DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT

City Planning Commission

Date: August 13, 2009
Time: After 8:30 AM
Place: City Hall
200 North Spring Street, Room 1010, 10th Fl
Los Angeles, CA 90012

Public Hearing: May 27, 2009

Case No.: CPC-2008-9909-GPA-VZC-HD-BL-CUB-ZAA-SPR-CDO
CEQA No.: ENV-2007-1604-EIR; SCH No. 2007071053
Incidental Cases: VTT-68945-CN
Related Cases: None
Council No.: 4
Plan Area: Wilshire
Specific Plan: None
Certified NC: Greater Wilshire
GPLU: Regional Center, General Commercial
Zone: [Q]C4-2-CDO, [Q]C2-1 and C2-1
Applicant: BRE Properties, Inc.
Representative: John Parker, Pacific Crest Consultants
Expiration Date: August 14, 2009

PROJECT LOCATION: 5200-5224 W. Wilshire Boulevard, 700-758 S. La Brea Avenue, and 719-757 Sycamore Avenue

PROPOSED PROJECT: The removal of two structures for the construction of a new 6-story, 132-foot tall, mixed-use development comprised of 482 residential units, and 40,000 square feet of commercial retail and restaurant use, and 992 parking spaces. The structure will be comprised of two subterranean levels of parking, ground level commercial use and parking, and five levels of residential units with a mezzanine level/roof above.

REQUEST:

1. Pursuant to Section 11.5.6 of the Municipal Code, a General Plan Amendment for the two southwest parcels of the site abutting South La Brea Avenue to change the land use designation from General Commercial to Regional Center Commercial.

2. Pursuant to Section 12.32-Q of the Municipal Code, a Vesting Zone Change from [Q]C4-2-CDO to [T][Q]C4-2D-CDO, and from [Q]C2-1 and C2-1 to [T][Q]C4-2D.

3. Pursuant to Section 12.32-F of the Municipal Code, a Height District Change to add a “D” Limitation on site to permit a maximum Floor Area Ratio of 3.4:1.

4. Pursuant to Section 12.32-Q of the Municipal Code, the removal of a 5-foot Building Line established by Ordinance No. 80695 along the south side of Wilshire Boulevard between La Brea Avenue and Sycamore Avenue.
1. **Approve and a General Plan Amendment** a General Plan Amendment for the two southwest parcels of the site abutting South La Brea Avenue to change the land use designation from General Commercial to Regional Center Commercial.

2. **Approve a Vesting Zone Change** from [Q]C4-2-CDO to [T][Q]C4-2D-CDO, and from [Q]C2-1 and C2-1 to [T][Q]C4-2D subject to attached conditions of approval.

3. **Approve a Height District Change** to add a “D” Limitation on site to permit a maximum Floor Area Ratio of 3.4:1, subject to Conditions of Approval.

4. **Approve** the removal of a 5-foot Building Line established by Ordinance No. 80695 along the south side of Wilshire Boulevard between La Brea Avenue and Sycamore Avenue.

5. **Approve a Conditional Use** for the sale and dispensing of alcoholic beverages for on-site consumption at three establishments (three restaurants with cocktail lounges), and off-site consumption at one establishment (gourmet specialty food and beverage store) in the C4 zone incident to the zone change, subject to attached conditions of approval.

6. **Approve Zoning Administrators Adjustments** to permit 0-foot northerly and southerly yard setbacks from an existing alley and construction within the alley prior to vacation of the alley subject to attached conditions of approval.

7. **Approve Site Plan Review** findings for a development of over 50 dwelling units subject to modified conditions.

8. **Approve a Design Overlay Plan** pursuant to the provisions of the Miracle Mile Community Design Overlay District subject to modified conditions.

9. **Adopt** Environmental Impact Report, ENV-2007-1604-EIR (SCH No. 2007071023) and accompanying mitigation measures and Mitigation and Reporting Monitoring Program as the environmental clearance for the proposed project.

10. **Recommend** that the applicant be advised that time limits for effectuation of a zone in the “T” Tentative classification or “Q” Qualified classification are specified in Section 12.32.G of the L.A.M.C. Conditions must be satisfied prior to the issuance of building permits and, that the “T” Tentative classification be removed in the manner indicated on the attached page.

11. **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 may be required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

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S. GAIL GOLDBERG, AICP  
Director of Planning

______________________________  
Henry Chu, Hearing Officer (213) 473-9919  
Jim Tokunaga, Senior City Planner
ADVICE TO PUBLIC: "The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the Commissioners the week prior to the Commission’s meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300."
PROJECT ANALYSIS

Project Summary

The applicant, BRE Properties, Inc., is proposing a 472,500 square-foot mixed use development comprised of 482 apartment units and 40,000 square feet of commercial uses (28,000 square feet of retail uses and 12,000 square feet of restaurant uses). The development will be within one structure comprised of five stories of residential units (including mezzanine level with roof above) above ground level commercial uses and parking along Wilshire Boulevard, La Brea Avenue and 8th Street and a secondary “bar” building comprised of three-story townhomes fronting Sycamore Avenue designed to provide mass, bulk, setbacks, and scale to reflect the adjacent residential neighborhood. The development will include two subterranean levels of parking and will reach a maximum height of 132 feet at the accent spire and 54 feet for the townhomes fronting Sycamore Avenue. The development will have a floor area ratio of 3.34:1 on a site that totals 3.21 net acres.

Ground floor commercial and restaurant uses are proposed to be located along Wilshire Boulevard and La Brea Avenue. Residential units will be placed above ground level, except for the townhomes and flats proposed along Sycamore Avenue.

The project will provide a mix of studio, and one-, and two-bedroom units, as well as townhouses. The apartment units will be located above ground level commercial uses, while 10 townhouses and 10 flats will front Sycamore Avenue. Table 1 provides the breakdown of the residential mix.

<table>
<thead>
<tr>
<th>TABLE 1 Residential Mix</th>
<th>Number of Units</th>
<th>Percentage of Total Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>100</td>
<td>20.75%</td>
</tr>
<tr>
<td>1 Bedroom/1 Bath</td>
<td>272</td>
<td>56.40%</td>
</tr>
<tr>
<td>2 Bedroom/2 Bath</td>
<td>100</td>
<td>20.75%</td>
</tr>
<tr>
<td>Townhomes</td>
<td>10</td>
<td>2.10%</td>
</tr>
<tr>
<td><strong>Total Units</strong></td>
<td><strong>482</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Parking levels will include two subterranean levels and grade level parking. The project will provide a total of 992 parking spaces for the 482 rental units and 40,000 square feet of commercial uses. Of this total, 760 spaces will be set aside for residents, and 232 parking spaces will be set aside for commercial uses, and will meet the parking requirements identified in LAMC Sections 12.21-A,4(a) and 12.21-A,4(c). Table 2 provides the breakdown of parking for the project.

<table>
<thead>
<tr>
<th>TABLE 2 Project Parking Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
</tr>
<tr>
<td>&lt; 3 Habitable Rooms</td>
</tr>
<tr>
<td>3 Habitable Rooms</td>
</tr>
<tr>
<td>&gt; 3 Habitable Rooms</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
</tr>
<tr>
<td>Retail</td>
</tr>
<tr>
<td>Restaurant</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
</tr>
<tr>
<td><strong>Parking Total</strong></td>
</tr>
</tbody>
</table>
The project includes requests for a General Plan Amendment, a Vesting Zone Change/Height District Change, a Conditional Use for Alcohol sale and consumption, a building line removal, site plan review findings, a Zoning Administrator’s Adjustment, and a Design Overlay Plan for the Miracle Mile Community Overlay Design District, and a vesting tentative tract map (see On-site Cases).

The project will provide a total of 56,510 square feet of open space and amenities. This includes 12,350 square feet of landscaped areas, public plazas called “the Cove” and “the Eddy”, a sunset deck and sky deck on the 6th levels, a public park totaling 1,840 square feet at the corner of Sycamore Avenue and 8th Street, and a fitness room, club room and a play room.

The project will seek certification in Leadership in Energy and Environmental Design (LEED). More specifically, the applicant will seek LEED points with regards to sustainable site, water efficiency, energy and atmosphere, indoor environmental quality, and materials and resources. The project will be a certifiable LEED project but the level is yet to be determined.

