



# DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



## SUPPLEMENTAL

### CITY PLANNING COMMISSION

**Date:** March 8, 2012 (Continued from 11/10/11 and 09/08/11)  
**Time:** After 8:30 a.m.  
**Place:** Los Angeles City Hall  
200 North Spring Street  
Public Works Board Room - 350  
Los Angeles, CA 90012

**Public Hearing:** 01/21/11  
**Appeal Status:** Zone Change appealable to City Council by applicant if disapproved in whole or part.  
**Expiration Date:** 03/08/12  
**Multiple Approval:** Pursuant to LAMC Section 12.36 C

**Case No.:** CPC-2009-3210-GPA-ZC-HD  
**CEQA No.:** ENV-2009-2648-MND  
**Council No.:** 14 – Jose Huizar  
**Plan Area:** BOYLE HEIGHTS  
**Specific Plan:** None  
**Certified NC:** Boyle Heights  
**GPLU:** Public Facilities  
**Zone(s):** PF-1XL  
**Applicant:** Sivoush Nayyeri  
**Representative:** Emilio F. Guterrez,  
Land Development-Civil Engineer

**PROJECT LOCATION:** 1755 East 3<sup>rd</sup> Street

**PROPOSED PROJECT:** The construction of a 4-story, maximum 45 foot high, 40 unit apartment building, providing 80 parking spaces. The proposed project is located on a 26,253 irregularly shaped site currently zoned PF-1XL.

- REQUESTED ACTION:**
1. Pursuant to Section 11.5.6 of the Municipal Code, a **General Plan Amendment** to the Boyle Heights Community Plan from Public Facilities to Medium Residential land use.
  2. Pursuant to Section 12.32 F of the Municipal Code, a **Zone/Height District Change** from PF-1XL Public Facilities Zone, Maximum Height 30-feet/2-stories) to R3-1 (Multiple Dwelling Zone, Maximum Height 45 feet) .
  3. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Adopt** the Mitigated Negative Declaration (MND) for the above referenced project.

### RECOMMENDED ACTIONS:

1. **Disapprove** as Submitted.
2. **Approve** and **Recommend** that the City Council **Adopt** the requested **General Plan Amendment** to the Boyle Heights Community Plan from Public Facilities to Medium Residential.

3. **Approve and Recommend** that the City Council Adopt a **Zone Change** from PF-1XL to (T)(Q)R3-1.
4. **Adopt Mitigated Negative Declaration No. ENV-2009-2648-MND** and associated **Findings**.
5. **Adopt** the attached **Findings**.
6. **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.

MICHAEL J. LOGRANDE  
Director of Planning

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Daniel Scott, Principal City Planner

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Lynda J. Smith, Hearing Officer  
(213) 978-1196

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Kevin D. Jones, Acting Senior City Planner

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### SUPPLEMENTAL INFORMATION

The proposed project was before the City Planning Commission on September 8, 2011. After discussion on the item, the Applicant and City staff were asked to consider the following issues:

- Development of residential dwelling units abutting the 101 Freeway/identification of alternative land use;
- Increased noise insulation (triple glazing) along west building façade (facing freeway);
- Removal of required open space on the building roof-top;
- Possible increase in air-filtration mitigation;
- Pedestrian access along required fire/driveway;
- Overall design of building and increased landscaping on-site.

The Applicant was granted a continuance to March 8, 2012 in order to address the above issues, allow time for review and possible redesign of the project and for submission of revised plans, if required. The Owner and Applicant met with staff from the Planning Department and the following is presented in response to concerns expressed by the City Planning Commission at their September 8, 2011 meeting and as a result of the project consultations with City Planning Department staff:

***Issue/Concern: Identification of possible “alternative” Land Use on the subject site;***

**Response** - The subject entitlement request was submitted by the Applicant as a General Plan Amendment and Zone/Height District change to permit the use and construction of a multiple-family residential development. Staff from the City Planning Department worked with the Applicant and the application was modified to bring both the proposed project and the entitlement request into compliance with the Boyle Heights Community Plan and existing City Planning Department policy.

After discussion by the Commission at its' November 10, 2011 meeting regarding residential land uses which are located adjacent to freeways ( in this case HWY101), it was suggested that perhaps the Applicant and staff could look at possible alternative land uses that would have less potential impacts on “sensitive receptors”. Staff met with the Applicant and other department staff in an effort to determine if an alternative land use would be feasible and whether the proposed mitigation measures were appropriate. It was determined that the requested residential land use and the associated Zone Change and General Plan Amendment are consistent with the Boyle Heights Community Plan (Footnotes 8 and 10) and do not constitute the introduction of an incompatible land use (such as commercial) into the area. Also due to the additional limitations on what type of use could be placed on the site (low traffic generation, no sensitive receptors effected, economic viability), the property owners' ability to develop the site would be even further compromised. It should be noted that any deviation from the subject application requests would require a new or amended application and review, (which would also include a new environmental assessment and traffic analysis). It was therefore determined that the subject request (both entitlements and proposed use) should be brought forth and considered, as submitted, by the City Planning Commission

***Issue/Concern: Emergency Access/Fire;***

**Response** -The subject site is a portion of an excess parcel previously owned by the California Department of Transportation (Caltrans) that was used for open storage, and is now under private ownership. The remainder of the site was retained by Caltrans and will be separated from the subject site by a six foot wall which runs along the property line. It is not known what the disposition of the Caltrans owned portion will be, but it not suitable for development due to

its' size and lack of proper access. The subject site has a north/south orientation and one point of ingress and egress, which is from East 3<sup>rd</sup> Street. This access road measures 25ft 10inches at its' narrowest point, and over 26ft at its' widest point. The Commission questioned the Applicant about fire/emergency access to the site and emergency vehicle turn around.

