MICHAEL LOGRANDE CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN SUE CHANG **LOURDES GREEN** LINN K, WYATT MAYA E. ZAITZEVSKY

### CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA MAYOR

DEPARTMENT OF CITY PLANNING

S. GAIL GOLDBERG, AICP DIRECTOR

OFFICE OF ZONING ADMINISTRATION

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July 27, 2010

Kevin Batchelor (A)(O) Wilshire Crescent Heights, LLC 5847 San Felipe, Suite 3600 Houston, TX 77057

Jessica Pakdaman (R) Craig Lawson & Co., LLC 8758 Venice Boulevard, Suite 200 Los Angeles, CA 90034

CASE NO. ZA 2008-4140(ZAA)(SPR) **ZONING ADMINISTRATOR'S** ADJUSTMENT, SITE PLAN REVIEW

6233-6245 West Wilshire Boulevard, 652-658 1/2 South Crescent Heights Boulevard

Boyle Heights Planning Area

[Q]C4-2D-O, [Q]R3-1-O

D. M. 135B177

C.D.

CEQA : ENV-2008-0729-MND Legal Description: Lots 15-19, Tract

7555

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

an adjustment from Section 12.21-C,1(a) of the Los Angeles Municipal Code to permit the buildable area of the lot to be based upon the original lot lines, including the lot areas used for required street dedications, the 13-foot prescriptive easement area along Wilshire Boulevard and the lot area used for required yard setbacks;

an adjustment from Section 12.16-C,2 of the Los Angeles Municipal Code to permit a 0-foot easterly side yard setback on Master Lot No. 1 for floors 1 through 4 in lieu of the 16 feet required in the [Q]C4-2D-O Zone;

an adjustment from Sections 12.21.1-A,2 and 12.21.1-A,5 of the Los Angeles Municipal Code to permit the covered outdoor common open space area located on the fifth floor podium level rooftop amenity area to be excluded in the calculation of floor area; and

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

a site plan review for a development with 50 or more dwelling units,

upon the following additional terms and conditions:

- 1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
- 2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
- 3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
- 6. 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.
- 7. This approval is tied to VTT-70316-CN which was heard at a concurrent hearing on April 21, 2010. The applicant shall comply with all mitigation measures and conditions of approval identified in that case.
- 8. All applicable laws, regulations, and standards of all local, state, and federal government agencies shall be observed.
- 9. Privately-Maintained, Publicly-Accessible Open Space. The project shall provide passive recreational open space in substantial conformance with the landscape plan dated June 10, 2010 on the residentially-zoned lot at the southeast corner of Orange Street and Crescent Heights. The Applicant shall make such space available for use by the public during normal business hours, but may in its sole good faith discretion establish rules and regulations for use of such open space. The Applicant may exclude any individuals from such space who do not comply with such rules and regulations. The Applicant shall maintain such space free of graffiti and accumulations of trash.

- 10. Neighborhood Traffic Mitigation Fund (the "Fund"). Concurrent with the issuance of the Building Permit for the Wilshire/Crescent Heights Mixed Use Project (the "Project"), the Applicant shall deposit \$100,000 cash (or other satisfactory guarantee, such as a letter of credit or surety bond, subject to the review and approval of the City Attorney) into a specific California Community Foundation Fund or other similar private fund as designated by Council District 5, of which monies shall be earmarked to pay for elements of a Neighborhood Traffic Mitigation Plan. The Fund shall be administered by the California Community Foundation Fund or other similar private fund designated by Council District 5.
  - a. Purpose of the Fund. The Fund is specifically dedicated to and may only be used for the reduction of traffic effects that may be associated with the project and/or for any traffic and circulation improvements in the immediate area. The Fund is not intended to be used for ongoing maintenance of existing street and sidewalk conditions, such as pavement/sidewalk repair, street light replacement, tree trimming, etc., except as associated with an improvement as specified in the Neighborhood Traffic Mitigation Plan.
  - b. Geographic Area Covered by the Fund. The Fund may only be used to pay for traffic mitigation and improvements that benefit the area bounded by Fairfax Avenue (East); Sweetzer Avenue (West); Maryland Drive (North); and Del Valle Drive (South).
  - c. Neighborhood Traffic Mitigation Plan (the "Plan"). Council District 5, with input from members of the affected community, shall prepare a Neighborhood Traffic Mitigation Plan for the purpose of reducing the traffic impacts that may be associated with the project. This Plan may include, but is not limited to, measures such as the installation of speed humps on Orange Street between Crescent Heights Boulevard and Fairfax Avenue, the installation of turn-restriction signage on Crescent Heights Boulevard, Orange Street, and/or Fairfax Avenue, and the provision of Left-Turn Phasing for eastbound/westbound Wilshire Boulevard at Crescent Heights Boulevard.
  - d. City DOT Approval of the Plan. Council District 5 shall seek approval from the City Department of Transportation (City DOT) and, where applicable, from local residents for the implementation of the elements of the Plan.
  - e. Disbursement of Monies from the Fund. Once the elements of the Plan have been approved by City DOT, Council District 5 may determine a method for disbursement of monies from the Fund. For example, if the Plan calls for the installation of speed humps on Orange Street, the Council Office staff may determine that this improvement should be carried out by a private contractor (based upon the issuance of a "B" Permit from the Bureau of Engineering). If so, the Council Office may request a bid from this private contractor to obtain the necessary permits and to carry out the installation of these speed humps. If that bid is deemed satisfactory, the Council Office may direct that monies from the Fund be disbursed directly to that private contractor in the form of progress payments and/or upon completion of the work.

- f. Expiration of the Fund. If there is a cash balance remaining in the Fund as of five (5) years from the date of the issuance of the Building Permit for the Project, such cash balance shall be disbursed to the Applicant (or to the Applicant's designee).
- 11. Crescent Heights Boulevard Driveway Access. Vehicular access from Crescent Heights Boulevard shall be limited to residents, resident guests, valet parking attendants to park resident or resident guest vehicles, and delivery vehicles. Deliveries to the commercial space utilizing this driveway shall be limited to off-peak hours. No left turns into the Crescent Heights Boulevard driveway shall be permitted for vehicles travelling on southbound Crescent Heights Boulevard.
- 12. Signage. Off-site advertising signage, including supergraphics and digital displays, shall be prohibited on the project site. Tenant signage for the commercial space on Wilshire Boulevard shall be permitted.
- 13. Construction Truck Access. No construction truck traffic shall be permitted on Orange Street.
- 14. <u>Prior to the clearance of any conditions</u>, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
- 15. Prior to issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.

## OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and Conditions of the approval shall be fulfilled <u>before</u> the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

#### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant.

#### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

#### APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after August 11, 2010, unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are also available on-line at <a href="http://cityplanning.lacity.org">http://cityplanning.lacity.org</a>. Public offices are located at:

Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012 (213) 482-7077 Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 (818) 374-5050

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

#### **NOTICE**

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

#### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Department of City Planning Staff thereon, and the statements made at the public hearing on May 19, 2010, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

#### **BACKGROUND**

The proposed project is located at the northeast corner of Wilshire Boulevard and Crescent Heights Boulevard. The project site is relatively flat, and bounded by Orange Street to the north, Crescent Heights Boulevard to the west, Wilshire Boulevard to the south, and two multi-story residences and an office building to the east. The site totals 40,378 square feet (0.927 acres) after dedication, and consists of a total of five lots (Lots 15-19), where four lots (Lots 15-18, proposed Master/Ground Lot 1), totaling 34,336 net square feet, are located at the northeast corner of Wilshire Boulevard and Crescent Heights Boulevard, fronting along Wilshire Boulevard. The remaining lot (Lot 19, proposed Master/Ground Lot 5), totaling 6,042 net square feet, is located at the southeast corner of Orange Street and Crescent Heights Boulevard.

The project site has two zones and is located within the Wilshire Community Plan. Lots 15-18 are zoned [Q]C4-2D-O, and have a Regional Center Commercial land use designation with corresponding zones CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4. The Wilshire Plan footnotes state that Height District No. 2 corresponds with the C4 Zone. Lot 5 is zoned [Q]R3-1-O and has a corresponding zone of R3.