**Background**

The site is relatively flat, and comprised of 21 lots including an alley totaling 0.12 acres. The site is located on the southeast corner of Wilshire Boulevard and La Brea Avenue, and is bounded by Wilshire Boulevard to the north, 8th Street to the south, Sycamore Avenue to the east, and La Brea Avenue to the west. The site has frontages of approximately 275 feet along Wilshire Boulevard and 8th Street, and approximately 570 feet along La Brea and Sycamore Avenues. A 20-foot alley, proposed for vacation, runs through the site in the east-west direction. The alley is proposed to be vacated and merged as part of the project site. This would give the site a total buildable area of 3.21 net acres or 141,472 net square feet. The project area summary is shown in Table 3.

<table>
<thead>
<tr>
<th>TABLE 3  Project Area Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot</strong></td>
</tr>
<tr>
<td>Existing Area (21 lots)</td>
</tr>
<tr>
<td>Street Dedication</td>
</tr>
<tr>
<td>Vacations</td>
</tr>
<tr>
<td>Net Area</td>
</tr>
</tbody>
</table>

The project site is located within the Wilshire Community Plan and the Miracle Mile Community Overlay Design District. The majority of the lots have Regional Center Commercial/Regional Commercial land use designations with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5. The two lots located at the southwest portion of the site has a General Commercial land use designation with corresponding zones of C1.5, C2, C4, RAS3, and RAS4.

The site has a mix of zones that include C2-1, [Q]C2-1, and [Q]C4-2-CDO zoned lots. Lots between Wilshire Boulevard and the alley, from La Brea Avenue to Sycamore Avenue are zoned [Q]C4-2-CDO. Lots abutting Sycamore Avenue from the alley to 8th Street are zoned [Q]C2-1. Finally, lots abutting La Brea Avenue from the alley to 8th Street are zoned C2-1. All lots within the project site except for the two southwest lots have a Regional Commercial land use designation. The remaining two have a General Commercial land use designation.

There is a 5-foot building line along the north portion of the site along Wilshire Boulevard per Ordinance 80695. The project site is served by three schools: Wilshire Crest Elementary School, Burroughs Middle School, and Los Angeles Senior High. The site is located along the potential future Metropolitan Transit Authority’s Metro Rail Purple Line Westside Extension.
The project site is currently developed with a church, a commercial strip center, and paved parking areas. The paved parking areas are utilized by both the church and commercial strip center patrons. According to the applicant, all structures have been vacated. The project proposes to remove all structures and paved parking areas and vacate the portion of the alley that runs through the site. The project will include the development of a 6-story mixed use building (5 levels of apartments atop an elevated base) above two subterranean parking levels.

Adjacent uses include a 10-story office building, automobile dealership, a Metropolitan Transit Authority customer center, and a one-story fast food restaurant to the north, a one-story retail building and two-story multi-family buildings (primarily duplexes and a 12-unit apartment building) to the east, a one and two-story commercial building to the west, and a one-story auto-body shop and a duplex residence to the south. Wilshire Boulevard is a Major Highway dedicated to a width of 100 feet. La Brea Avenue is a Major Highway dedicated to a width of 100 feet. Sycamore Avenue is a Local Street dedicated to variable widths of 60 to 62 feet. 8th Street is a Collector Street dedicated to variable widths of 60 to 75 feet. The alley is 20 feet wide.

(See Exhibit E-1 Radius Map).

On-site relevant cases include the following:

VTT-68945. Vesting Tentative Tract Map No. 68945 for the merger of 21 lots and portion of an alley to be vacated into a one-lot subdivision on a 3.21 net acre site into 482 apartment units and 24 commercial condominiums comprised of 40,000 square feet of commercial use with 992 parking spaces in the [Q]C4-2-CDO, [Q]C2-1, and C2-1 zones. A haul route approval to export approximately 177,000 cubic yards of earth material is also being requested. The case was taken under advisement pending submittal of a revised map (submitted June 12, 2009) and approval of the requested General Plan Amendment and zone change.

Ordinance 174455-SA941. Effective April 13, 2002, this ordinance changed the zone for Subarea 941 from P-1 to [Q]C2-1, which correspond to lots located at 719-757 Sycamore Avenue. The Quantitative Conditions limit the use of the property to parking lots or residential development up to R2 densities.

ZA-96-0523 (CUZ). On August 23, 1996, the Zoning Administrator approved a request for a conditional use to authorize the installation, use and maintenance of a telecommunications facility on the roof of an existing church in the C4 zone. The project address is 5220 Wilshire Boulevard.

ZA-96-0026 (CUZ). On April 3, 1996, the Zoning Administrator approved a request for a conditional use to permit the installation, use and maintenance of a rooftop Personal Communications Services wireless telecommunications facility in the C4-2 Zone. The project address is 5200 Wilshire Boulevard.

ZA-96-0026 (CUZ)(PA1). On December 13, 2002, the Zoning Administrator approved a request for a Plan Approval to ZA-09-0026 (CUZ) to allow two additional equipment cabinets on a previously approved cellular telecommunications site.
ZA-96-0026 (CUZ)(PA2). On January 9, 2003, the Zoning Administrator issued a termination letter for ZA-96-0026-(CUZ)(PA1).

**Reports Received:** Department reports were received from the Bureau of Engineering, the Department of Transportation, the Bureau of Street Lighting, Fire, the Los Angeles Unified School District, Department of Building and Safety-Zoning, the Department of Transportation, including responses to the submitted Traffic Study. Copies of these reports are included as Exhibits to this report.

**Issues and Discussion:** The following section includes a list of issues related to the project. These issues were either 1) identified in the environmental document, 2) derived from letters submitted by the public, or 3) raised at the public hearing held on May 27, 2009. Detailed comments made at the public hearing along with a list of letters submitted are found at the Public Hearing portion of this report. The actual letters are included as Exhibits of this report. A discussion of the issues is as follows.

**Values of the Project.** According to the applicant, since the project's inception, the value of the project has remained the same. The intent of the project design is to meet the needs of the community, the developer, and the Council Office. The project has been able to maintain its project values through the outreach and revision process. The project values include the following:

1) **Great Sidewalks.** The project has been designed to provide a comfortable and forward looking pedestrian environment that includes street trees and wide sidewalks. The sidewalks will allow for pleasant access to the proposed ground-level retail and residential entry points.

2) **Contextually Relevant.** The project site is framed by historic buildings to the south (one-story Firestone Building) and to the north fronting Wilshire Boulevard (14 stories tall E. Clem Wilson Building). La Brea Avenue is busy thoroughfare, while Sycamore Avenue is a quiet neighborhood street. The project responds to the E. Clem Wilson Building to the north with its tower element. The new building would rise to its highest point at the corner of Wilshire Boulevard and La Brea Avenue, and reflect bulk and massing seen on the E. Clem Wilson Building. The proposed building is several stories shorter than the tallest of the nearby historical resources; however, it draws upon many of the features from this historical precedent in its scale and massing. At the corner of La Brea Avenue and 8th Street, a vertically oriented, curved corner element announces the retail space that runs the length of La Brea Avenue. This curved element breaks the otherwise continuous elevation of linear retail storefronts, and is a contemporary interpretation of the Streamline Moderne canopy style features at the Firestone Tire and Rubber retail store across 8th Street. The proposed building responds to the residential neighborhood to the east through its courtyards that open to the east and by a more articulated building face to the adjacent residential neighborhood. The secondary “bar” building would be used, together with the flats at grade, to diminish the height of the structure as it fronts Sycamore Avenue, and would provide mass, bulk, setbacks, and scale that is more consistent with those residential dwellings.
3) **Meaningful Open Space.** The project provides a “cove” just south of the tower on La Brea Avenue. The cove is a gathering place with outdoor seating for restaurants and for people moving from out of parking structure to retail. Though it is not located at the corner, the cove is covered and provides more shelter. At the southeast corner of the project site, a pocket part totaling 1,840 square feet of green space is proposed at the corner of 8th Street and Sycamore Avenue to soften that corner that faces multi-family homes.

4) **Views.** The project design includes a “finger” building and a courtyard that allows most residents to face east towards the downtown skyline.

5) **Different Building Components.** The proposed building will be broken down into separate components so it appears as four different buildings. There is a placeholder building along Wilshire Boulevard that echoes classic elements of the neighboring art-deco style, two different building configurations down La Brea Avenue, and on the on east side, there are three-story homes comprised of flats and townhouses that are scaled and massed to complement the residential homes across Sycamore Avenue.