The subject request is a Zone Change to R3-1. The recommended Zone is (T)(Q)R3-1, which includes both a Qualified Classification (known as (Q) Conditions) and a Tentative Classification (known as (T) Conditions). In this instance, the (T) Conditions can only be removed (cleared) by the posting of guarantees through the B-permit process of the City Engineer to secure City requirements related to: Dedication(s) and Improvements; Street Lighting; Street Trees; Sewers; Drainage; Parking/Driveway Plan; Fire Department; Telecommunications; Schools; Recreation and Parks and Police. (T) Condition No. 7 of the subject approval states:

*Fire Department. 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.*
- d. *Submit plot plans indicating access road and turning area for Fire Department approval.*

The requirements for removal of (T) Conditions/Classification can be found under the section of this grant titled, **CONDITIONS FOR EFFECTUATION (T) TENTATIVE CLASSIFICATION REMOVAL**. The requirements related to emergency access (Fire) are general in nature because project specific recommendations (final development plans have not been approved) were not received from the Fire Department prior to action by the City Planning Commission. Any changes to the proposed project imposed by the City Planning Commission which may affect the site design would require a subsequent review by the Fire Department for compliance. Copies of the approvals and/or guarantees for all of the (T) Conditions (which must be reviewed and approved by the applicable responsible City Agency) will be provided to the Planning Department for attachment to the City Plan case file as part of the (T) Removal process (LAMC Section 12.32-G1(f)).

The following Mitigation Measure is also being required related to Inadequate Emergency Access. *The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.*

The Los Angeles City Fire Department, Department of Transportation and Bureau of Engineering, are the City agencies responsible for review and approval of emergency access and will require a plot plan (as indicated in the (T) Condition and environmental Mitigation Measure) to determine if the site meets emergency access requirements. The Fire Department will not approve the plans unless the site complies with City requirements or alternative compliance measures are guaranteed. No building permit will be issued without review and sign-off from the applicable City agencies for compliance with City regulations.

***Issue/Concern: Pedestrian Access;***

The subject site is located approximately two blocks south of the MTA transit portal "Mariachi Square" located at 1<sup>st</sup> and Boyle. The site has a north/south orientation and one point of ingress

and egress, which is from East 3<sup>rd</sup> Street. This access road measures 25ft 10inches at its' narrowest point, and over 26ft at its' widest point. Because the proposed structure does not have any street frontage and takes all access from one driveway, no pedestrian access was proposed. There is a landscape area of variable width proposed adjacent to the site access drive. The Planning Commission requested that the Applicant work with Planning Department staff to incorporate a pedestrian access route into the proposed site-plan, due to the projects proximity to a transit portal.

The site was re-evaluated by staff and the only way the possible pedestrian access is along the project driveway, as the site is surrounded on the east by other multiple family properties; on the west by the Santa Ana Freeway and vacant Caltrans property and to the north by properties that contain multiple family and commercial uses.

***Issue/Concern: Landscaping/Open Space Design;***

The proposed use is a 40 unit apartment building with 80 on-site parking spaces. As indicated above, the subject site is long and narrow with a north-south orientation. It is located immediately adjacent to the Santa Ana Freeway. The Municipal Code requires approximately 4,300 square feet of "usable" open space for the proposed use. Parking areas, required yards (front and side), and driveways do not qualify as usable open space. The LAMC further requires that Common Open Space:

*Be open to the sky and have no structures that project into the common open space area...;*

*Be readily accessible to all the residents of the site,*

*Constitute at least 50% of the total required usable open space in developments built at an R3, density...*

*Common open space areas shall incorporate recreational amenities such as swimming pools, spas, picnic tables, benches, children's play areas, ball courts, barbecue areas and sitting areas.*

*Roof decks in developments built at an R3 or an RAS3 density, regardless of the underlying zone, may be used as common open space, excluding that portion of the roof within ten feet from the parapet wall.*

*No more than 25% of the required usable open space shall be placed within a recreation room, (minimum area 600sf).*

The Applicant has proposed 13,613 square feet of open space area of which approximately 9,815sf is proposed as a roof top deck and approximately 1,884 is proposed as private open space (balconies) on the west side of the building, facing the Santa Ana Freeway. If the private balconies facing the freeway are eliminated, the project would still meet the Municipal Code requirement for usable open space. If however, both the balconies facing the freeway and the roof-top deck are eliminated, the project would not be able to meet the LAMC open space requirement.

The reduction or elimination of the required open space are possible options which would reduce the potentially significant effects of noise and air quality on project residents, however, these actions would require the granting of a Variance from the Municipal Code which is not a part of the subject entitlement request.

The LAMC further requires that a minimum of 25% of the common open space area be landscaped. The subject site meets Municipal Code requirements for open-space/landscaping, however, because the site is oriented north/south, is rather narrow and because there are no

other placement options for landscaping on the site, the bulk of the landscaped area is located along the property line within a one foot border.