The project site is presently developed with a 7,117 square-foot, one-story, Wells Fargo Bank building, and an associated surface parking lot. The project proposes the removal of the existing structure and surface parking to construct a 175,057 square-foot, 21-story mixed use structure that reaches a maximum height of 255 feet and passive recreational open space. More specifically, the 21-story tower would consist of 158 residential condominiums (Airspace Lot 2), 8 commercial condominiums comprised of 6,850 square feet of ground level, neighborhood-serving commercial uses (Airspace Lot 3), and provide 422 parking spaces (Airspace Lot 4) within two and one-half subterranean parking levels. To meet the 4.5:1 floor area ratio, the project has included a request to include the lot area lost to dedication and the 13-foot easement area along Wilshire Boulevard as part of the lot and buildable area calculations. The passive recreational open space will be separate from the 21-story tower, and include seating, trees, enhanced paving, a courtyard,

sculpture, and architectural stone wall. It should be noted that the project was revised from the 21-story tower and 4 residential townhomes in response to the public's concerns.

The project proposes a total of 422 parking spaces. The project would conform to the Advisory Agency's Parking Policy of 2.5 parking spaces for each residential condominium unit. Furthermore, the project would provide 27 parking spaces for the 6,850 square feet of commercial retail spaces, and meet the parking requirement stated LAMC Section 12.21-A,4(c)(5). More specifically, the mixed use tower would provide 422 parking spaces where 316 residential spaces, 79 for guests, and 27 commercial spaces, while the separate residential townhome building would consist of ten parking spaces.

Adjacent uses include the following: Low- and mid-rise multi-family dwellings to the north in the [Q]R3-1-O Zone; low-rise commercial/retail and associated surface parking in the [Q]C4-2D-O Zone; low-rise commercial/retail and associated surface parking and low- and mid-rise multi-family dwellings in the [Q]C4-2D-O and [Q]R3-1-O Zone; and low-rise commercial/retail and associated surface parking and low- and mid-rise multi-family dwellings in the [Q]C4-2D-O and [Q]R3-1-O Zones. Within two blocks in each direction along Wilshire Boulevard, the following seven existing buildings are similar to the proposed project in both height and massing.

Previous Cases, Affidavits, Permits, and Orders On the Applicant's Property:

<u>VTT-70316-CN-GB</u>: Vesting Tentative Tract Map No. 70316 to permit a two-master/ground lot subdivision and three airspace-lot subdivision for 158 residential condominiums and eight commercial condominiums comprised of 6,850 square feet of commercial/retail uses, and 422 parking spaces on proposed Master Lot No. 1 on a 34,422 net square foot site in the [Q]C4-2D-O Zone, and passive recreational open space on proposed Master Lot 5 on a 6,042 net square-foot site in the [Q]R3-1-O Zone. A haul route approval is also being requested. On July 21, 2010, the Advisory Agency approved the request.

<u>CPC-1994-65-ZC</u>: On August 9, 1994, the City Planning Commission approved a request for a Height District Change from Commercial Use with a 6:1 floor area ratio to Qualified Commercial Zone with a 3:1 floor area ratio, on both sides of Wilshire Boulevard from Fairfax Avenue to the City limit with Beverly Hills.

<u>CPC-1992-376-HD</u>: On August 9, 1994, the City Planning Commission approved a request to limit the Floor Area Ratio to 3:1 for property between the west side of Fairfax Avenue to the City of Beverly Hills boundary, and that development standards which address height, shade and shadow and landscaping also be prepared.

Ordinance No. 170,323: The subject ordinance became effective on March 6, 1995, and imposed the following "Q" Conditions and "D" Limitations to the Commercial portion of the project site.

"Q" Conditions include mitigation measures, including an air filtration system, feasible water conservation features, double pane glass, attractive landscaping, a 6-foot wall adjacent to residences, energy conservation, landscaping, and graffiti removal.

"D" Limitation restricts the site's [Q]C4-zoned portion to a maximum Floor Area Ratio of 3:1, with the exception of mixed use projects (combining residential and ground floor retail), which may be developed with up to a 4.5:1 FAR.

Ordinance No. 165,331 (SA2218 and SA2210): The subject ordinance became effective January 14, 1990, and changed the Zone and Height District to C4-2 on the commercial portion of the project site.

Ordinance No. 165,331 (SA2220). This ordinance changed the Zone and Height District to [Q]R3-1-O on the residential portion of the project site. Subarea 2220 limits residential density to one dwelling unit for each 1,200 square feet of lot area.

OB-13661: This is a Covenant and Agreement, dated March 28, 1974, to maintain a yard of 50 feet, unobstructed from ground to sky, on property located at 6245 Wilshire Boulevard. (Note: This appears to be a Fire Department requirement for the existing building on the site, and could presumably be removed one that building is demolished.)

<u>AFF-56509</u>: This is a Covenant and Agreement signed on July 29, 1984 to hold all lots (Lots 16-19) together as one parcel on property located at 6245 Wilshire Boulevard.

Previous Cases, Affidavits, Permits, and Orders On Surrounding Properties:

No similar or relevant cases were found.

Wilshire Boulevard adjoins the property to the south, and is a Class II Major Highway with a width of 127 feet.

<u>Crescent Heights Boulevard</u> adjoins the property to the west, and is a Modified Secondary Highway with a varying width ranging from 70 to 80 feet.

Orange Street adjoins the property to the north, and is a Local Street dedicated to a width of 55 feet.

#### Public Hearing

The public hearing was held on April 21, 2010 in City Hall. The hearing was attended by the applicant's representative and project team members, a council office representative, and 18 area residents. Jessica Pakdaman made the following statements of support for the proposed project:

- The project will be revised to change the residential portion of the site from four townhomes to passive recreational open space
- The project is designed to be a transit-oriented development, and is one block from the proposed MTA Fairfax transit station.
- There is a 13-foot easement on the site that was created in the 1920s, was paved in 1996 and still owned by the applicant.
- Mitigation measures would be added as part of the "Q" Conditions
- In 1990, a "Q" Condition limited the maximum allowed density to one unit per 1,200 square feet of lot area.

• The project was presented to the Mid-City West Community Council, and received a 24-5 vote of support.

There were a total of 18 area residents who attended with general questions about the project. They were concerned that it involved eminent domain. The Planning Deputy for Council District 5 stated support for the project, and spoke of the efforts to work with the community to mitigate impacts of the development. He provided the process for disbursement of funds for the project, as well as a set of additional conditions of approval for the project.

Nine community members testified at the public hearing. The following is a summary of their statements:

- The community has participated in meetings with the developer.
- Mitigation measures were established between the community and the developer, and Councilman Paul Koretz's office.
- Traffic should be designed to have 80 percent of the traffic come from the Wilshire Boulevard driveway, and 20 percent from the Crescent Heights
- The 99 Cent Store impacts neighborhood because it blocks the potential for fire trucks to enter.
- Concerned with potential noise from the roof and late night parties.
- No construction truck parking should also be allowed on Crescent Heights Boulevard.
- Methane gas is a concern for the area. Methane data is from another project and not applicable to the subject project.
- Above ground parking should be shielded to minimize noise and light impacts.
- Traffic will impact the neighborhood.
- Mitigation discussions have been taking place behind closed doors with the developers.
- Measures do not address other surrounding areas.
- Cannot support project unless there is equal consideration for the community.
- Project is well-thought out and the negative impacts are outweighed by the positive impacts of the project.
- The developer has had discussions to partner with schools to give students an understanding of development processes and give them several hands-on opportunities.
- Wilshire Boulevard should have more activity. It would be great for businesses near the area. Wilshire Boulevard is appropriate for the scale of this development.
- Public space helps out the community.
- Open space is much appreciated. There are concerns of restricting access to the residents. Homelessness shouldn't be a problem in the area as other parks in the area have proven such.
- The proposed open space should be public open space, and not have restricted access.
- Neighborhood Council does not want wider streets but wide sidewalks and a pedestrian friendly area.

Bicycles should be considered in design.

The applicant stated that a letter regarding street widening and highway dedication prepared by the Department of Transportation was submitted. The applicant stated they would file a Covenant Agreement not to develop the R3 lot to justify the dedication and widening of the commercial area. The applicant also stated that a revised map would be filed.