**Construction Phases.** Development of the proposed project would require the demolition and removal of existing uses. Construction of the proposed project is expected last approximately 36 months. The construction period for the project is anticipated to consist of four phases. Phase I (Demolition) would involve the demolition and removal of existing on-site structures. This phase is anticipated to take two months to complete. Prior to demolition, the existing wireless telecommunication facility presently located on the rooftop of the building at the northwest corner of the project site would be temporarily relocated to the south at ground level to allowed continued operation during construction. Following construction of the proposed project, the wireless telecommunication facility would be permanently relocated onto the building rooftop at approximately the same location as the present facility. Phase II (Excavation/Earthwork) would involve the grading and excavation of existing on-site soils. It is anticipated that approximately 163,000 cubic yards of earth material would be removed from the project site. This phase is anticipated to take four months to complete. Phase III (Sub-Grade Construction) would involve construction of the foundations and sub-grade portions of the parking structure while Phase IV (Building Construction) would involve above grade construction of the base building. Phase III is expected to take nine months to complete while Phase IV is expected to take 14 months to complete. There would be three months of overlap of Phase III and Phase IV.

**Project Revisions.** In response to the community and the Council Office’s concerns, the project was reduced in density and scale. The project was originally proposed for an 18-story mixed use development comprised of 645 residential units and 41,500 square feet of commercial space to seven stories above ground level retail, 562 residential units, and 45,000 square feet of commercial space to five stories above ground level retail, 482 residential units and 40,000 square feet of commercial space.
General Plan Amendment, Zone Change and Land Use Designation. As discussed in the background section of the report, the site consists of three different zones: C2-1, [Q]C2-1, and [Q]C4-2-CDO zone. The majority of the site has a Regional Commercial land use designation with the two southwest lots having a General Commercial land use designation. The applicant is requesting to change the zone from [T][Q]C4-2D and [T][Q]C4-2D-CDO for that portion within the CDO, and from C2-1 and [Q]C2-1 to [T][Q]C4-2D for the remaining portions of the site. The applicant is also requesting to change the land use designation of the two southwest lots from General Commercial to Regional Center Commercial. A “Q” Condition exists as part of the Wilshire Community Plan Update for the lots located at 719-757 Sycamore Avenue zoned [Q]C2-1. The “Q” Condition changed the zone from P-1 to [Q]C2-1, and limit the use of the property to parking lots or residential development up to R2 densities. The applicant seeks consistent zoning throughout the site in order to develop a unified project that is compatible with the surrounding commercial and residential uses.

The public, including the Greater Wilshire Neighborhood Council, the Sycamore Square Residential Association, the La Brea-Hancock Homeowner’s Association, and the Miracle Mile Neighborhood Association oppose the requested General Plan Amendment and Zone Change. Letters were submitted expressing their opposition to these requests. At the public hearing, issues regarding the loss of C2 lots were raised. It was stated that the Wilshire Community Plan was updated to preserve C2 lots to serve as transitions for residential neighborhoods.

Planning staff spoke with the Community Planning Bureau staff, who stated the zone was changed from the P-1 zone to the [Q]C2-1 zone to allow for commercial uses, while maintaining the Regional Commercial land use designation. The “Q” Condition was included as part of the site’s zoning to allow for low intensity development. However, the site was changed to the C zone to allow for commercial development. The rationale behind such action was to require any new development that exceeds R2 density to go through discretionary review and process.

The site is also considered a hodge-podge of zones with a hodge-podge of uses that covers the entire site. The Community Plan designates the site as Regional Center Commercial, Regional Commercial and General Commercial. Only 4.4 percent of Wilshire Community Plan area is designated as such. The site is located at the intersection of Wilshire Boulevard and La Brea Avenue, and surrounded by commercial uses on three sides, including high commercial development to the north across Wilshire Boulevard. The project seeks to have consistent zoning throughout the site and spread density that would allow for better landscaping and pedestrian opportunities, and provide appropriate height transitions and overall lower height on the project site rather than build an intense development such as a 33-story office high-rise at that particular corner. At the time of the Wilshire Community Plan Update, the site was under separate ownership. With separate ownership, there are more challenges to eliminate the hodge-podge of zones and uses to create a development that would be compatible with the urban complex of this area. Since then, the applicant has accumulated the different parcels to propose this project with the requested entitlements. The project seeks to eliminate the hodge-podge of uses on the site, revitalize the area, and build a development that meets the goals and objectives of the Wilshire Community Plan. While a zone change is requested from C2 to C4, the project design responds to the neighborhood scale as discussed in this section of the report.

Vacation of the Alley. A 20-foot alley that totals 0.12 acres is located south of and runs parallel to Wilshire Boulevard. Public comments have been made to preserve the alley since it would help reduce traffic near the intersection of Wilshire Boulevard and La Brea Avenue. According to the traffic consultant, the alley is seldom used and leads to nowhere.
The project includes a request to vacate and merge the alley with 21 lots as part of Vesting Tentative Tract Map No. 68045. The applicant is also requesting adjustments to encroach into the required setbacks from the alley and to construct onto the alley prior to the alley’s vacation. The request for the alley vacation is under discretionary review by the Advisory Agency as part of the requested vesting tract map. The Bureau of Engineering has included conditions that the alley be permitted to be merged with the remainder of the subdivision (VTT-68945) in the event that the Department of Transportation does not issue an objection letter. To this date, no letter has been received, and the Deputy Advisory Agency took the tract request under advisement pending the submittal of a revised map and the City Planning Commissions determination for the requested General Plan Amendment and Zone Change.

The proposed project will provide a driveway access point from Sycamore Avenue at the approximate location of the alley. At the west portion of the project site, the proposed project includes a small plaza to allow for pedestrian access into the parking areas as well as the resident lobby area.

**Miracle Mile Community Design Overlay.** The Miracle Mile Overlay works within the Wilshire Community Plan to specifically create guidelines that enhance the identity of the 1-mile corridor. The guidelines set forth establish goals that:

1) Promote developments that preserve and enhance the physical appearance of the 1-mile corridor.
2) Help encourage developments to enhance pedestrian safety and comfort in retail areas.
3) Insure a high quality of design in development.
4) Help preserve architecturally sensitive and significant buildings along the corridor.

The project will adhere to the following guidelines to help establish an appropriate development for the property.

1) Consistency: Selecting colors, exterior surface materials, landscaping, and sign programs that match the surrounding buildings.
2) Activity. Pedestrian safety promoted by building orientation, storefront design, and landscaping,
3) Safety. This can be addressed through site planning considerations like location of parking lights, signage, and landscaping.

The most recent plans were reviewed by the Community Planning Bureau, and the following comments were made with regards to the project in general as well as the project’s consistency to the Miracle Mile CDO:

- Section 6.A.1c of the Miracle Mile CDO requires vertical features within the Wilshire Boulevard façade. The project should include more vertical features.
- Sections 6.C.3b and Standard 3a of the Miracle Mile CDO requires a dominant entrance at the development’s corner entrance near Wilshire Boulevard and La Brea Avenue.
- Section 5 of the Miracle Mile CDO provides for project transitional height and pedestrian access (circulation) from the garage out to the plaza on La Brea Avenue, just south of Wilshire Boulevard.
- The project meets many of the goals of the Wilshire Community Plan.
Open Space. The open space requirements for a project with 482 residential units are 53,125 square feet with a minimum 26,563 square feet of common open space. The project exceeds these requirements by providing a total of 56,510 square feet of open space and 39,430 square feet of common open space. Open space is provided in the form of courtyards, ‘the Cove’ and ‘the Eddie’ plazas, decks, recreational amenities, and a volunteered public-accessible park totaling 1,840 square foot.

Issues of the public park and Quimby fees were raised at the public hearing. Comments included the small size of the pocket park, project buffer not being large enough, and other projects in the neighborhood that provided a green belt in the project. The applicant’s representative as well as the representative of the Council Office responded by stating that the pocket park is not a requirement of the project. This was volunteered in response to the community’s request as well as to soften the development near the residential uses. The representative also stated the efforts of the project to minimize its impact to the residential neighborhood. Such include the pocket park, the large setbacks from Sycamore Avenue, the townhomes and its scale that face homes on Sycamore Avenue, the revision of the project height, landscaping, etc. The representative from the Council Office stated other Wilshire developments were able to provide greenbelts as part of their development through tools that were negotiated through development agreements that permitted increased density and floor area otherwise permitted by site zoning, through the City giving public rights-of-way, and through the approval of zone variances and zone changes. As stated in the EIR, the project would bring in $2.5 million in Quimby fees. Council Office stated it was state law that collected Quimby fees must be used within two miles of the site, and assured that the amounts collected for this project would. She also stated that she would work with the community to find a location for a park.