***Issue/Concern: Design/Mitigation Measures for Freeway Adjacent Properties;***

The proposed project is a multiple-family residential use located immediately adjacent to the Santa Ana Freeway (FWY 101), between 3<sup>rd</sup> Street to the South and 1<sup>st</sup> Street to the north. A Mitigated Negative Declaration was done for the project which contains an Air Quality Impact Analysis. The analysis states, 'The proposed residential site is considered comprised of sensitive receptors because the location is adjacent to the Hollywood Freeway (US-101)...this location may experience elevated air pollution levels from vehicle exhaust (especially DPM). A greater level of exposure analysis must therefore be conducted by virtue of residential sensitive receptor conditions. Enhanced mitigation must be incorporated into the project to off-set the effects of freeway proximity.' The Air Quality Impact Analysis was reviewed by Planning Department staff as part of the environmental review, and as a result, the project contains the following environmental Mitigation Measures related to the *identified* effects of noise (increased) and air quality (diminished), on residents of the property:

*Air Pollution (Stationary).* *The applicant shall install an air filtration system with filters meeting or exceeding the ASHARE Standard 52.2 Minimum Efficiency Rating Value (MERV) of at least 13, to the satisfaction of the Department of Building and Safety.*

MERV 13 rated systems are normally utilized in Superior Commercial Buildings. Standard residential developments may utilize MERV ratings ranging from 3 to 7. The proposed use will be constructed at a standard (with regard to stationary air pollution), which exceeds other residential uses located within 500 feet of the freeway.

The following Mitigation Measures are being required as related to noise abatement:

*Increased Noise Levels (Residential within 500 feet of Freeway).* *Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto; and*

*Severe Noise Levels (Caltrans Wall).* *A sound barrier wall shall be constructed within the freeway right-of-way adjacent to the subject property, and to an extent beyond, as deemed necessary by Caltrans. The location, height, and specifications of the wall shall be determined by Caltrans. Prior to issuance of building permits, the applicant shall submit evidence to the City Planning Department that construction of the wall has been completed or arrangements for said construction have been made by the applicant to the satisfaction of Caltrans.*

These mitigation measures have been determined to meet CEQA requirements related to potential impacts. The Department of City Planning issued a response to the City Planning Commission related to air pollution mitigation measures for housing projects in proximity to freeways and it states, 'Active air filtration is the most effective way of minimizing the impact of freeway-generated air pollution on residential uses...the use of other design-related measures such as building orientation, the location of open space areas away from the freeway, and the use of heavy vegetation and tree buffers have a positive effect on reducing air pollution; however, their overall impact is much more limited compared to indoor filtration.' Because many of these measures were not identified as Department policy at the time this project was initially brought before the Commission, they were not included as Conditions of Approval.

In addition, because it was not determined until late in the process that an alternative land use (ie. commercial) was not feasible on the site, the project could not be reviewed by the Urban

Design Studio. It should also be noted, that the architecture of the building will not have an impact on existing development in the area or the neighborhood, because the proposed structure does not have any street frontage and will have very limited visibility from the freeway (top floors only).

Staff would like to recommend the following Conditions of Approval for consideration by the City Planning Commission:

1. **Landscaping.** A minimum one-foot wide landscaped buffer shall be provided adjacent to the property line wall. The landscape area located adjacent to the west property line shall include a "Green Wall" consisting of plant materials that are fast growing, and will, at maturity, create an additional buffer of both noise and air generated from the adjacent freeway. All open areas not used for buildings, driveways, walks, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the planning department (MM).
2. **Pedestrian Access.** The project shall incorporate a walkway along the access driveway. A landscape area (variable width) shall be provided between the roadway and the proposed walkway. The pedestrian walkway shall be clearly delineated within the parking garage. The landscape area shall be identified on the required landscape plan and shall include an automatic irrigation system.
3. **Balconies.** No balconies shall be permitted along the western building façade, or any façade which faces the freeway. External facing balcony walls shall be constructed of opaque or solid materials and shall be composed of complementary building materials/colors so as to be enclosed from view of adjacent off-site street traffic and to support façade articulation. No items shall be permitted to be placed or stored on balconies or balcony railings. The applicant shall ensure that appropriate restrictions are incorporated into the Declaration of Covenants, Conditions and Restrictions, and lease or rental agreements governing the use of the property that each tenant is aware of such restrictions, and that such restrictions are subject to appropriate enforcement measures.
4. **Open Space.** The project shall incorporate the required common open space within an enclosed area such as a recreation room and/or as increased private open space which is not located on any façade of the building which faces the freeway.
5. **Site Plan.** Prior to the issuance of any building permit, detailed development plans, including a complete landscape and irrigation plan and a parking area and driveway plan, shall be submitted to the Planning Department (which shall include a separate review and sign off by the Urban Design Studio) for review and sign-off clearance. These plans shall be in substantial conformance with the plot plan, elevations and landscape plans dated **March 8, 2012**, attached to the administrative file. The plans shall comply with applicable provisions of the Municipal Code, the subject conditions herein and the intent of the subject permit authorization.

## PROJECT ANALYSIS

### Project Summary

Construction of a 45 feet in height, 40 unit apartment building with 80 parking spaces (one level subterranean, one at-grade). Lot is approximately 26,253 square feet and is zoned PF-1XL, Public Facilities General Plan Land Use Designation.

### Background

The subject site is located on 3<sup>rd</sup> Street within the Boyle Heights Community adjacent to the Hollywood Freeway, and one block south of the MTA Gold Line Mariachi Plaza Station. The property was previously owned by Caltrans and was leased as an automobile repair yard. A portion of the Caltrans property was sold to the Applicant and is being proposed for the subject General Plan Amendment and Zone/Height District Change.

