uses to the front yard are residential uses across the 60-foot width of Serrano Avenue. The intent and purpose of the front yard will be met by the width of the street. The proposed 10 to 28-foot front yard setback will provide adequate separation between adjacent uses, as well as provide light and air to project

residents in compliance with the spirit and intent of the setback regulations. In addition the proposed project will offset the reduced setback area by providing a front yard open space area observing a setback of 28-feet.

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

The project has been designed in a manner in which a front yard open space courtyard surrounding the entrance will be setback approximately 28-feet from the property line. However, the remainder of the building along the front elevation will be setback a minimum of 10-feet, five-feet less than the 15-feet required per LAMC. The articulated front yard setback will not have any adverse impacts since a setback is still be provided. The project frontage along Serrano Avenue is 230-feet long and a landscaped 10-foot setback and open courtyard will help create a visual break as opposed (and alternative to) to having a building wall, 73-feet in height along a single 15-foot setback. The proposed setback will not impede light and air into the residential units nor will it cause a intrusion into an adjacent property since the setback in question is along the front yard facing a street.

9. **Environmental.** Conditions of approval are imposed in order to mitigate any potentially adverse environmental effects identified in the Mitigated Negative Declaration. For the reasons set forth in Proposed Mitigated Negative Declaration No. ENV 2005-8971-MND, the project will not have a significant effect on the environment.
10. **Fish and Game.** The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2. The project qualified for the De Minimus Exemption from Fish and Game Fees (AB3158).

STAFF REPORT

Subject Property

Existing Land Use: Vacant
Plan Land Use: High Medium Residential, Community Commercial
Existing Zone: R4-1 and C2-1
Site Area: 31,050 net square feet

Surrounding Land Use and Zoning

Adjacent uses include the auto repair shop in the C2-1 Zone, medical offices in the C2-1 Zone, single- and multi-family dwellings in the R4-1 Zone to the east across Serrano Avenue, multi-family dwellings to the south in the R4-1 Zone, auto repair uses in the C2-1 Zone and single- and multi-family dwellings in the R4-1 Zone.

Street Classification

Serrano Avenue is a designated Local Street dedicated to a 60-foot width at the project's street frontage.

Relevant cases

Vesting Tentative Tract No. 64913. A Vesting Tentative Tract Map for the merger of five lots into one lot for the construction of a new 6-story, 73-foot high, 58-unit condominium with 130 parking spaces.

Reports Received

None

SUMMARY OF PUBLIC HEARING AND COMMUNICATIONS

Hearing

A joint public hearing with the Advisory Agency on this matter was held at Los Angeles City Hall on Wednesday, March 1, 2006.

Present: 6 people attended the hearing.

Speakers: other than the representative for the applicant, the only other speaker was a representative for the Council Office (CD 10) in support.

Summary of Public Hearing Testimony

A representative for the applicant gave a description of the project and the required entitlements, and indicated that the Neighborhood Council supports the project. A representative from Council District 10 spoke in support of the project. No other speakers were present.

Communications Received

None

Hearing Officer Comments

The proposed project is relatively large compared to the surrounding uses but is located adjacent to commercial uses and zone along Olympic Boulevard, a Major Highway. The site is currently vacant, overgrown with vegetation, and walled off with a chain link fence. The proposed project is an infill development that will provide 58 new residential condominium units. Although the project site permits a maximum of 77-units, the applicant is proposing 58-units in order to provide larger units with more amenities. The neighborhood is currently comprised of single and two story multi-family and single family residential buildings. Two new projects within 500-feet of the project site located on the east side of Serrano Avenue and the west side of Hobart Avenue appear to be the same six-stories as the proposed project. The entire plan area south of Olympic Boulevard and north of 11th Street is designated as High Medium Residential with a footnote (No. 6) that permits the requested Height District 2 and the 6:1 FAR. The variance request is appropriate in this case since the site has a unusual circumstance in which a portion of the project site (C2-1)_is zoned differently than the remainder of the site (R4-1).

Description of Exhibits

Exhibit A: Site, Floor, and Elevation Plans

Exhibit B: Vicinity Map

Exhibit C: Radius Map

Exhibit D: ENV 2005-8971-MND