#### **ZONING ADMINISTRATOR'S ADJUSTMENT FINDINGS**

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

#### MANDATED FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

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

The adjustments will allow for the project to utilize a floor area ratio of 4.5:1, to construct a 21-story high-rise building, which would be compatible with development along Wilshire Boulevard. Wilshire Boulevard is a Major Highway with a mix of retail, office and housing uses along the corridor. Crescent Heights Boulevard is a Modified Secondary Highway with a mix of commercial and residential uses. Orange Street is a Local Street with residential uses. Surrounding uses include lowand mid-rise multi-family dwellings to the north adjacent and across Orange Street; low-rise commercial/retail and associated surface parking to the south across Wilshire Boulevard, low-rise commercial/retail and associated surface parking and low- and mid-rise multi-family dwellings to the east and to the west across Crescent Heights Boulevard. Within two blocks east and west of Wilshire Boulevard are buildings similar to the proposed project in both height and massing. The building located at 6500 Wilshire Boulevard is 22 stories tall while the project located at 6300 Wilshire Boulevard is 21 stories tall. Other buildings that range from 16 to 19 stories include those located at 6100 Wilshire Boulevard (16 stories), 6380 Wilshire Boulevard (17 stories), and 6420 Wilshire Boulevard (19 stories).

The applicant is requesting to utilize a 13-foot portion of Wilshire Boulevard between Fairfax and Sweetzer Avenues that was erroneously included as part of the public right-of-way. Granting the adjustment would enable the applicant to utilize this lot area in density and floor area calculations. The actual physical development of the land will not extend into the prescriptive easement area, and would not reduce the width of the northerly Wilshire Boulevard sidewalk.

The applicant is requesting a zero-foot side yard setback only for the commercial and parking podium portion (Levels 1 through 4). The residential portion of the tower and townhouse units will all observe the required setbacks. Since the easterly side yard abuts a commercially-zoned property, granting the adjustment would lead to a development that would be consistent with surrounding uses.

The applicant is requesting the overhang area at the fifth floor podium deck level be excluded from the calculation of floor area since it is intended to serve as covered outdoor open space that will complement the uncovered outdoor open space also provided on the fifth floor podium deck level. The overhang area is open on three sides and is architecturally integrated into the residential tower above.

The granting of the adjustment will allow for the development to be compatible and consistent with the surrounding uses. The requested adjustments will lead to a project that will be project will be developed at an FAR of 4.5:1, which will be consistent with surrounding uses. Granting the requested entitlements

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

The Wilshire Community Plan is "intended to promote an arrangement of land use, circulation, and services, which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the people who live and work in the District, within the large framework of the City." The granting of the adjustments will create opportunities for new housing and attract residents and local employees to area. The development will complement surrounding uses by providing density along the Wilshire Corridor, providing a mixed use development to promote a complement of uses, and help promote safety by providing eyes on the street.

The project will be in conformance with the Transportation Element, which states the following:

Objective 3 Support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards in the Community Plans.

Also, granting the requested adjustments will lead to a development that is in conformance with the Wilshire Community Plan. The Plan describes the following:

- Improved land use transitions are needed between commercial uses and single-family and multiple-family areas.
- Increased off-street parking areas and facilities, open space, and recreational facilities are needed, particularly in multiple family residential areas.
- New development needs to be coordinated with the availability of public infrastructure.

- Improved appearance of strip commercial developments is needed, with concise, clear signage, better visual identity, adequate parking, and convenient access.
- Improvements to the appearance of new construction is needed through additional landscaping and more imaginative architecture to offset an otherwise severe industrial appearance along some major thoroughfares.

The applicant has requested that the 13-foot prescriptive easement be included as part of the calculation of the buildable area. By granting this request, the applicant would be able to develop with a buildable area that technically should not have been paved, while maintaining the easement along Wilshire Boulevard. adjustments for side yards are not mentioned in the Community Plan, granting the request for such would allow for parking and commercial uses to be provided to bring convenience to residents and local neighbors. The project would provide adequate parking, while bringing in neighborhood-serving retail to reduce automobile use, and promote stronger interactions between residential and commercial uses within the local area. Finally, the applicant is requesting the overhang area at the fifth floor podium deck level be excluded from the calculation of floor area since it is intended to serve as covered outdoor open space that will complement the uncovered outdoor open space also provided on the fifth floor podium deck level. Granting this request would be consistent with the General Plan since it would create more opportunities for residents to use the outdoor open space, without increasing floor area. The requested adjustment for the covered open space area to be excluded from floor area calculations would lead to a development that has a floor area ratio of 4.5:1, be in scale with surrounding buildings along Wilshire Boulevard.

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

#### Buildable Area Designation

The requested adjustment to base buildable area on the lot area prior to street dedications, including the 13-foot prescriptive easement, is in conformance with the spirit and intent of the Planning and Zoning Code of the City. The project locates a high-rise mixed use building on a site zoned [Q]C4-2D-O with a Regional Center Commercial land use designation. The site is along Wilshire Boulevard, a major corridor. The intent of the code is to allow for development that is compatible with existing uses. Granting the adjustment will lead to a development that is in scale and compatible with other developments along Wilshire Boulevard.

#### Reduced Easterly Yard Setback

The spirit and intent of the yard setback requirement is to allow for light, air, and privacy for the residential dwelling units. The residential tower of the proposed project will meet all yard setback requirements. Also, the parking podium will observe the required rear yard setback, and serve as a buffer between the

proposed project and existing residential development. The easterly yard setback abuts a commercially-zoned property, more specifically, the associated surface parking lot that serves the mid-rise office building. Therefore, the reduced easterly side yard setback will have no impact on access to light, air, and privacy for any nearby residential dwelling units.

#### Covered Outdoor Area

Most of the amenity deck is open to the sky, but a portion is recessed under an overhang of the residential tower above. This overhang area is intended to be common open space and will not be enclosed as a portion of the building, and, therefore, should not be counted as floor area. Covering a portion of the outdoor common open space complements the uncovered open space by providing an outdoor area that can be utilized in the rain and provides shade during hot weather. Covering this area does not reduce the usable open space area so much as it creates more opportunities to use the outdoor open space. Therefore, the requested adjustment to exclude the covered open space area from the floor area calculations is in conformance with the spirit and intent of the Planning and Zoning Code.

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

#### Buildable Area Designation

The proposed high-rise tower will not extend into the 13-foot prescriptive easement area (or areas lot to street dedications), except as permitted by the Department of Building and Safety by airspace easement or revocable permit. The proposed project will be in line with surrounding development, and there will be no adverse impacts from the requested adjustment.

#### Reduced Easterly Yard Setback

There will not be any adverse impacts on the property to the east because that property is currently developed with an office building and associated surface parking. These uses do not need the light, air, and privacy that are the intent of the residential setback requirements. The Draft EIR for the proposed project also analyzes the proposed reduced easterly yard setback, and finds that no significant land use compatibility or consistency issues would result from the proposed project.

#### Covered Outdoor Area

Most of the amenity deck is open to the sky, but a portion is recessed under an overhang of the residential tower above. This overhang areas has been designed to be common open space and will not be enclosed as a portion of the building, and therefore, should not be included as part of floor area calculations. Covering a portion of the outdoor common open space complements the uncovered open space by providing an outdoor area that can be utilized during rainy days, and can

provide shade during hot weather. Covering this area does not increase the actual floor area of the building, since this area is intended as outdoor area. The covered amenity area creates more opportunities to use the outdoor open space, without increasing floor area. The requested adjustment to the covered open space area to be excluded from floor area calculations would lead to a development that has a floor area ratio of 4.5:1, and addresses the overall impacts with mitigation measures and project benefits to address any adverse impacts.

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

#### **Buildable Area Designation**

The project site has special circumstances that make strict adherence to zoning regulations impractical and infeasible. The City paved over a portion of the private property abutting the Wilshire Boulevard right-of-way. In doing so, the City obtained a prescriptive easement to use the property and did not acquire the property outright. Therefore, the existing improvements, i.e., sidewalk paving located within an easement on private property, should not preclude the proposed project from using this area, including the area lost to street dedications, in density and floor area calculations.

#### Reduced Easterly Setback

Strict adherence to zoning regulations is impractical and infeasible because they reduce the lot's usable space in a manner not applicable to surrounding developments. The project site is located in a [Q]C4 Commercial Zone and is surrounded by existing improvements—residential and commercial development as well as associated surface parking - that have no setback needs or requirements. Also, the required easterly side yard setback allows for more of the project site to be utilized for the proposed project, while having no negative impact on the abutting property, which is improved with an office building and associated surface parking. Thus, requiring the easterly side yard setback would result in a more constrained project site, making development of the project both impractical and infeasible.