Pursuant to Section 12.04.09 of the Los Angeles Municipal Code, *"It is the purpose of the "PF" Public Facilities Zone to provide regulations for the use and development of publicly owned land in order to implement the City's adopted General Plan, including, the circulation and service systems designations in the City's adopted district and community plans, and other relevant General Plan elements, including the circulation, public recreation and service systems elements."* The LAMC further limits the types of development that can occur on PF zoned properties as follows: Farming and nurseries, under power transmission rights-of-way; Public parking facilities located under freeway rights-of-way; Fire stations and police stations; Government buildings, structures, offices and service facilities including maintenance yards; Public libraries not located inside public parks; Post offices and related facilities; Public health facilities, including clinics and hospitals; Public elementary and secondary schools; Any joint public and private development uses permitted in the most restrictive adjoining zones; and, Conditional uses as allowed pursuant to Section [12.24](#) U 21 and Section [12.24](#) W 49 of the Municipal Code when the location is approved pursuant to the provisions of the applicable section. Because the site was sold by Caltrans to the Applicant the subject entitlement requests are necessary to allow for the development and use of the property by a private owner.

Footnote No 10 of the Boyle Heights Community Plan indicates that when a parcel that is zoned PF and was previously held by a board or governing body of a government agency who then sells the property to a private purchaser, the property may be rezoned to the zone that is most consistent within 500 feet of the property boundary. Properties immediately abutting the subject site are zoned [Q]R4-1 but are restricted by both the Qualified Condition [Q], which states, "Limited to existing uses, thereafter must conform to the R3-1 Zone", and Footnote No. 8 of the Boyle Heights Community Plan, which also limits any new development on those properties zoned [Q]R4-1 to the zone permitted in the Medium Density Residential Land Use Category, or R3 only.

### Uses and Street Designations

Properties to the north are zoned [Q]R4-1, R3-1 and C2-1, are planned (General Plan Land Use-GPLU) for Medium Density Residential and Neighborhood Commercial uses and are improved with multiple family residential developments of 1 to 30 units. The MTA Gold Line Mariachi Plaza Station project is under construction at the corner of 1<sup>st</sup> Street and Boyle Avenue;

Properties to the east (abutting) are zoned [Q]R4-1, planned for Medium Density Residential, and improved with multiple family residential uses (1 to 30 dwelling units). These properties are subject to Footnote No. 8 of the Boyle Heights Community Plan:

*Footnote No 8. - With respect to those properties, the plan contemplates that the existing development may continue to be maintained and may be reconstructed in the event of accidental destruction, but that upon the abandonment of such existing development, the property may thereafter be used only for the uses and at the density permitted under the Plan designation (Medium Density Residential and R3 Zone).*

Uses to the east (across Boyle Avenue) are zoned [Q]R4-1 and RD1.5-1, planned for Medium and Low Medium II Density Residential uses and are improved with dwelling units ranging from 1 to 24 per parcel;

Properties to the south are zoned [Q]R4-1 and are planned for Medium Density Residential uses. These properties are improved with a large (125 room/unit) Senior Health Care Facility/Assisted Living Facility, surface parking and multiple family uses (30 and 35 dwelling units per site);

Properties to the west (abutting) include surplus Caltrans property (to remain Zoned PF-1XL/Public Facilities GPLU) with auto repair; the Hollywood Freeway and Residential land; further west of the Hollywood Freeway are residential uses Zoned RD2-1 and RD3-1. Commercial zoned properties (neighborhood serving uses such as a market); An Institutional use (Delores Mission Catholic School) and the City of Los Angeles Pecan Recreation Center and Park (zoned OS-1XL/Open Space).

*NOTE: All properties zoned [Q]R4-1 are subject to the following Q Limitation: "Limited to existing uses, thereafter, must conform to the R3-1 Zone."*

Third Street is a dedicated Local Street improved to a width of 60 feet with gutter and sidewalks.

Boyle Avenue is a dedicated Secondary Highway improved to a variable width of 80-83 feet with gutter and sidewalks.

## **Issues**

Staff is recommending approval of a Zone/Height District Change from PF-1XL to (T)(Q)R3-1 and approval of the requested General Plan Amendment from Public Facilities to Medium Density. Issues expressed at the Public Hearing and in correspondence are as follows:

### **Building Height**

The height of the proposed project is 45 feet. The project will be developed with two levels of parking (one subterranean and one at grade) with three levels of residential uses above. A roof-top common/open space area is also proposed. The subject lot is located immediately adjacent to the Hollywood Freeway and existing uses are open automobile repair and a one story accessory building (shed). The site is oriented north to south with existing grade going from lowest at the south end of the site, increasing to the north. Additionally there is a grade change from east to west along 3<sup>rd</sup> Street, from lowest point at the western terminus (where the site access is located) to highest point at the intersection of 3<sup>rd</sup> Street and Boyle Avenue.

Correspondence received indicates that those parcels abutting the site to the immediate east which range in height from one story to four stories would experience both loss of views and negative shade/shadow impacts.

Response: There are no identified or established scenic-vistas in the area and the proposed project would not have a significant negative effect on the aesthetics of the site or the community as determined by the following thresholds:

*Aesthetics*

- *Does the project include a proposed zone change or variance that would increase density, height, and bulk in areas where there is a consistent theme, style, or building height and setbacks?*
- *Does the project include a proposal to develop or allow development in an existing natural open space area (not including previously developed or infill lots)?*
- *Would the project result in the removal of one or more features that contribute to the valued aesthetic character or image of the neighborhood, community, or localized area?*
- *Would the project introduce features that would detract from the existing valued aesthetic quality of a neighborhood, community, or localized area by conflicting with important aesthetic elements or the quality of the area (such as theme, style, setbacks, density, massing, etc.) or by being inconsistent with applicable design guidelines?*

The proposed project would increase density, height and bulk on the subject site, however, the proposed General Plan Amendment and Zone/Height District change is both consistent with the Boyle Heights Community Plan which calls for the proposed zoning of R3 and height (45 feet) in the subject area, and compatible with the existing pattern of development within 500 feet. There are no established architectural themes or styles in the area. The area contains multiple family uses ranging from duplexes to high density residential facilities. There is no Low Density Single Family zoning in the immediate area and the nearest Single Family uses are located west of the Hollywood Freeway and east of Boyle Avenue along 2<sup>nd</sup> Street.