Compatibility, Density and Scale. The Wilshire Community Plan area is an urban complex with buildings of varying heights, uses, and densities. The visual character of the Miracle Mile District, which is located directly adjacent to the project site to the west, is also characterized by numerous mid- and high-rise tower office buildings along Wilshire Boulevard. Several of these tower buildings are visible from the project site. In addition, towers along Wilshire Boulevard east of the project site are visible from the project site from higher on-site vantage points. The façade would create a façade rhythm by creating context with adjacent buildings. This includes the historic Art Deco E. Clem Wilson Tower located to the north of the project site across Wilshire Boulevard, and the Firestone Tire Store south of the project site. The project’s 132-foot accent spire at the northwest corner of the site would reference the stepped massing, pronounced plinth, and expressive rooftop of the historic Wilson Tower. Elsewhere on the Wilshire façade, the black glass of the bank building across the street is acknowledged in the dark cladding of the structure’s lower level. At La Brea Avenue and 8th Street, the curving form of the project’s corner reflects the historic Firestone building. The upper levels would be differentiated from the ground level. As mentioned above, the project will also include lush landscaping, larger setbacks, a pocket park, and townhomes along the Sycamore Avenue portion of the site to address the low density developments east of the site.

A majority of the site is designated as Regional Commercial. One scenario for the site was the development of a 33-story, 200,000 square foot office tower. However, the community did not want a high-rise building because the project would have significant, immitigable impacts and would be incompatible with the surrounding mixed-use neighborhood. In response to the community, the applicant reduced their project to 482 residential units. According to the applicant’s representative, the project could have developed the site with 455 by-right units. However, the project proposes 482 units with abundant landscaping and a pocket park that was volunteered by the applicant. The density for the project is appropriate for the site. The increase in population would be consistent with the General Plan and in accordance with
SCAG’s population projections. Furthermore, the site is ideal for a project of this density and commercial square footage. Future residents, employees and patrons would be able to utilize public transit as well as the future Metro Purple Line extension along Wilshire Boulevard. This would help reduce traffic congestion and pollution, as well as bring balance to the jobs-to-housing ratio.

Traffic Impacts. Comments were raised at the public hearing regarding the adequacy of the traffic study prepared by Overland Consultants dated May 2007, as well as the EIR. The traffic study analyzed 16 intersections and determined that three of the study intersections (Highland Avenue at La Brea Avenue, Wilshire Boulevard at La Brea Avenue, and 8th Street at La Brea Avenue) would be significantly impacted by the project related traffic. The study also stated the project would generate 2,815 net daily trips with 206 net trips in the AM peak hour and 249 net trips in the PM peak hour. DOT issued a letter dated September 10, 2007, stating they have reviewed the traffic study and stated the study adequately evaluated the project-related impacts on the surrounding community. The traffic study in the EIR contains mitigation measures for the three intersections that would reduce the impacts to less than significant. The final EIR included a neighborhood street analysis, and found potential impacts to Sycamore Avenue would be less than significant due to an average daily trip increase that would be below the threshold established in the City’s CEQA Guidelines.

With recent modifications to the plan, the traffic consultant re-evaluated traffic impacts and concluded that the revised project traffic generation is less than the prior mixed-use project analyzed in the traffic study reviewed by DOT in their September 10, 2007 letter. In the revised report, only the intersection of Highland at La Brea Avenue resulted in a significant impact that could be mitigated to less than significant. In addition, although the revised project results in no significant impact at 8th Street and La Brea Avenue, the applicant proposes to construct the improvements at this intersection identified in the EIR. As a result, no new traffic impacts would result from the 482-unit mixed use project.

At the public hearing, the applicant’s representative stated that the applicant is willing to work with the community to develop a neighborhood protection plan to reduce problems that may occur in the streets independent of this development.

Future Subway Site and Knockout Panel. The site is the future location of a subway station. A high-density development would be ideal for this location to increase transit ridership, and to alleviate traffic congestion and pollution in the area. A high-density development would be ideal for this location to allow for an increase in transit ridership and to reduce traffic congestion.

The Metropolitan Transportation Authority commented on the project in regards to the Westside Extension Transit Corridor Study. A letter dated October 13, 2008 found in the Final EIR stated the following: 1) The site is within the study area for the Westside Extension Transit Corridor Alternatives Analysis (AA) Study; 2) The Wilshire and La Brea project should consider locating on the property a proposed future subway portal (escalator and elevator); 3) Metro requests the corner be redesigned to more easily accommodate the future subway portal. The subway portal will not fit on the existing sidewalk and will require some incursion into the private property; and 4) The project should be designed for future modification to accept a subway entrance as well as easy access to connecting bus service.
The Planning Department's responded by stating the following: 1) Future plans of the subway portal on the site are speculative, and redesigning the project to accommodate a future portal for a possible subway station is not feasible at this time; 2) The Applicant has initiated discussions concerning plans for future Metro improvements and is also evaluating with Metro the potential for a future portal on the southeast corner of Wilshire and La Brea to the extent that a future portal is feasible and would not burden the project; 3) Preliminary designs presented by Metro indicate that the main portal to the proposed station would be located on the northwest corner of Wilshire and La Brea where a current Metro building is located. The project would not interfere with the proposed portal.

At the public hearing, the applicant's representative acknowledged the applicant's willingness to offer a potential subway knockout panel for an additional entrance to the Wilshire/La Brea subway station. As such, planning staff included condition, “Q” Condition No. 10, which states that the applicant offer an easement over the portion of the subject property at the southwest corner of Wilshire Boulevard and La Brea Avenue to the Metropolitan Transportation Authority (MTA) for the sole purpose of providing an additional pedestrian entrance to the planned Wilshire/La Brea Metro Transit Station, to the extent that MTA plans for an entrance at this location.

Cultural Resource.

One of the most significant issues to be raised concerning the proposed project is the potential significance of the former Columbia Savings Building (now the Wilshire Grace Church) constructed in 1965. The building occupies two parcels (of the 21 parcels comprising the subject site) at the southeast corner at the intersection of Wilshire Boulevard and La Brea Avenue. As part of the proposed project, the former bank building will be demolished and replaced with a new structure as part of the entire project.

At the public hearing conducted by the Advisory Agency and the Hearing Officer on May 27, 2009, the Los Angeles Conservancy testified and submitted comments on the historic significance of the Columbia Savings Building. The Conservancy requested that the project EIR be revised to consider preservation of the building and alternatives to demolition. Subsequently, the Los Angeles Conservancy submitted a nomination of the Columbia Savings Building to the California Register of Historical Resources. The nomination was also mailed to the City of Los Angeles Office of Historic Resources for review and comment.

On July 16, 2009, the Cultural Heritage Commission (CHC) voted 4 to 1 to forward comments regarding the nomination of the Columbia Savings Building. The CHC did not take a stance on whether the building should be eligible for listing in the California Register of Historical Resources but did adopt a Resolution of their comments on the nomination. These comments will be forwarded to the City Council for a vote at a later date. Regardless of the City Council action, the nomination does continue to the State Office of Historic Preservation for eventual formal consideration. It is unknown at this time when the nomination will be heard by the State.

Potential historic resource impacts are evaluated in Section IV.C of the Draft EIR and discussed in the Responses to Comments found in the Final EIR. The analysis of cultural resource impacts is supported by the Chattel Architecture, Planning & Preservation, Inc. Historic resources report dated May 13, 2008 (“Chattel Report”), which is contained in Appendix IV.C of the Draft EIR.
The EIR concluded that the former Columbia Savings Bank Building, built in 1965, is not a significant historical resource. Under CEQA, resources that have been listed in or determined eligible for the California Register are treated as historic resources. However, when a resource has not been formally determined eligible for, or listed in, the California Register or any other pertinent listing, CEQA gives the lead agency the authority to make the determination of whether a building should be treated as an historic resource.

The California Register criteria used in the EIR analysis and in the technical report that assess whether the building is an historic resource for purposes of CEQA are provided in Appendix IV.C in the Draft EIR. In addition, because the building is less than 50 years old, to be eligible for the California Register, it must also be demonstrated that (i) sufficient time has passed to obtain a scholarly perspective on the events or individuals associated with the resource; and (ii) sufficient time has passed to understand the resource's historical importance.