#### Covered Outdoor Area

The covered outdoor common open space area will be available to the residents of the proposed project in the same manner as the uncovered outdoor area. This area is open on all sides (except where the residential tower exists). There are no plans or intent to enclose this area as floor area, so the overhang area should not count as floor area. The proposed project meets the total open space requirements of LAMC Section 12.21-G. Therefore, there are no adverse impacts to the resides of the proposed project or to the surrounding community from the proposed adjustment to exclude the covered common open space area from floor area calculations.

#### SITE PLAN REVIEW FINDINGS

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

The project includes a Vesting Tentative Tract Map to subdivide the property into two master lots, and three airspace lots. Master lot 1 will be comprised of a total of 158 residential units and eight commercial condominiums comprised of a total of 6,850 square feet, and master lot 5 will be comprised of passive recreational open space. The project will also include requests for Zoning Administrator's Adjustments to permit the buildable area of the lot to be based upon the original lot lines, including the lot areas used for required street dedications, the 13-foot prescriptive easement area along Wilshire Boulevard, and the lot area used for required setbacks; for a reduced easterly side yard setback on proposed master lot 1 from the required 16 feet to 0 feet for the parking podium levels (floors one through four only); and to permit the covered outdoor common open space area located on the fifth floor podium level rooftop amenity area to be excluded in the calculation of floor area. The findings for the requested entitlements are provided in this determination, and the project will comply with all applicable provisions of the Code. The subject site is not located within a Specific Plan.

7. The project is consistent with the adopted General Plan.

The Wilshire Community Plan designates the site for "Regional Center Commercial" uses with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4. The Wilshire Plan footnotes state that Height District No. 2 corresponds with the C4 Zone. Lot 5 is zoned [Q]R3-1-O and has a corresponding zone of R3. The project has been designed to have a 21-story high-rise tower located along Wilshire Boulevard, and passive recreational open space for the lot near Orange Avenue and Crescent Heights Boulevard.

The Transportation Element states the following:

Objective 3 Support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards in the Community Plans.

Wilshire Boulevard is designated as a Major Highway in the Wilshire Community Plan. The zoning along Wilshire Boulevard is comprised of various commercial zones, which permit high-density mixed use developments. The location of the subject site helps the project meet this objective.

The City of Los Angeles Draft Housing Element 2006-2014 includes the following:

Chapter 6: Housing Goals, Objectives, Policies, and Programs

Policy 1.1.3 Facilitate new construction of a variety of housing types that address current and projected needs of the City's households.

- Policy 1.1.4 Expand location options for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.
- Objective 2.2 Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.
- Policy 2.2.1 Provide incentives to encourage the integration of housing with other compatible uses.
- Objective 2.3 Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.
- Objective 2.4 Promote livable neighborhoods with a mix of housing types, quality of design and a scale and character that respects unique residential neighborhoods in the City.

The Wilshire Community Plan includes the following land use issues:

- Improved land use transitions are needed between commercial uses and single-family and multiple-family areas.
- Increased off-street parking areas and facilities, open space, and recreational facilities are needed, particularly in multiple family residential areas.
- New development needs to be coordinated with the availability of public infrastructure.
- Improved appearance of strip commercial developments is needed, with concise, clear signage, better visual identity, adequate parking, and convenient access.
- Improvements to the appearance of new construction is needed through additional landscaping and more imaginative architecture to offset an otherwise severe industrial appearance along some major thoroughfares.

Granting the site plan review helps create housing units for households of different sizes, and provide over 6,000 square feet of commercial retail use. Commercial uses would be located at ground level, with residential units above. The project improves land use transitions between commercial and multiple family areas by stepping back and decreasing the massing of the residential tower close to the existing multi-family residential uses and provides adequate off-street parking and facilities in a multiple-family area. It is a new development that is coordinated with the availability of public infrastructure, specifically, Wilshire Boulevard. The project also provides recreational passive open space along Orange Avenue in response to the neighborhoods' request for open space. The project will be a LEED project, provide adequate parking, and will not involve the relocation of tenants.

8. The project is consistent with any applicable adopted redevelopment Plan.

The project is not located within an adopted redevelopment plan.

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

The proposed project consists of a 21-story mixed use building along the frontage of Wilshire Boulevard with passive recreational open space. The structure will be compatible with existing development and compatible with future development on neighboring properties. The area of Wilshire Boulevard is characterized by high-rise office buildings which are similar in height and bulk to the proposed development. The passive recreational open space will provide the transition of the residential uses on the east to Crescent Heights Boulevard to the residential units to the west, to minimize the visual impact of the development. Given that the two different parts of the proposed development are each compatible with their respective zoning regulations, they will be compatible with future development on neighboring properties which would follow the same zoning regulations.

10. The project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or additional findings as may be required by CEQA.

The Final Environmental Impact Report (EIR) for the Wilshire Crescent Heights Project (SCH# 2008051017) was certified in July 2010. On July 9, 2010, the Deputy Advisory Agency certified the EIR, wherein the project would include mitigation measures to reduce environmental impacts to a less than significant level. A Mitigation Monitoring Program, wherein mitigation measures and the responsible party, are identified in full in Section VI of the Final EIR. Also, a Statement of Overriding Considerations was adopted. The Final EIR identified unavoidable significant air quality impacts associated with construction of the project, as well as GHG emission impacts from the project. The City recognized that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the Project, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City found that the each of the project's benefits would outweigh and override the significant unavoidable impacts of the Project.

11. Any project containing residential uses provides its residents with appropriate type of placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize the impacts on neighboring properties where appropriate.

The proposed project will provide recreational amenities to improve habitability for the residents of the high-rise tower. These on-site amenities include, but are not limited to a fitness center, screening room, business center, internet lounge, club room, demonstration kitchen, private dining/meeting room, lap pool, recreation/BBQ/sun deck, roof deck, and sky lounge. The tower is oriented away from the residential community to the north in order to minimize potential impacts on neighboring properties. Finally, master lot 5 is proposed for passive recreational open space, which will include pedestrian passages, and abundant landscaping.

#### ADDITIONAL MANDATORY FINDINGS

- 12. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, Areas determined to be outside 500-year flood plain.
- 13. The Department of City Planning issued the Wilshire Crescent Heights Final Environmental Impact Report (EIR) No. ENV-2008-729-EIR (State Clearinghouse 2008051017) dated March 2010. The project has been completed in compliance with the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21,000 et seq. In connection with the following approvals granted to the applicant, the Final EIR is being certified in connection with all discretionary or ministerial approvals required to implement the Wilshire Crescent Heights project.

Based on the City's Environmental Review Committee, the City determined an EIR was necessary to analyze the potential environmental effects of the proposed Project. The EIR identified the project would create significant unavoidable impacts to the following: Aesthetics (shade and shadow), Noise and Vibration (construction noise and vibration), and Transportation and Traffic. The Notice of Preparation ("NOP") for a Draft Environmental Impact Report (the "Draft EIR") was circulated for a 30-day review period starting on May 5, 2008.

On August 13, 2008, the City released the Draft EIR for public comment. The comment period was 45 days beginning on August 13, 2009 and ending on September 28, 2009. On July 21, 2010, the Department of City Planning certified the EIR including the Mitigation Monitoring Program and the Statement of Overriding Considerations.

In approving the proposed project, the City decision-makers have reviewed and considered the Draft EIR and appendices, the Final EIR and appendices, and all other pertinent evidence in the record of proceedings.

The Applicant's consultants prepared the screencheck versions of the Draft EIR, Final EIR and Traffic Study. All such materials and all other materials related to the EIR were extensively reviewed and, where appropriate, modified by the Planning Department or other City representatives. As such, the Draft EIR, Final EIR, Traffic Study, and all other related materials reflect the independent judgment and analysis of the Lead Agency.

The custodian of the documents or other material which constitutes the record of proceedings upon which the Director's decision is based is the City of Los Angeles, Planning Department, located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

I concur with the report prepared by, Henry Chu Planning Staff for the Office of Zoning Administration, on this application and approve same.