The proposed project is located immediately adjacent (abutting to the east) residential uses that are zoned [Q]R4-1. The [Q] limits development on these parcels to the R3 density and permits a maximum height of 45 feet. Existing uses are permitted as developed, but any new development is limited to the R3-1 Zone. It should be noted, that the subject use does not have frontage on a street, but is located on an infill lot sandwiched between the freeway (Hollywood) and the rear yards of the multiple family uses which front on Boyle Avenue. The shade/shadows cast by the project would fall on the adjacent freeway ROW for part of the day, and on the very rear portion of the adjacent multiple-family residential lots for a portion of the day and during the time of the year when shadows are more greatly cast (summer). The site is currently vacant except for a utility shed that will be removed. Because the existing abutting uses are varied in height from one to four stories, it can be argued that any development on the site, even at one story, would affect the views of adjacent properties.

The proposed project will be parked pursuant to LAMC requirements. It is located within 1500 feet of an MTA Gold Line station, however, the area is made up of older, multiple-family residential uses, the majority of which, do not contain on-site parking, and the Project does not contain an affordable component, (it is a market-rate development). Street parking is very limited in the area, but project parking (on-site) for tenants and guests is proposed at an appropriate level and would not impact existing street parking supplies.

Traffic

There was concern expressed that this is a dangerous intersection (3<sup>rd</sup> Street and Boyle Avenue) due to the volume and speed of traffic traveling on Boyle Avenue and the incline or elevation change along 3<sup>rd</sup> Street.

Response: The proposed project is a 40 unit multiple family development which would have its' primary access from Third Street, (a dedicated local). Third Street is not a through street, so it can be assumed that the trips that are generated will only include local trips (tenant trips only). Third Street does include a substantial change in grade (lower to higher) from the project access drive to the corner at Boyle Avenue. There is currently a stop sign at the corner of Third Street and Boyle Avenue, but it is not an all direction stop, (the intersection at Third Street and Boyle Avenue is not aligned). There is no recommendation from LADOT for a traffic study or for additional traffic calming measures, such as a four way stop sign, because the project (at less than 50 dwelling units) does not meet the threshold requirement for a traffic study.

#### Freeway Adjacent Development

As indicated, the proposed project is located on property that was previously owned Caltrans Right of Way. It is located immediately adjacent to the Hollywood Freeway on the west (there is a portion of the Caltrans parcel between the site and Freeway) and abuts existing residential uses to the east. An Air Quality Impact Analysis and a Geotechnical Soils Investigation were done at the site. The soils report indicates no presence of contaminated soils, but standard environmental Mitigation Measures were included related to erosion/grading and short-term construction impacts. The air quality analysis indicates that any adverse air quality effects of freeway proximity will be off-set with the implementation of an upgraded ventilation and air purification system. The proposed project will utilize a system with a "minimum efficiency reporting value" (MERV) of 13 which is used in superior commercial construction. The reports states, "By creating an indoor air quality (IAQ) environment that goes far beyond normal residential standards (MERV 3-6), the accumulated dose of air pollution to all residents will be lower than for residents living thousands of feet away."

The project has been conditioned to provide double pane glass for all units fronting the freeway and exterior walls will be constructed so as to provide a Sound Transmission Coefficient (STC) value of 50. In addition, the applicant must provide, if applicable, a sound barrier wall within the freeway right-of-way pursuant to Caltrans specifications. It should be noted that required open space for the project is being provided in the form of a passive recreation area on the roof-top and private open space for individual units as balconies (approximately 88 square feet). Balconies located on the east side of the building will look out over the roofs of adjacent one to two story multiple-family structures. The City of Los Angeles' Pecan Recreation Center is located within 500 feet of the project (immediately west of the Hollywood Freeway at 127 S. Pecan Street) and offers the following activities/features: Basketball courts (lighted/indoor/outdoor), children's play area, community room, handball courts (lighted), indoor gym (without weights), picnic tables, restroom(s), seasonal pool (outdoor/unheated), volleyball courts (lighted).

#### LEED (Green Building Construction)

While the proposed project does not meet the City of Los Angeles' established threshold for development which must meet Green Building Requirements (LEED), the project has been conditioned to meet energy efficiency requirements for appliances, water conservation/landscaping, air filtration, insulation of noise and recycling.

#### Conclusion

Staff is recommending approval of all entitlement requests and the Project, as conditioned.

**(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 development of the subject property shall comply with all area, use and height provisions of the (T)(Q)R3-1 Zone, except as may be conditioned herein.
2. **Density.** A maximum of 32 dwelling units shall be permitted.
3. **Site Plan.** Prior to the issuance of any building permit, detailed development plans, including a complete landscape and irrigation plan and a parking area and driveway plan, shall be submitted to the Planning Department for review and sign-off clearance. These plans shall be in substantial conformance with the plot plan, elevations and landscape plans dated **March 8, 2012**, attached to the administrative file. The plans shall comply with applicable provisions of the Municipal Code, the subject conditions herein and the intent of the subject permit authorization.
4. **Parking.** 80 parking spaces shall be provided. The number of spaces provided, their location and access shall be in substantial conformance with the project plans marked Exhibit B3 and attached to the administrative file. The following shall also apply:
  - a. Tandem parking may be used only for the spaces which are assigned and designated for a single residential unit.
  - b. Guest parking sign(s) shall be clearly posted at building entrance(s). The sign(s) shall be in large, easy to read lettering and shall indicate the general location of guest parking. Sign wording shall be to the satisfaction of the Planning Department and shall indicate the number of reserved guest parking spaces.
  - c. If any guest parking is located behind security gates, the following shall 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) The security gate shall be set back from the public right-of-way so as to provide a waiting area for guest vehicles and to prohibit blockage or interference with the public right-of way by waiting guest vehicles.
    - 4) Alternatives to the provisions of this condition may be approved by the Planning Department provided that the intent of readily accessible guest parking facilities and no interference with the public right-of-way is assured.
5. **Height.** The height of all buildings and structures shall not exceed 45 feet, as defined by Sections 12.03 and 12.21.1 B 3(a) and (b) of the Los Angeles Municipal Code. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting residential properties.