**Criterion 1**

One of many savings and loan institutions in Los Angeles during the period, Columbia Savings and Loan Association does not appear to have been particularly significant nor does it appear to have played a leading role in the history of banking in Los Angeles. The analysis prepared for this EIR does not support eligibility for listing in the California Register under Criterion 1 based on association with postwar changes in bank architecture. As indicated in the technical report provided in Appendix IV.C and in the responses to Comment Nos. 10 and 32 in the Final EIR, the building appears to be similar to other bank buildings built in the 1960s that reflect the style prevalent in bank construction at the time. There is also no evidence that the smaller Columbia Savings brand had a more influential position in the postwar development of Southern California banks than other bank or savings and loan brands. The EIR concluded that the building is not associated with events that have made significant contributions to the broad patterns of California's history and cultural heritage and, therefore, the building is not considered to be eligible for listing in the California Register under Criterion 1.

**Criterion 2**

Although many individuals have been associated with the building since it was constructed, none of them rise to the level required to warrant consideration under Criterion 2: associated with the lives of persons important in our past. The EIR thus concluded that the building is not eligible for listing in the California Register under Criterion 2.

**Criterion 3**

California Register Criterion 3 requires that the building embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master or possess high artistic values. The building is a combination of International and Brutalist styles and does not represent an example of either style. The building includes distinctive and competitive elements from each building style. The building fails to express either style or blend the two styles in a unique or distinctive way that creates any type of significance. The building is located in a mid-town, high traffic area that was fully developed postwar and does not adequately represent this period and does not represent this period better than other existing bank and bank headquarters architecture. As set forth in the DEIR and FEIR, it is recognized that there are better examples of the International, Brutalist, and other Modern style banks and bank headquarters than the building. There are also better and earlier examples of the popular trend of integration of art programs into bank buildings. There is no evidence that the building’s signage possesses qualities that reflect anything along the lines of exemplary technology,
craftsmanship, design, architecture, aesthetic quality, creativity, or innovation that might make the consideration of further preservation valuable. The mounted pole signage does not demonstrate any special quality and, therefore, does not meet the standard required by Criterion 3.

The building appears to be an example of standard bank construction at the time. There is no evidence that the building was constructed by a master craftsman or with any techniques that varied from those of the time the building was constructed. There is no indication that use of any of the materials used to construct the building was innovative, special, or represents anything other than typical materials used in bank design in the 1960s. The architect of the Building is Irving Shapiro. Shapiro is known to have designed at least additional six buildings from 1961-1968: four in Southern California, one in Oakland; and one in Hawaii. After Shapiro encountered political controversy and personal issues in Los Angeles in the late 1960s, he moved to Hawaii, ceased to design buildings, and later became a radio host and author of self-published books on business principles. Shapiro’s short architectural career did not result in any well-known architectural contributions. There is no evidence of any architectural recognition either at the time, or presently, for Shapiro or his work. For these reasons, the EIR concludes that the building is not considered to represent the work of a master.

The building’s integrated art program appears to be similar to standard bank design of the period. There is no evidence that the skylight by Robert Darricarrerre and the sculptural fountain by Taki Camille was the best of either of those artists’ respective bodies of work. While the size of each art installation was large to be compatible with the size and scale of the building, the size or volume of a piece does not, by necessity, increase the significance of either. For all of these reasons, the EIR concludes that the Building fails to meet the requirements for Criterion 3 for California Register eligibility.

Criterion 4

The building is not expected to yield information important in prehistory or history as described in Criterion 4. The building was built in the 1960s and replaced a building that was built in the 1920s. The property has been fully graded and excavated in the past and is not expected to yield any important information regarding the prehistory or history of California. Therefore, the building is not individually eligible for listing in the California Register under Criterion 4.

Based on the technical analysis, the EIR concludes that the Wilshire Grace Church/Columbia Savings Bank building property does not appear individually eligible for listing in the California Register under any of the four criteria.

Additional Considerations for Buildings Under Fifty Years Old

The building was built in 1965, and is therefore less than fifty years old. A resource less than fifty (50) years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance. As a result, in addition to the eligibility analysis based on Criteria 1 through 4, the California Code of Regulations includes a requirement to ensure that the historic importance of a more recent potential resource be understood. Sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. In addition, it must be demonstrated that sufficient time has passed to understand the resource’s historical importance. The California Register requires “a scholarly perspective on the events or individuals associated with the resource.” No information has been identified to show that there is any professional, documented scholarly work that analyzes the building or any other 1960s bank buildings in the
modified Brutalist/International style that Shapiro utilized in the building’s design. There are no professional, published materials on the building’s architect of the building, or the building’s signage or artwork, and there is no published scholarly perspective on events or individuals associated with the building. The passage of time has not created a greater understanding of the building as a historic resource. The lack of scholarly perspective, significant individuals or events related to the building, or any other indication that there is any feature or aspect of the Building that meets any requirement of the California Code of Regulations indicates that additional time would not change the conclusion that the Building is not eligible for listing. For additional perspective in this analysis, the building, if it were eligible for the California Register, would be the most recent resource determined eligible for or listed in the California Register.

In summary, the EIR concluded that the building is not considered eligible for listing on the California Register of Historical Resources because it does not qualify under any of the four criteria provided in the Code and Regulations. The building also does not meet the additional requirements for listing a resource under fifty years old. There is not a sufficient scholarly perspective to demonstrate the significance of the building. There is nothing exceptional about the architect or architecture of the building, and the building has no specific or significant associations with any event or individual of any significance in California history.

Other Public Comments (Environmental Impact Report)

Other comments regarding the project’s impacts were either stated at the May 27, 2009 public hearing or in letters submitted both prior to and after the public hearing. These comments stated the inadequacy of the environmental document assessing the project’s impacts with regards to traffic, water supplies and city services, an increase in costs for these services, landfill capacity, population growth, decrease in quality of life of families, the burden of reduced city services, increased school class sizes, and an increase crime in neighborhood.

As stated in the Final EIR, the document’s assessment of impacts incorporated CEQA thresholds and guidelines to analyze and determine a project’s impact to the environment. Comments made responding to these assessments in the Final EIR did not supplement their claims with thresholds or guidelines used or explain how their conclusions were derived.

Walkability. The project will incorporate walkable elements to extend the pedestrian environment that exists west of the project site along Wilshire Boulevard and north of the site along La Brea Avenue. The surrounding uses include a mix of commercial and residential developments. To the south and east of the proposed project are low-density residential neighborhoods with well-maintained houses and street sections that generally include on-street parking, tree lawns, and sidewalks, creating a comfortable pedestrian environment. Wilshire Boulevard does not offer many features of pedestrian interest to the east of the site. Wilshire Boulevard to the west does offer a number of eating and drinking establishments, retail opportunities, and an assortment of street furnishings and amenities. The situation is similar on La Brea Avenue. South of Wilshire Boulevard and the project site, La Brea Avenue contains a spotty mix of retail and office uses, as well as parking lots, with a sidewalk that offers a few pedestrian amenities on either side. Moving northward from the project site, however, offers more opportunity, with a number of restaurants as well as a collection of design-oriented retail stores that add interest to the pedestrian realm.
The proposed project incorporates walkable elements that promote smooth transitions to the neighboring uses and extend pedestrian activity along Wilshire Boulevard and La Brea Avenue. Some of the pedestrian-friendly elements the project brings and contributes to the surrounding environment include planters, building recess, awnings, and other scale elements. On Sycamore Avenue, a 13-foot wide enhanced residential setback and a 1,837 square foot publicly accessible pocket park at the corner of Sycamore Avenue and 8th Street would be available for use by both residents of the building and the neighborhood and provide additional buffer to residential buildings on Sycamore Avenue.

Public transportation exists for many residents near the project site. These opportunities include the Metro routes 212 and 312 generally along La Brea Avenue between Hollywood (Hollywood and Vine Station) and Hawthorne (I-105 Station). Metro also provides bus routes 20/21 and 720 (Rapid Bus) along Wilshire Boulevard between downtown Los Angeles and the City of Santa Monica. The Metro purple line station is also located at the intersection of Wilshire Boulevard and Western Avenue. LADOT provides the DASH Fairfax local service. Bus stops are provided on La Brea Avenue and on Wilshire Boulevard in the vicinity of the project site.

The following discussion includes the project’s walkable elements that include sidewalks, building orientation and frontage, on-site landscaping, off-street parking and driveways, building signage and landscaping, sidewalks, and landscape furniture to complement the subject development with the pedestrian nature of the area and taking into account recent developments in the area.