HENRY CHU City Planner (213) 473-9919

Maya E. Zaitzevsky

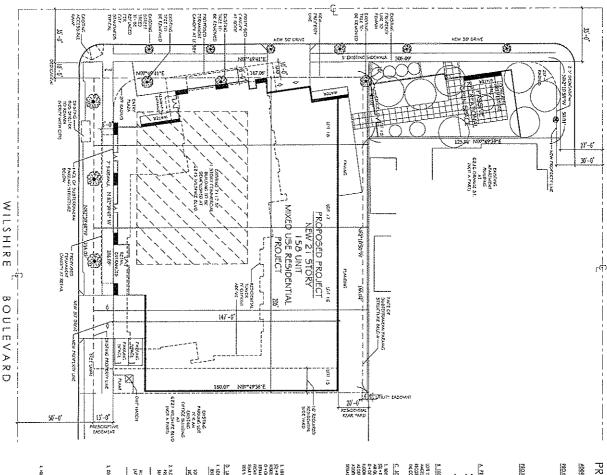
Associate Zoning Administrator
Direct Telephone Number (213)978-1416

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cc: Councilmember Paul Koretz

Fifth District

Adjacent Property Owners



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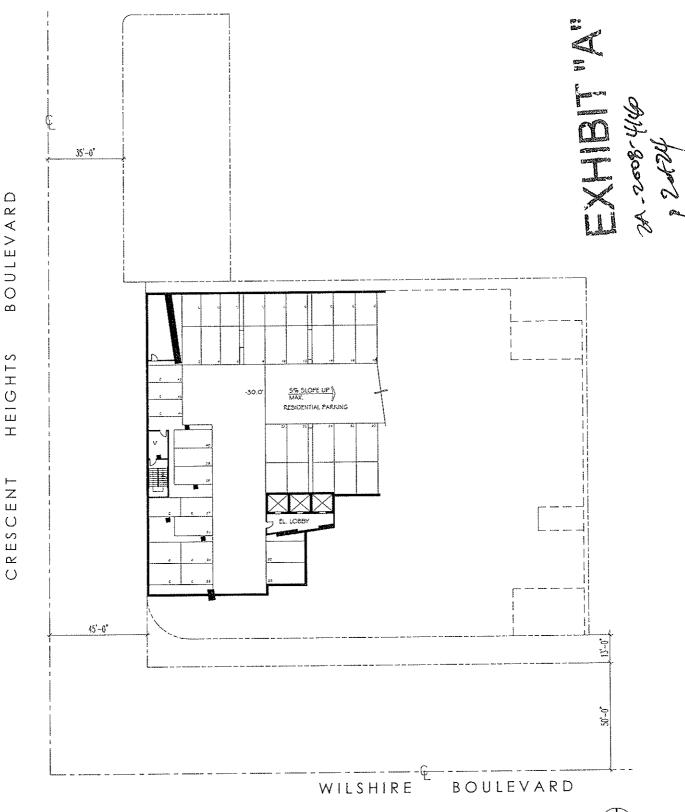
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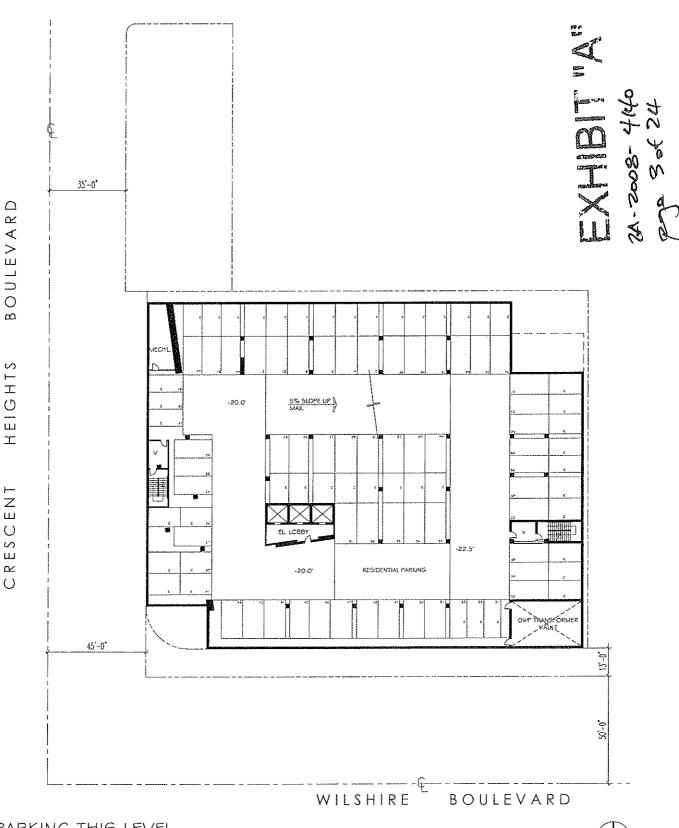
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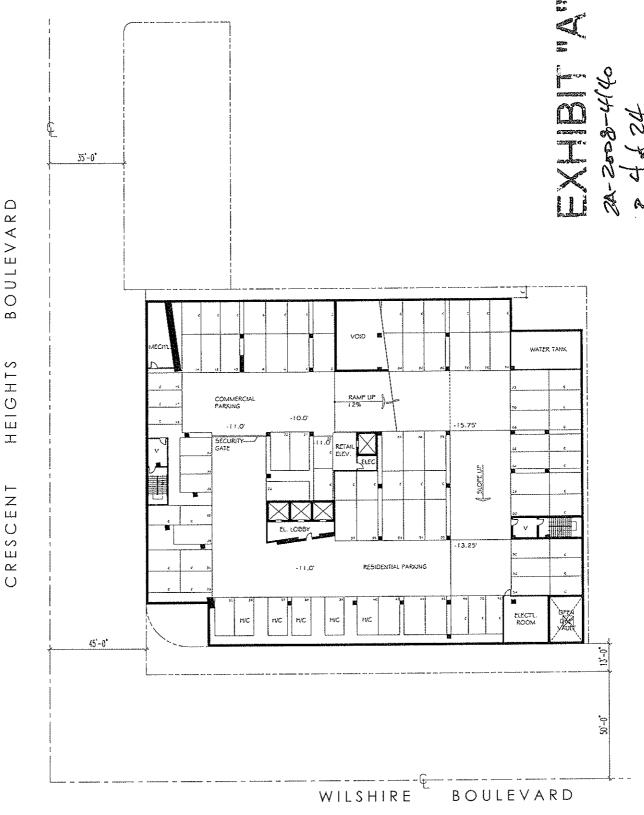