6. **Trash and Storage Area(s).** Solid masonry block walls, a minimum of six feet in height, shall enclose trash and other storage areas. There shall be no openings except for gates. The areas shall be buffered so as not to result in noise, odor or debris impacts on any adjacent uses. All outside trash containers on the subject property shall be enclosed and shall be located so as not to result in noise or smell impacts on any adjacent use, or upon residents of the subject property.
  7. **Maintenance.** The subject property including associated parking facilities, sidewalks, and landscaped planters adjacent to the exterior walls along the all 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.
  8. **Landscaping.** A minimum one-foot wide landscaped buffer shall be provided adjacent to the property line wall. All open areas not used for buildings, driveways, walks, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the planning department (MM).
  9. **Balconies.** External facing balcony walls shall be constructed of opaque or solid materials and shall be composed of complementary building materials/colors so as to be enclosed from view of adjacent off-site street traffic and to support façade articulation. No items shall be permitted to be placed or stored on balconies or balcony railings. The applicant shall ensure that appropriate restrictions are incorporated into the Declaration of Covenants, Conditions and Restrictions, and lease or rental agreements governing the use of the property that each tenant is aware of such restrictions, and that such restrictions are subject to appropriate enforcement measures.
  10. **Urban Design.** Building design shall be in substantial conformance with the elevations and landscape plans dated March 8, 2012, marked Exhibit B-2 and B-4 and attached to the administrative file. In addition, the following shall be required:
    - a. All mechanical and electrical equipment shall be screened from public view.
    - b. All rooftop equipment and building appurtenances shall be screened from public view.
    - c. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
    - d. The exterior of the proposed building shall be constructed of materials such as high-performance tinted non-reflective glass and pre-cast concrete or fabricated wall surfaces.
    - e. The building design shall include articulation; provide design continuity and avoid opportunities for graffiti.
    - f. Exterior building facades shall not contain large areas of untreated, blank surfaces.
    - g. Articulations, recesses, surface perforations, and/or porticoes shall be used to break up long, flat building facades and free standing walls.
    - h. Complementary building materials shall be used on building facades.
- B. Other Conditions.**
11. **Erosion/Grading/Short-Term Construction Impacts (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.
12. **Haul Routes.** Projects involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
13. **Utilities (Local Water Supplies - New Residential).** The following shall apply:
- Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
  - 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 a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
  - Install and utilize only high-efficiency Energy Star-rated dishwashers 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.

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 overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season). If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.

**All new construction.** Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the Applicant shall install:

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. Rebate may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.

In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

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

Create water-efficient landscapes, by requiring a certain percentage of xeriscape/or drought tolerant landscaping.

14. **Utilities (Solid Waste).** 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 part of the projects regular solid waste disposal program. 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. The contractor shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly.

15. **Public Services (Police).** 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.

**B. Environmental Conditions – (MM).**

16. **Air Pollution (Stationary).** The applicant shall install an air filtration system with filters meeting or exceeding the ASHARE Standard 52.2 Minimum Efficiency Rating Value (MERV) of at least 13, to the satisfaction of the Department of Building and Safety.
17. **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.
18. **Erosion/Grading (Short-Term Construction Impacts).**
  - a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
  - b. Appropriate erosion control and drainage devices shall be incorporated to the satisfaction of the Building and Safety Department, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
  - c. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
19. **Construction (Noise).** The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
  - a. Construction and/or demolition shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.
  - b. Construction and/or demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
  - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
  - d. The project sponsor shall comply with the Noise insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
20. **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.
  - 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.
  - g. Trucks having no current hauling activity shall not idle but be turned off.
21. **Increased Noise Levels (Residential within 500 feet of Freeway).** Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
22. **Severe Noise Levels (Caltrans Wall).** A sound barrier wall shall be constructed within the freeway right-of-way adjacent to the subject property, and to an extent beyond, as deemed necessary by Caltrans. The location, height, and specifications of the wall shall be determined by Caltrans.
- Prior to issuance of building permits, the applicant shall submit evidence to the City Planning Department that construction of the wall has been completed or arrangements for said construction have been made by the applicant to the satisfaction of Caltrans.
23. **Public Services (Fire).** 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.
24. **Recreation (Increased Demand For Parks Or Recreational Facilities).** Pursuant to Section 21.10 of the Los Angeles Municipal Code, the applicant shall pay the Dwelling Unit Construction Tax for construction of apartment buildings.
25. **Recreation (Increase Demand For Parks Or Recreational Facilities – Zone Change). Pursuant** to Section 12.33 of the Los Angeles Municipal Code, the applicant shall pay the applicable fees for the construction of dwelling units.
26. **Increased Noise Levels (Parking Wall).** A 6-foot-high solid decorative masonry wall adjacent to the residential properties shall be constructed, if no such wall currently exists.
27. **Safety Hazards.** The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

28. **Inadequate Emergency Access.** The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

C. **Administrative Conditions.**

29. **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.
30. **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.
31. **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.
32. **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.
33. **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.
34. **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.
35. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, design or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board
36. **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 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.