Building Orientation. The building is oriented towards Wilshire Boulevard and La Brea Avenue. The project would locate ground level entrances, full accessible per the ADA, along both streets and extend pedestrian activity, and be located off of the sidewalk towards the interior of the project site, with entryways and landscaping distinguishing private from public space. No residential entrances to individual units are located on either Wilshire Boulevard or La Brea Avenue. Meanwhile, retail entrances would maintain at least one entrance from the public way with doors unlocked during regular business hours. On-site retail parking is mostly on the ground floor of the building. Convenient, enhanced passageways from the parking garage to the mid-point of the retail stretch along La Brea Avenue have been incorporated in the project. In addition, there is no mid-block crosswalk to the west across La Brea Avenue. Pedestrians must go to the 8th Street to Wilshire Boulevard for crossings with traffic lights.

Building Frontage. The building will provide a variety of features which include different textures, colors and materials. The skin of the building will be composed primarily of exterior plaster. The exterior would also feature accent materials of cement fiber board and brick veneer. Balcony railings would include plaster, metal shapes, and glass railing systems.

The facades will have no blank walls. The facade along Wilshire Boulevard and La Brea Avenue would consist of storefronts with glass and glazing to allow for visibility of pedestrians into the ground level uses. The Sycamore frontage will consist of townhomes with grade level entries. The 8th Street side will have large openings for vehicular ingress and egress, and the remainder would be wraparound retail.

On-Site Landscaping. The project proposes landscaping along the perimeter of the site. Street trees would be included in the sidewalk along Wilshire Boulevard, Sycamore Avenue, and La Brea Avenue, and trees would be included in the planter areas between the building and sidewalk. Landscape of the site has been intended to allow for pedestrian movement and visual access, and to help maintain a “street wall” effect.
Off Street Parking and Driveways. Parking would generally be provided underground and at grade level. Vehicles will be able to access parking garage via Sycamore Avenue and 8th Street. Driveways would be 30 to 40 feet wide, and conform to driveways standards of the Fire Department and the Department of Transportation. Parking will not be visible from any of the rights-of-way. Illuminated pedestrian access from the parking structure to the street is provided through enhanced passageways near the northwest corner of the site and at the mid-point of La Brea Avenue.

Building Signage and Lighting. The project would include ground level and way-finding pedestrian signage. The project would provide signage that is appropriately-scaled to contribute to the character and architecture of the proposed building on-site. Project signage would be architecturally-integrated into the design of the building to be consistent with the pedestrian nature of the area. All indoor and outdoor common areas available to residents, guests and patrons would be illuminated with security lighting directed onto the project site.

Sidewalks. Sidewalks will be wide, continuous and straight. Sidewalk widths after dedication and improvements will be as follows: Wilshire Boulevard: 17 feet; La Brea Avenue: 12 feet to 17 feet (variable); Sycamore Avenue: 5 feet; and 8th Street: 5 feet. The project's ground level façade shall be located a minimum 27 feet from the future curb along Wilshire Boulevard, a minimum 15 feet from the future curb along La Brea Avenue south of the existing alley, a minimum 12 feet from the future curb along La Brea Avenue north of the existing alley, an average of 23 feet from the future curb along Sycamore Avenue south of the existing alley, and a minimum 15 feet from the future curb along 8th Street (see “Q” Condition No. 6). This will allow for large sidewalks, parkways, and landscaping. The project covers the entire block, with structured parking interior to the building, passageways will provide access for retail users and residents from the parking area to the street. These passageways would feature enhanced finishes and lighting, as well as signage, furnishings, and at open space areas near Wilshire and La Brea Avenue, raised planters and a water element.

Landscape/Furniture Zones. The project will incorporate landscape and street furniture along the perimeter of the site. Such include street trees, including shade trees and palms. Parkway design would vary with the differing conditions around the site. The bus stop currently on La Brea Avenue would be relocated due to street widening. The new stop would include improved shelter and furnishings. Additional street furniture would be provided along Wilshire Boulevard where the sidewalk is wider. Where feasible, planting would be included adjacent to the curb; however, Wilshire Boulevard will provide daytime on-street parking, as well as portions of Sycamore Avenue. Where on-street parking occurs, care would be taken to provide adequate sidewalk adjacent to the curb to facilitate passengers entering and exiting parked cars. Planting areas would be adjacent to the curb and the building while still providing safe and convenient pedestrian access. Indoor and outdoor common areas would be illuminated with security lighting onto the site.

Conclusion

Based on the information submitted, the public hearing, and the proposed project’s compliance with the Wilshire Community Plan, public input, and mandatory findings for the requested entitlements, the Department of City Planning is recommending that the City Planning Commission: approve the requested entitlements subject to conditions of approval. The project site is appropriate for this project that would bring much benefit to the area. Meanwhile, the
project itself meets the goals of the Wilshire Community Plan and is consistent with the Miracle Mile Community Design Overlay Plan.

The site is located at the southeast corner of Wilshire Boulevard and La Brea Avenue, two busy thoroughfares within an urban complex that includes a mix of different commercial uses and intensities of housing. The site is adjacent to a commercial use and residential uses that include a 12-unit apartment complex and duplex housing along Sycamore Avenue to the east as well as commercial uses and a duplex to the south. Commercial uses exist north and west of the site. As discussed previously, the project is appropriate for this site because the design, scale and height reflect the mix of uses and context of the surrounding the site. The project addresses the residential uses to the east by placing townhomes and flats no taller than 3-stories and 54 feet on the project site’s east side. The taller portions of the building are located at the northwest portions of the site to reflect the E. Clem Wilson Building on the northeast corner of the Wilshire/La Brea intersection. The project design also incorporates architectural features of that building as well as the Firestone building located to the south. Furthermore, the project will be setback from the rights-of-way at a sufficient distance to allow proper buffering from residential uses and to allow for wide sidewalks along Wilshire Boulevard and La Brea Avenue.

To ensure the project will address the future subway station, staff incorporated “Q” Condition No. 10 that will run with the property. This condition allows the applicant to use the easement for any purpose until the MTA is prepared to commence construction of an entrance within the easement area.

The EIR stated traffic impacts could be mitigated for a project of 562 residential units and 45,000 square feet of commercial use. The project has proposed fewer units (482 dwelling units) and commercial footage (40,000 sf), and would be less intensive than what was analyzed in the EIR. To further address neighbors’ concerns of the potential traffic, staff incorporated Condition No. 21 (page C-6) that requires the developer to work with the Council Office to provide appropriate incentives for future employees and residents of the project to utilize public transit and bring ongoing awareness of transit and bicycle opportunities in the area. With these incentives in addition to the project’s pedestrian-oriented design and the future subway station, the project will be able to reduce its impact on neighborhood traffic even further.

The developer has also volunteered “Q” Conditions to ensure the residents east of the project site would not be severely impacted by the development or other possible future development. Such conditions include limitations on height, commercial floor area, setbacks, publicly accessible open space, and prohibited uses (see “Q” Conditions Nos. 3 through 8).

In response to the public’s opposition to the loss of C2 lots, staff did consider modifying the project to reduce the number of units along Sycamore Avenue (See Hearing Officer’s Comments of Public Hearing section of this report, Pages P-7 and P-8). However, these scenarios do not address the loss of C2 lots, but merely provide additional ways to provide smooth transitions to the residential neighborhood. As such, they were not incorporated by staff to modify/reduce the project since the issue at hand was the loss of C2 lots. However, these scenarios may be considered to provide additional transitions to residential neighborhoods east of the site.

With regards to the potential state nomination by the Los Angeles Conservancy, the Final EIR was updated to respond to the potential nomination of the Columbia Savings Building. The update, labeled, Exhibit “C”, is provided in response to minor refinements to the Project Description and to the Conservancy’s comments, which were received following the public
review period and during the hearing process for the project, in order to provide the City Planning Commission a complete record of the project's environmental impacts to consider. In the event the Planning Commission determines the update to the Final EIR did not adequately address the cultural impact of the Columbia Savings, planning staff shall be directed by the Commission to provide a supplement to the EIR in compliance with CEQA Guidelines Section 15088.5.

The project will meet the goals of the Wilshire Community Plan. The project will bring in new housing and commercial use on a commercial zone near public transit without displacing any residents. The project has been designed to be compatible with neighboring buildings. The majority of the project will be six stories in height (five stories above the base), and a maximum of 102 feet. An accent spire at the corner of Wilshire Boulevard and La Brea Avenue will be approximately 132 feet in height, consistent with other higher buildings along Wilshire Boulevard. The portion of the building along Sycamore Avenue will be approximately 54 feet in height, consistent with the height and low medium residential uses along that street. Finally, the project will help reduce traffic congestion by mitigation measures incentives, and will help balance to the jobs-to-housing ratio.