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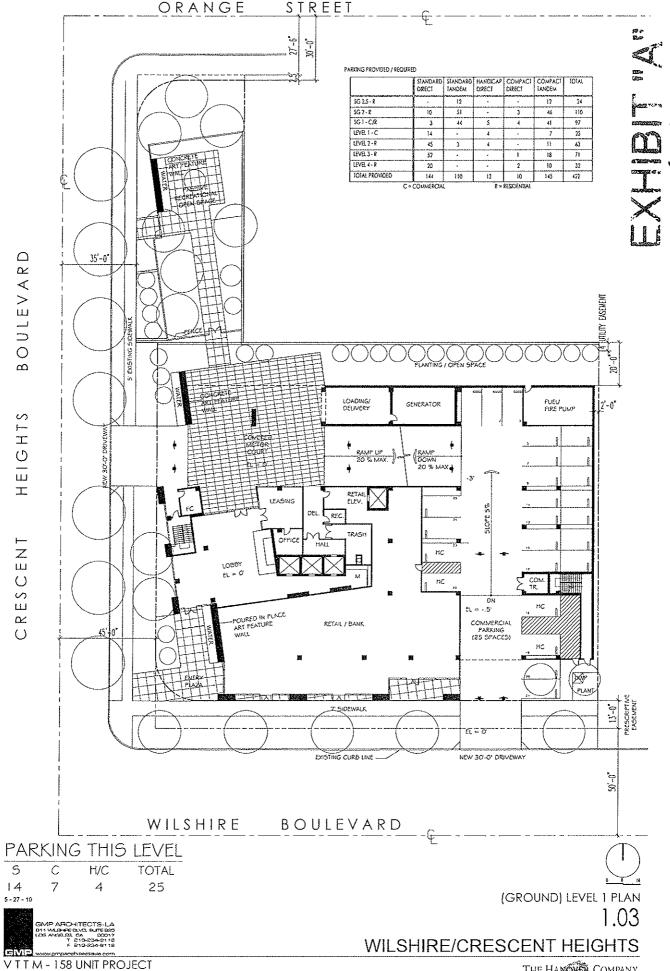
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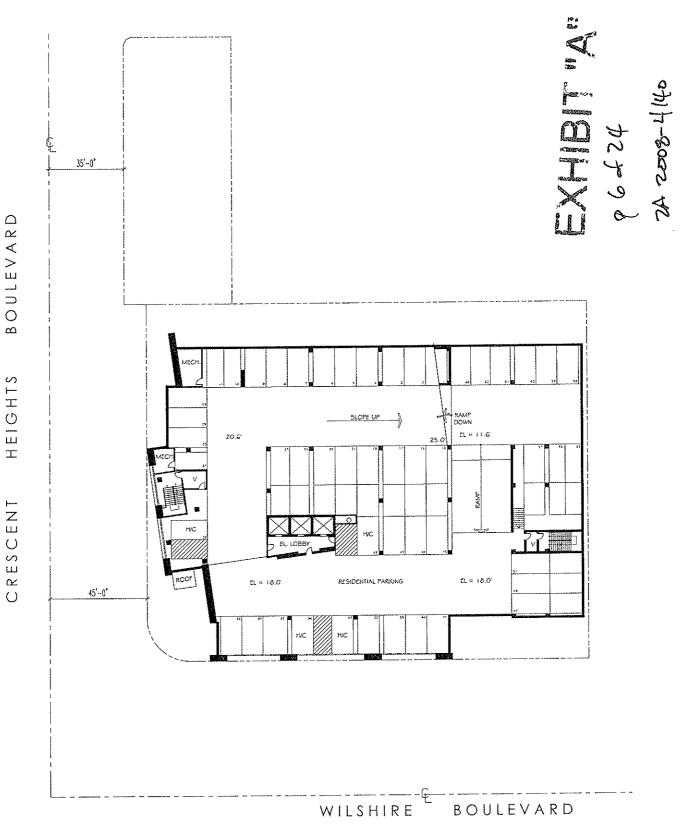
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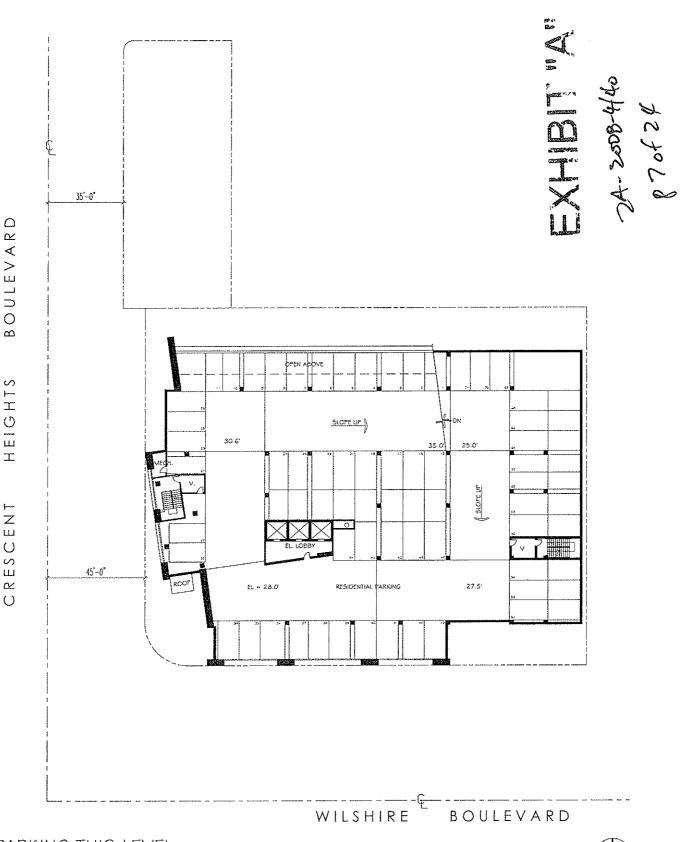
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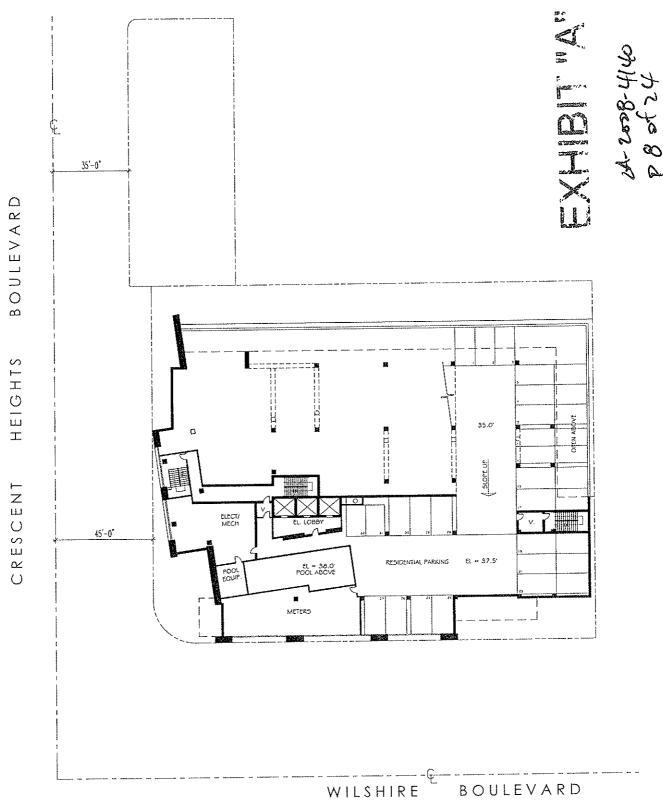
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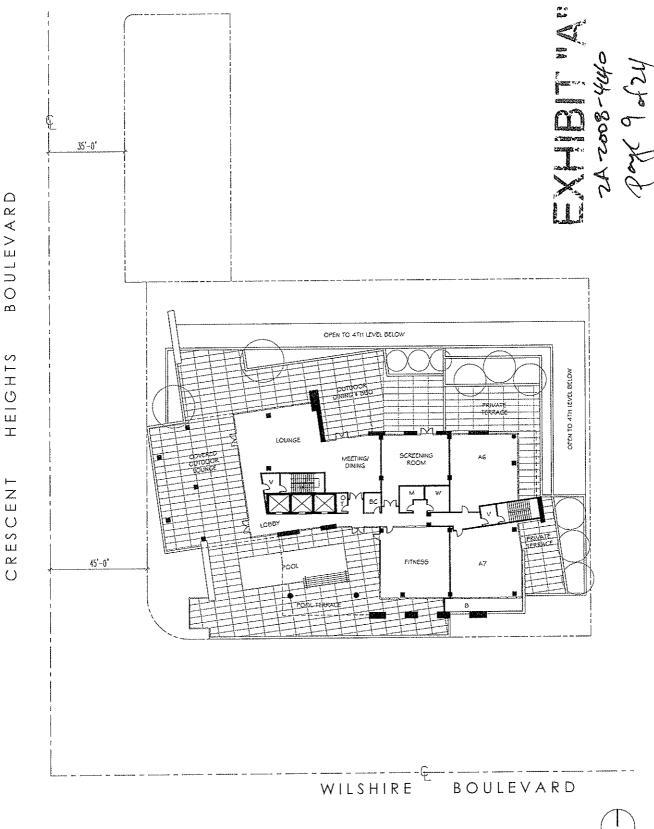
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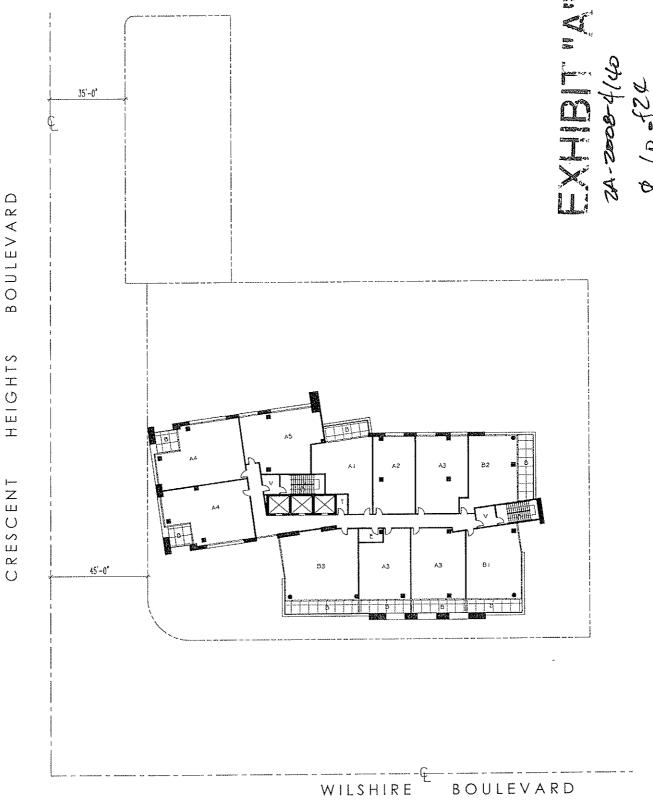