**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 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 Planning Department for attachment to the subject City Plan case file.

1. **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).
  - A. 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 issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.
2. **Street Lighting:** Installation of street lights to the satisfaction of the Bureau of Street Lighting (213) 847-6379. If new street light(s) are required, the property within the boundary of the development shall be formed or annexed into a Street Lighting Maintenance Assessment District prior to final recordation or issuance of the certificate of Occupancy. Note: Refer to the Department of Water and Power regarding power pole relocation (213) 367-2715.
3. **Street Trees:** Install tree wells with root barriers and plant street trees to the satisfaction of the City Engineer and the Urban Forestry Division of the Bureau of Street Services (213) 485-5675.
4. **Sewers:** All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit. An investigation may be necessary to determine if the existing public sewers have sufficient capacity to facilitate the proposed development. Submit a request to the Public Counter of the Central District Office of the Bureau of Engineering (213) 482-7050.
5. **Drainage:** No major drainage problems are involved. Submit drainage and grading plans to the Valley District Office of the Bureau of Engineering. Hydrology and hydraulic

calculations may be required.

6. **Parking/Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Valley District Office of the Bureau of Engineering and the Department of Transportation for review and approval.
7. **Fire Department.** 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.
  - d. Submit plot plans indicating access road and turning area for Fire Department approval.
8. **Telecommunications.** The applicant shall make any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City right-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 Information Technology Agency (ITA).
9. **Schools.** Applicant shall make payment of school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
10. **Recreation and Parks.** Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Recreation and Park fees to the satisfaction of the Department of City Planning and Department of Recreation and Parks.
11. **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.

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 by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning

Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

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

## FINDINGS

- A. **General Plan.** The subject property is located within the Boyle Heights Community Plan, which was adopted by the City Council on Nov. 10, 1998 (City Planning Case No. 94-0210 CPU; Council File No. 95-1302). The Boyle Heights Community Plan map designates the subject property as Public Facility (Corresponding zone includes PF).
- B. **General Plan Text.** The Boyle Heights Community Plan text includes the following relevant land use Objectives, policies and programs:

**Objectives:**

*To conserve and improve existing viable housing for persons desiring to live in Boyle Heights, especially low and moderate income families.*

*To provide new housing opportunities that accommodate a range of income needs, provide public amenities, and maximize the opportunities for individual choice.*

*To improve the relationship between residential uses, the circulation system and the service system facilities (streets, highways, schools, parks, fire, police, utilities).*

**Policy**

It is the City's policy: *That Medium density housing be located near commercial corridors where access to public transportation and shopping services is convenient and where a buffer from, or a transition between, low-density housing can be achieved to the extent feasible.*

**Program(s):**

The Plan recommends: *Initiation of residential zone re-designations which will conform to the land use policies of this Plan as indicated on the Plan Map.*

The proposed project meets the Objectives, Policies and Programs of the Boyle Heights Community Plan as follows:

The proposed General Plan Amendment, Zone Change and Height District will permit development of a new, 40 unit apartment complex located two blocks south of 1<sup>st</sup> Street and one block west of Boyle Avenue, (within .06 miles of a MTA transit station-Mariachi Plaza-Gold Line Eastside Extension) which will offer modern amenities comparable to other new housing in the City, but at rental rates that should be attainable for moderate income renters. The project location is within walking distance of neighborhood serving commercial uses along 1<sup>st</sup> Street, White Memorial Hospital to the north and Pecan Recreation Center/Park located just to the east of the Hollywood Freeway. Requested General Plan Amendment from Public Facility to Medium Density Residential and Zone/Height District change from PF-1XL to R3-1, is consistent with planned and existing land uses in the immediate area, and is also consistent with the Boyle Heights Community Plan Footnotes as indicated below.

- C. **City Charter Sections 556 and 558.** The recommended General Plan Amendment from Public Facilities to Medium Density Residential **complies** with Charter Sections 556 and 558 in that the recommended amendment reflects the land use patterns and trends and uses in the immediate area and furthers the intent, purposes and objectives of the Boyle Heights Community Plan. The proposed General Plan Amendment to Medium Density Residential is consistent with the Boyle Heights Community Plan in that it supports the development of the proposed 40 unit multiple family use and is further consistent with the following Footnotes, which state:

**Boyle Heights Community Plan Footnote No. 10.** - *The Public Facility (PF) planning land use designation is premised on the ownership and use of the property by a government agency. The designation of the PF Zone as a corresponding zone is based on the same premise. The Plan also intends that when a board or governing body of a government agency officially determines that a property zoned PF is surplus, and no other public agency has indicated an intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent within 500 feet of the property boundary and still be considered consistent with the adopted Plan.*

**Boyle Heights Community Plan Footnote No 8.** - *With respect to those properties, the plan contemplates that the existing development may continue to be maintained and may be reconstructed in the event of accidental destruction, but that upon the abandonment of such existing development, the property may thereafter be used only for the uses and at the density permitted under the Plan designation.*

The existing General Plan Designations within 500 feet of the subject property include Medium Density, Low Medium II and Low Medium I Residential Land Use Designations whose parcels include development ranging from 1 to 125 dwelling units per site.

- D. **Zone/Height District Change Findings.** *Pursuant to Section 12.32 C 7 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 recommended Zone/Height District Change from PF-1XL to (T)(Q)R3-1 is consistent with the proposed General Plan Land Use Designation of Medium Density Residential and is within the range of corresponding zone(s) (which include R3) permitted by such. The subject site is located within the Boyle Heights Community Plan area on Third Street west of Boyle Avenue.