The project meets the Do Real Planning initiatives. As discussed in the walkability and Miracle Mile CDO sections above, the project brings in a pedestrian-oriented, LEED-certifiable development that meets the design guidelines. It also brings in 482 new residential units, ranging from studio to two-bedroom units, and 40,000 square feet of commercial use on a site that is the future subway location. The project will not only accommodate households of different sizes, but will bring more job opportunities to the area and locate more jobs near housing. The project will also landscape along the perimeters of the building as well as the other open areas of the structure. The project will also improve the aesthetics of the area by providing a development that replaces a commercial strip center, paved parking and a church building. The design will be compatible with surrounding uses, and complements adjacent buildings through design and scale. More specifically, the design includes articulation along the facades, and lowered height along the east portion of the site to be sensitive to the residential units across Sycamore Avenue.

The project will bring benefits to the community by allowing residential and neighborhood-serving commercial uses with a Regional Center designation along existing and future transit lines. The project will replace an underutilized site with a lushly landscaped, unified mixed use development. The project will encourage and extend pedestrian activity in the area, and bring more ‘eyes’ on the street to deter crime and graffiti. Volunteered open space in the form of a public park totaling 1,840 square feet will be located at the southeast corner of the development at the request of the council office and the community. Approximately 800 full-time equivalent construction and 134 permanent jobs will be created from the development.
CONDITIONS FOR EFFECTUATING TENTATIVE [T] 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 guarantees satisfactory to the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Planning Department for attachment to the subject City Plan Case.

1. **Dedications and Improvements.** Prior to the issuance of any building permit, 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), the following:

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

   B. Street Dedications
      1. That a 2-foot wide strip of land be dedicated along Wilshire Boulevard adjoining the subdivision to complete a 52-foot wide half right-of-way dedication in accordance with Major Highway Standards, including a 15-foot by 15-foot cut corners at the intersections with La Brea Avenue and Sycamore Avenue.
      2. That a 2-foot wide to 7-foot wide and variable-width strip of land be dedicated along La Brea Avenue adjoining the subdivision to complete a 52-foot wide to 57-foot wide half right-of-way dedication in accordance with Major Highway Standards utilizing a standard flare section.
      3. That a 2-foot wide strip of land be dedicated along 8th Street adjoining the easterly portion of the subdivision to complete a 32-foot wide half right-of-way dedication in accordance with Collector Street Standards, including a 10-foot by 10-foot cut corner at the intersection with Sycamore Avenue.
4. That Board of Public Works approval be obtained, prior to the recordation of the final map, the removal of any tree in the existing or proposed right-of-way area associated with improvement requirements outlined herein. The Bureau of Street Services, Urban Forestry Division, is the lead agency for obtaining Board of Public Works approval for removal of such trees.

5. That the Department of Transportation in a letter to the Advisory Agency state that they have no objection to the mergers of the alley south of Wilshire Boulevard between La Brea Avenue and Sycamore Avenue and portion of 8th Street easterly of La Brea Avenue.

6. That in event a no objection letter has been received from the Department of Transportation, then the alley south of Wilshire Boulevard and Sycamore Avenue be permitted to be merged with the remainder of the subdivision pursuant to Section 66499.20-1/2 of the State Government Code, and in addition, the following be done and be administered by the City Engineer:

   a. That consents to the alley being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.

   b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

   Note: Advisory Agency hereby finds that the dedication to be merged are unnecessary for the present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.

7. That in event a no objection letter has been received from the Department of Transportation, then the portion of 8th Street approximately 110.7 feet in length in excess of 32-foot half right-of-way except for a 15-foot by 15-foot cut corner at the intersection with La Brea Avenue be permitted to be merged with the remainder of the subdivision pursuant to Section 66499.20-1/2 of the State Government Code, and in addition, the following be done and be administered by the City Engineer:

   a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.

   b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.
Note: Advisory Agency hereby finds that the dedications to be merged are unnecessary for the present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.

8. That any surcharge fee in conjunction with the street and alley merger request be paid.

9. That two copies of a parking area and driveway plan be submitted to the Central District Office of the Bureau of Engineering for review and approval or that a Covenant and Agreement be recorded agreeing to do the same prior to the issuance of a building permit.

10. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of the existing sewers in the area.

11. That any fee deficit under Work Order No. EXT00372 expediting this project be paid.

C. Street Improvements

1. Remove and reconstruct the existing catch basins along the streets adjoining the subdivision in connection with street widening required herein.

2. Improve Wilshire Boulevard being dedicated and adjoining the tract by the construction of any necessary curb and gutter and a 17-foot full-width concrete sidewalk with tree wells, including any necessary removal and reconstruction of the existing improvements.

3. Improve La Brea Avenue being dedicated and adjoining the subdivision by the construction of the following:
   (a) A concrete curb, a concrete gutter, and a 12-foot to 17-foot variable width concrete sidewalk with tree wells.
   (b) Suitable surfacing to join the existing pavement and to complete a 35-foot to 45-foot variable width half roadway.
   (c) Any necessary removal and reconstruction of existing improvements.
   (d) The necessary transitions to join the existing improvements.

4. Improve 8th Street being dedicated and adjoining the subdivision by the construction of the following:
   (a) A concrete curb, a concrete gutter, and a 5-foot concrete sidewalk and landscaping of the parkway or a 10-foot full-width concrete sidewalk with tree wells.
(b) Suitable surfacing to join the existing pavement and to complete a 22-foot half roadway.

(c) Any necessary removal and reconstruction of existing improvements.

(d) The necessary transitions to join the existing improvement.

5. Improve Sycamore Avenue adjoining the subdivision by the construction of the following:

(a) A concrete curb, a concrete gutter, and a 5-foot concrete sidewalk and landscaping of the parkway or a 10-foot full-width concrete sidewalk with tree wells and allowing a maximum 5-foot curb extensions at the corners with 8th Street and Wilshire Boulevard to the satisfaction of the City Engineer and the Department of Transportation (LADOT).

(b) Suitable surfacing to join the existing pavement and to complete a 15-foot to 20-foot half roadway.

(c) Any necessary removal and reconstruction of existing improvements.

(d) The necessary transitions to join the existing improvement.

6. Improve the alley being merged with the subdivision by closing the alley intersections at La Brea Avenue and Sycamore Avenue with full-height curb, gutter and sidewalk.

7. Remove or abandon the mainline sewer in the alley being merged or dedicate a 10-foot sewer easement for the sewer to remain in service.

2. **Street Lighting.**

   A. Construct one (1) new street light on 8th Street.

   B. Relocate and upgrade five (5) street lights on La Brea Avenue.

   C. Relocate and upgrade three (3) street lights on Wilshire Boulevard.

   D. Relocate and upgrade three (3) street lights on Sycamore Avenue.

3. **Street Trees.** Construction of tree wells and planting of street trees and parkway landscaping to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.

4. **Sewers.** Construct sewers to the satisfaction of the City Engineer.

5. **Drainage.** Construct drainage facilities to the satisfaction of the City Engineer.
6. **Parking and Driveway Plan.** Prior to the issuance of a building permit, the applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation (Citywide Planning Coordination Section) for approval. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.

7. **Recreation and Parks Dedication/Fee.** Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

8. **Schools.** The applicant shall make payment to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

9. **Cable Television.** The applicant shall make necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05.N, to the satisfaction of the Information Technology Agency.

10. **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 semipublic 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.

11. **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. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.

   B. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.

   C. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

   D. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
E. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

F. Building designs for multi residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater then 150 ft horizontal travel distance from the edge of the public street, private street on Fire Lane.

G. Entrance to the main lobby shall be located off the address side of the building.

H. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

I. Site plans shall include all overhead utility lines adjacent to the site.

J. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

(1) Definitive plans and specifications shall be submitted to this Department and requirements for necessary permits satisfied prior to commencement

12. **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 properties 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.
[Q] QUALIFIED CONDITIONS OF APPROVAL

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

A. **Entitlement Conditions**

1. **Use.** The use of the subject property shall be limited to those uses permitted in the C4 Zone as defined in Section 12.16.A of the L.A.M.C.

2. **Site Plan.** Prior to the issuance of any permits for the subject project, detailed development plans, including a complete landscape and irrigation plan shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The plan shall be in substantial conformance with the plot plan labeled as Exhibit “A” stamped and dated May 27, 2009, attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.

3. **Height.** The height of the Project shall not exceed the heights set forth on the attached height exhibit labeled as Exhibit “B” stamped and dated May 27, 2009, pursuant to Section 12.21.1 of the Municipal Code.