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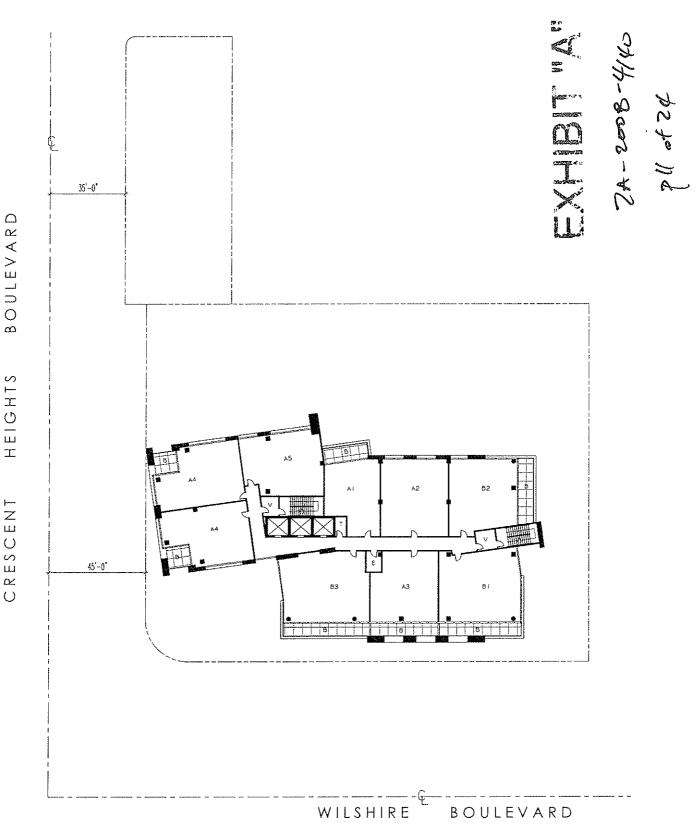
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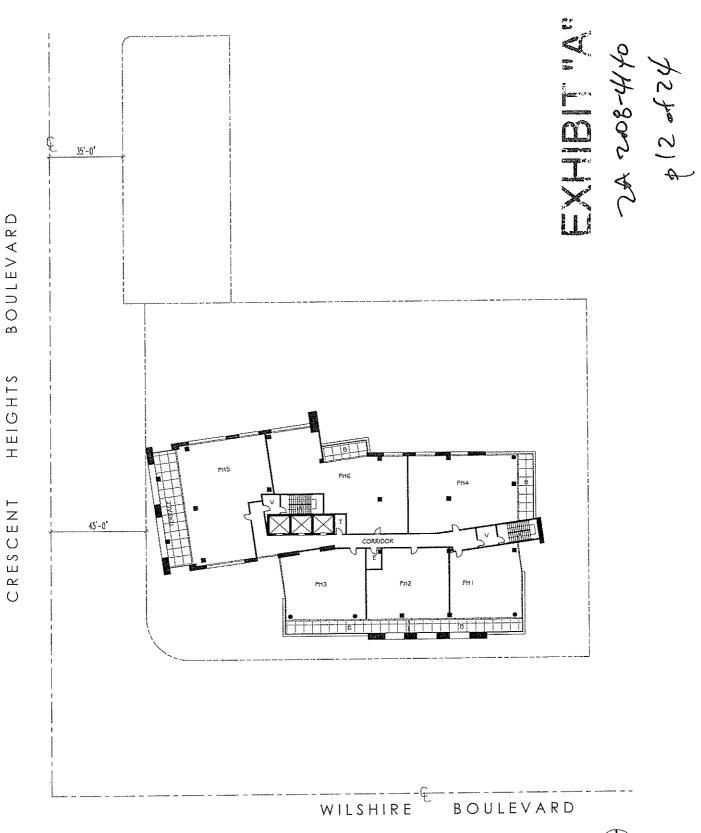