The subject request includes a Zone and Height District Change from PF-1XL to R3-1 to permit the development of a 45 foot in height, 40 unit, multiple family use. The subject site is located within the existing right of way (ROW) of the Hollywood (Route 101) Freeway and was owned and maintained by Caltrans. The property was previously leased as an automobile repair yard. Pursuant to Section 12.04.09 of the Los Angeles Municipal Code, "It is the purpose of the "PF" Public Facilities Zone to provide regulations for the use and development of publicly owned land in order to implement the City's adopted General Plan, including, the circulation and service systems designations in the City's adopted district and community plans, and other relevant General Plan elements, including the circulation, public recreation and service systems elements." The LAMC further limits the types of development that can occur on PF zoned properties as follows:

1. Farming and nurseries, under power transmission rights-of-way.
2. Public parking facilities located under freeway rights-of-way.
3. Fire stations and police stations.
4. Government buildings, structures, offices and service facilities including maintenance yards, provided, however, that those uses identified in Section [12.24](#)U21 shall require conditional use approval pursuant to that section.
5. Public libraries not located inside public parks.
6. Post offices and related facilities.
7. Public health facilities, including clinics and hospitals.
8. Public elementary and secondary schools.
9. Any joint public and private development uses permitted in the most restrictive adjoining zones if approved by the Director utilizing the procedures described in Section [16.05](#)E to H.
10. Conditional uses as allowed pursuant to Section [12.24](#) U 21 and Section [12.24](#) W 49 of this Code when the location is approved pursuant to the provisions of the applicable section.

The eastern portion of the Caltrans site was sold to the Project Applicant, and the requested Zone Change is necessary to allow for the development and use of the property by a private owner. Pursuant to Footnote No. 10 of the Boyle Heights Community Plan, *"The Plan also intends that when a board or governing body of a government agency officially determines that a property zoned PF is surplus, and no other public agency has indicated an intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent within 500 feet of the property boundary and still be considered consistent with the adopted Plan."*

Properties to the north of the subject site are zoned [Q]R4-1, R3-1 and C2-1, planned for Medium Density Residential and Neighborhood Commercial uses and are improved with multiple family residential developments of 1 to 30 units. The MTA Gold Line Mariachi Plaza Station project is under construction at the corner of 1<sup>st</sup> Street and Boyle Avenue;

Properties to the east (abutting) are zoned [Q]R4-1, planned for Medium Density Residential, and improved with multiple family residential uses (1 to 30 dwelling units). These properties are subject to Footnote No. 8 of the Boyle Heights Community Plan:

*Footnote No 8. - With respect to those properties, the plan contemplates that the existing development may continue to be maintained and may be reconstructed in the event of accidental destruction, but that upon the abandonment of such existing development, the property may thereafter be used only for the uses and at the density permitted under the Plan designation.*

Uses to the east (across Boyle Avenue) are zoned [Q]R4-1 and RD1.5-1, planned for Medium and Low Medium II Density Residential uses and are improved with dwelling units ranging from 1 to 24 per parcel;

Properties to the south are zoned [Q]R4-1 and are planned for Medium Density Residential uses. These properties are improved with a very large Senior Health Care Facility/Assisted Living Facility, surface parking and multiple family uses (30 and 35 dwelling units per site);

Properties to the west (abutting) surplus Caltrans property (to remain Zoned PF-1XL/Public Facilities GPLU) with auto repair; the Hollywood Freeway and Residential land uses Zoned RD2-1 and RD3-1. Commercial zoned properties (neighborhood serving uses such as market); A School (Delores Mission Catholic School) and the Pecan Recreation Center and Park (zoned OS-1XL/Open Space).

*All properties zoned [Q]R4-1 are also subject to the following Q Limitation: Limited to existing uses, thereafter, must conform to the R3-1 Zone.*

The requested Zone/Height District change from PF-1XL to [Q]R3-1 is therefore compatible with the planned development of the community, consistent with the Boyle Heights Community Plan and as such is consistent with public necessity, convenience, general welfare and good zoning practice. It should be noted that while the project has proposed development of 40 dwelling units on the site, the proposed project density exceeds the maximum permitted for the R3-1 Zone. The requested R3 Density (800 square feet per dwelling unit) would permit a maximum of 32 dwelling units (26,253 square feet of lot area/800sf per dwelling unit) on the site, and Condition A.2 **Density**, has been modified to reflect this.

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.

#### **E. CEQA Finding.**

A Mitigated Negative Declaration (ENV-2009-2648-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency’s independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

## PUBLIC HEARING AND COMMUNICATIONS

The public hearing on this matter was held January 21, 2011 at the Los Angeles City Hall (10<sup>th</sup> Floor Hearing Room). There were approximately 4 people in attendance.

Issues of concern expressed at the hearing were as follows:

- Neighbors concerns were incorporated into project;
- Applicant has worked with staff on project;
- Four stories is too high will block views;
- Property/street (3<sup>rd</sup> Street) is steep/slope;
- Visibility is bad at 3<sup>rd</sup> and Boyle Ave;
- Many emergency vehicles on Boyle;
- Some neighbors were not notified
- Project will cause traffic congestion;
- Additional to severe traffic impacts;
- Need affordable single family homes;
- In favor of project as it will improve the area;
- Site is a junkyard this is better;
- Should create more jobs;
- Parking is not adequate for 40 dwellings
- Engineering report showed on USTs on property;
- Project meets open space requirements (balconies can provide open space)

Correspondence submitted expressed the same concerns regarding blocking of views, increased traffic and access issues related to corner of 3<sup>rd</sup> Street and Boyle Avenue.