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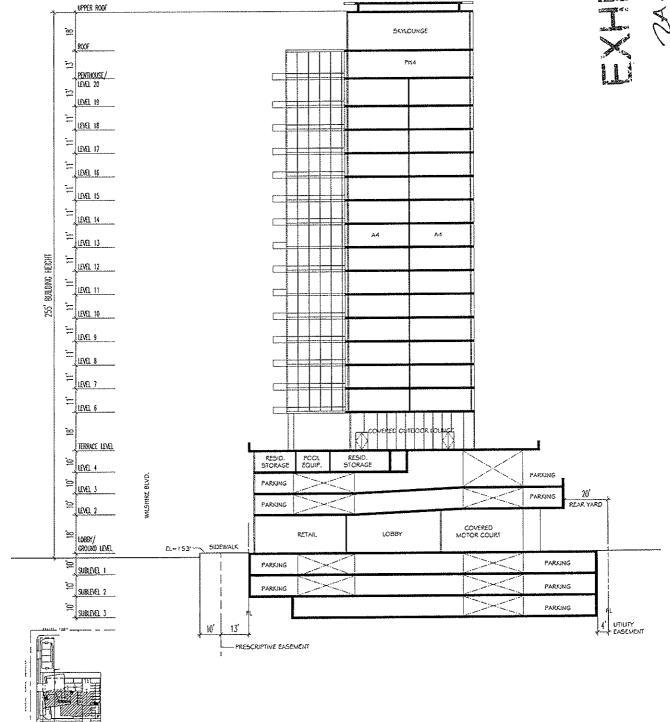
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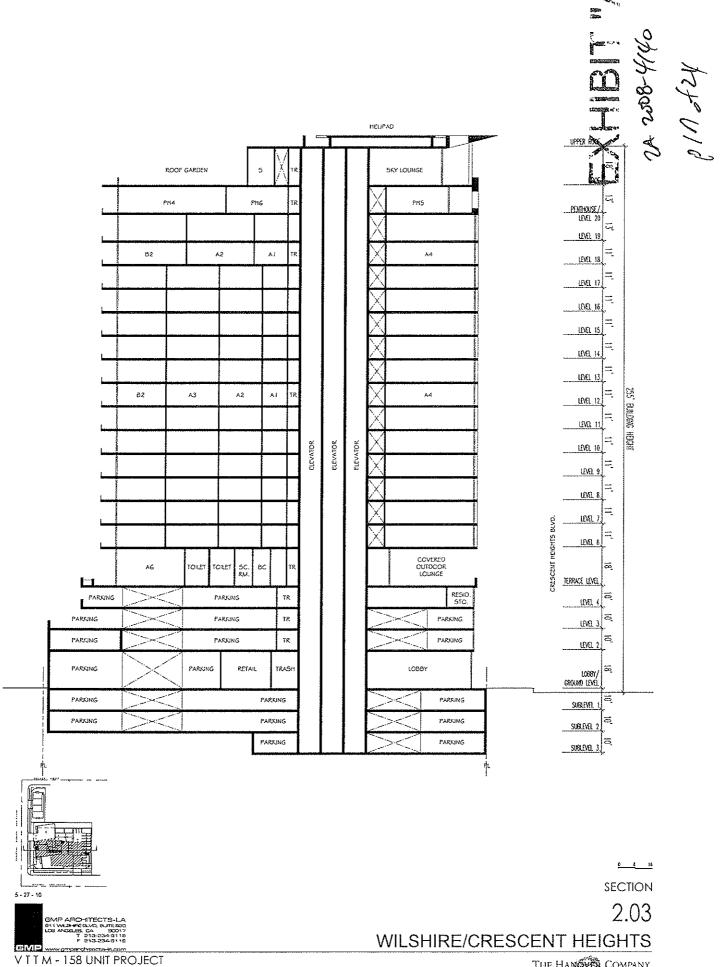
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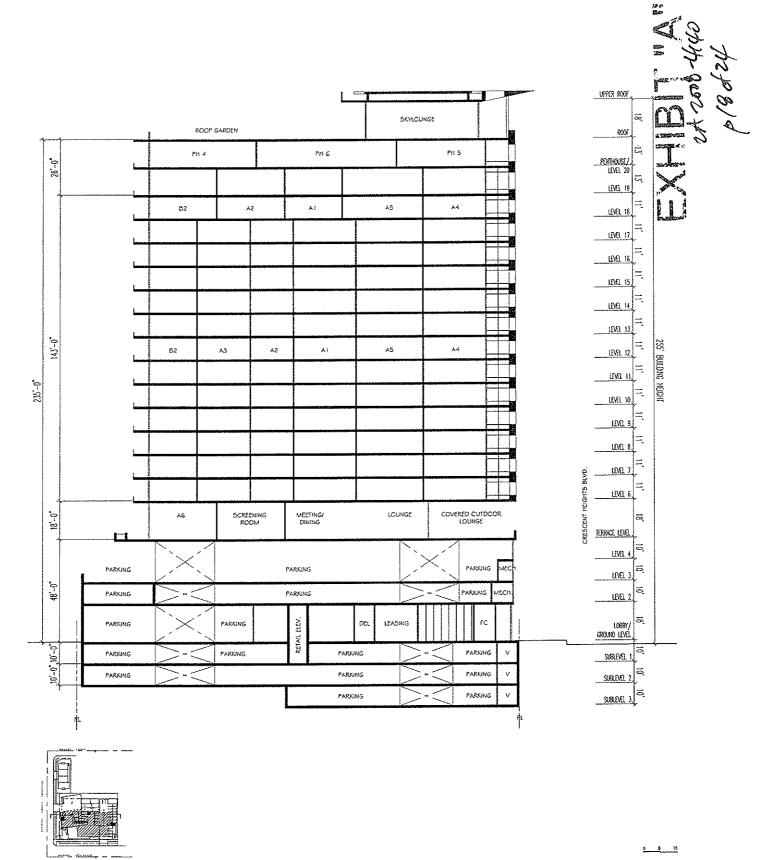
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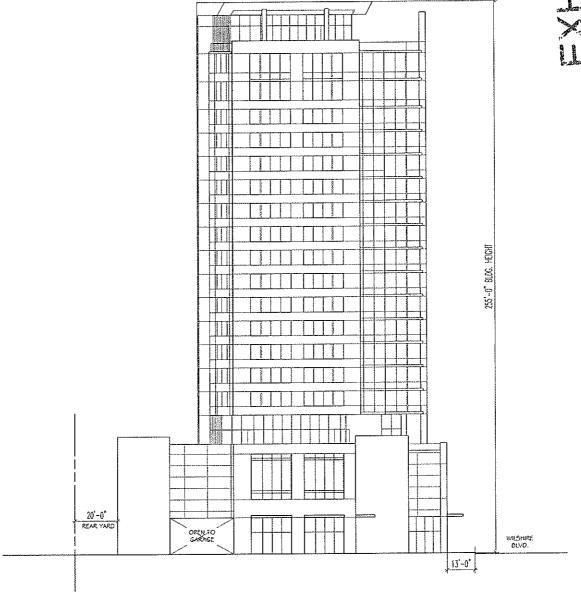
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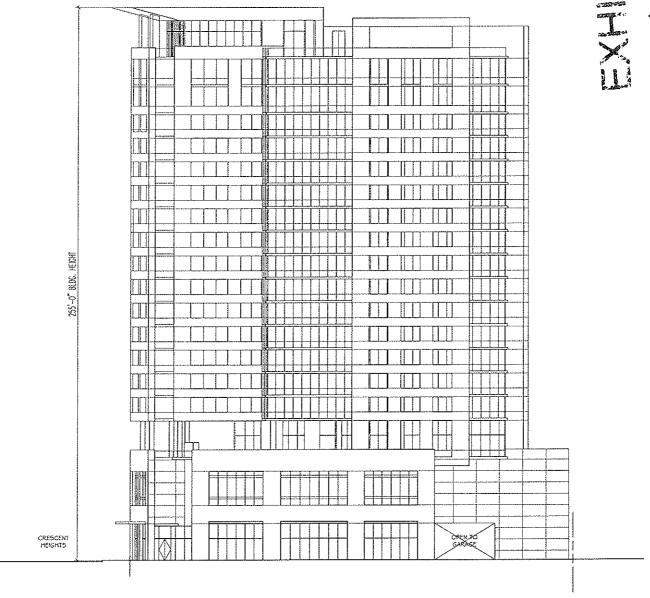
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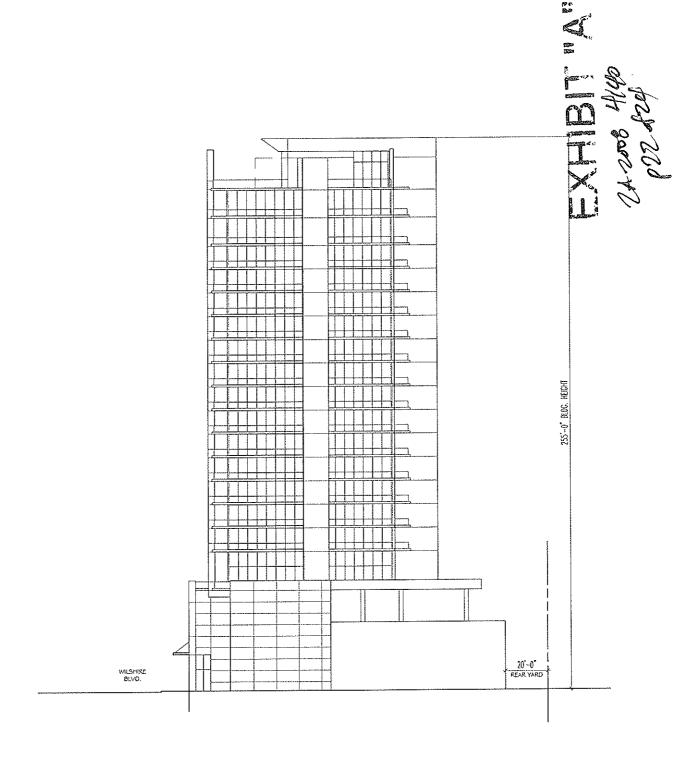


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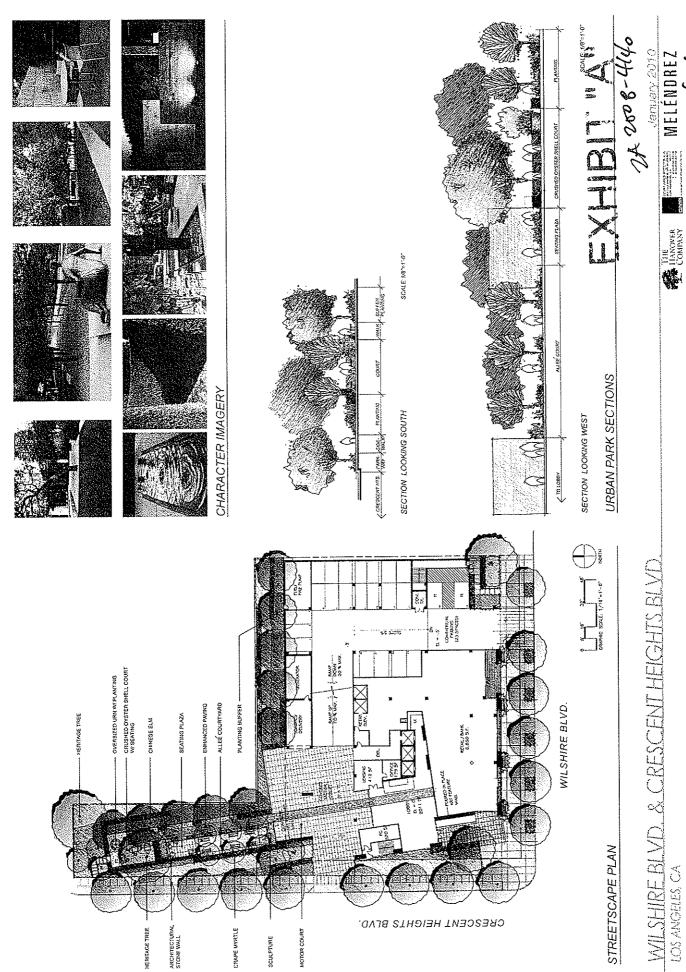


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