4. **Floor Area.** The total floor area of commercial uses on the subject property shall not exceed 40,000 leasable square feet, as defined by Section 12.03 of the Municipal Code.

5. **Density.** Not more than 482 dwelling units may be constructed on the subject site. Of the 482 residential units, not more than 10 townhomes and 10 flats shall be constructed on the project’s frontage facing Sycamore Avenue.

6. **Setbacks.** The project’s ground level façade shall be located a minimum 27 feet from the future curb along Wilshire Boulevard, a minimum 15 feet from the future curb along La Brea Avenue south of the existing alley, a minimum 12 feet from the future curb along La Brea Avenue north of the existing alley, an average of 23 feet from the future curb along Sycamore Avenue south of the existing alley, and a minimum 15 feet from the future curb along 8th Street, all in substantial conformance with the plans labeled as Exhibit “A” stamped and dated May 27, 2009.

7. **Publicly Accessible Open Space.** The project shall provide a minimum 1,837 square feet of landscaped open space at the corner of 8th Street and Sycamore Avenue. The applicant shall make such space open to the public during normal business hours, but may in its discretion establish reasonable rules and regulations for use of such open space. The applicant shall maintain such space free of graffiti and accumulations of trash.

8. **Prohibited Uses.** The following uses shall be prohibited: Auto repair shops; Advertising signs, including supergraphics, digital billboards and electronic message displays; Adult bookstores; Medical marijuana dispensaries; Nightclubs or free-standing bars not part of a bona fide eating establishment; and Thrift or pawn shops.
9. **Parking.** All project related parking shall be provided in compliance with Section 12.21.A.4 of the Municipal Code and the following:

   a. Provide a minimum of one (1) parking space for each dwelling unit of less than three habitable rooms.

   Provide a minimum of one and one-half (1.5) parking spaces for each dwelling of three habitable rooms.

   Provide a minimum of two (2) parking spaces for each dwelling unit of more than three habitable rooms.

   b. Provide a minimum ten (10) parking spaces for each 1,000 square feet of gross floor area of restaurant and bars and a minimum four (4) parking spaces for each 1,000 square feet of gross floor area for general retail, as identified in LAMC Section 12.21-A.4(c).

   c. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

   d. If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

   e. In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, shall be submitted for review and approval by the Department of City Planning (200 No. Spring Street, Room 750).

10. **Subway Panel.** Prior to issuance of a building permit, the project applicant shall offer an easement over the portion of the subject property at the southwest corner of Wilshire Boulevard and La Brea to the Metropolitan Transportation Authority (MTA) for the sole purpose of providing an additional pedestrian entrance to the planned Wilshire/La Brea Metro Transit Station, to the extent that MTA plans for an entrance at this location. The easement shall state that the project applicant reserves the right to use the easement area for any purpose until such time that the MTA commences construction of such an entrance within the easement area. The scope and location of the easement shall be to the satisfaction of MTA; provided, however, that such easement shall not extend onto any portion of the project site that would impede access to or affect the structural integrity of the project. Notwithstanding the foregoing, the project applicant shall not be required to provide such easement if MTA fails to confirm in writing, within thirty days after the project applicant makes a written request to MTA for such confirmation, that MTA intends to provide a pedestrian entrance to the Transit Station the southwest corner of Wilshire Boulevard and La Brea.

B. **Other Conditions**

11. **Construction Related Parking.** No employees or subcontractor shall be allowed to park on surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of heavy construction vehicles along Wilshire Boulevard or La Brea Avenue before 9:00 AM or after 4:00 PM, Monday through Friday. All construction vehicles shall be stored on site unless returned to their owner’s base of operations.
12. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 4:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site shall occur on any local or collector street within the project vicinity outside of that time period.

13. **Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.

14. **Maintenance.** The subject property including associated parking facilities, sidewalks, outdoor pool areas, and landscaped planters adjacent to the exterior walls along the property lines shall be maintained in an attractive condition and shall be kept free of trash and debris. Trash receptacles shall be located throughout the site.

15. **Dust Walls.** Temporary dust walls (e.g., Visqueen plastic screening or other suitable product) not less than 8 feet in height shall be installed and maintained along the property line between the site and adjoining residential lots as necessary to preclude dust dispersion from the project site to adjacent homes.

16. **Community Relations.** A 24-hour “hot-line” phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors and the local neighborhood association, if any. The applicant shall be required to respond within 24-hours of any complain received on this hotline.

17. **Posting of Construction Activities.** The adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.

C. **Environmental Conditions**

18. **Aesthetics (Light and Glare)**

   a. Outdoor lighting adjacent to light-sensitive residential uses on Sycamore Avenue and 8th Street shall be directed toward on-site areas of the property, sidewalks surrounding the building, building entry points, driveways, and interior courtyard areas.

19. **Air Quality (Short-Term Construction Impacts)**

   a. In addition to the requirements of SCAQMD Rule 403, the applicant shall implement the following measures to help reduce emissions of PM10 and PM2.5 during construction activities.

      1. Configure construction parking to minimize traffic interference. (The emission reduction efficiency for this measure is not quantified.)
2. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person). (The emission reduction efficiency for this measure is not quantified.)

3. Schedule construction activities that affect traffic flow on the arterial system to off peak hours to the degree practicable. (The emission reduction efficiency for this measure is not quantified.)

4. Reroute construction trucks away from congested streets. (The emission reduction efficiency for this measure is not quantified.)

5. Consolidate truck deliveries when possible. (The emission reduction efficiency for this measure is not quantified.)

6. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site. (The emission reduction efficiency for this measure is not quantified.)

7. Maintain equipment and vehicle engines in good condition and in proper tune, as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions. (The emission reduction efficiency for this measure is not quantified.)

8. Apply water to demolition materials to reduce the emissions of fugitive dust during demolition operations. (The emission reduction efficiency for this measure is not quantified.)

20. **Air Quality (Global Climate Change Impacts)**

   a. The proposed project shall meet the City's Green Building Ordinance standards for all residences. Items that may be incorporated in the project identified in the City’s green building ordinance include low-flow plumbing fixtures, dual flush toilets, a cool roof, separate recycling trash chutes, and recycled content in construction materials such as carpet. The inclusion of such items as required by the Green Building Ordinance will improve the energy efficiency of the project and reduce GHG emissions associated with the project.

21. **Cultural Resources (Archaeological Resources)**

   a. If archaeological resources are uncovered on the project site during excavation, the developer must notify the Los Angeles Department of Building and Safety immediately and work must stop within a 100-foot radius until a qualified archeologist has evaluated the find. Construction activity may continue unimpeded on other portions of the project site. If the find is determined by the qualified archeologist to be a unique archaeological resource, as defined by Section 2103.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code. If the find is determined not to be a unique archeological resource, no further action is necessary and construction may continue.

   b. If during excavation of the project site human remains are discovered, the steps described in State CEQA Guidelines Section 15064.5(e) shall be followed.
(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(a) The coroner of the County in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(b) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98,

or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(b) The descendant identified fails to make a recommendation; or

(c) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

22. Cultural Resources (Paleontological Resources)

a. If paleontological resources are uncovered during excavation of the project site, the City of Los Angeles Department of Building and Safety must be notified immediately and work must stop within 100 feet of the find to allow a qualified paleontologist to appropriately remove the find.
23. Geology and Soils (Groundwater)

a. The project shall be designed and constructed in accordance with the requirements outlined in the latest edition of the California Building Code and the Los Angeles Uniform Building Code, including all applicable provisions of Chapter IX, Division 70 of the Los Angeles Municipal Code, which addresses grading, excavations, and fills.

b. Prior to start of soil-disturbing activities at the site, a Notice of Intent (NOI) and SWPPP shall be prepared in accordance with, and in order to partially fulfill, the California State Water Resources Control Board Order No. 99-08-DWQ, NPDES General Permit No. CAS000002 (General Construction Permit) and Chapter 6, Article 4.4, Stormwater and Urban Runoff Pollution Control, from the Los Angeles Municipal Code. The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the CWA and Chapter 6, Article 4.4, Stormwater and Urban Runoff Pollution Control, from the Los Angeles Municipal Code, by requiring controls of pollutant discharges that utilize best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants.

c. The project applicant shall implement dust control measures consistent with SCAQMD Rule 403, Fugitive Dust, during the construction phases of new project development. The following actions are currently recommended to implement Rule 403 and have been quantified by the SCAQMD as being able to reduce dust generation between 30 and 85 percent depending on the source of the dust generation:

1. Apply water and/or approved nontoxic chemical soil stabilizers according to manufacturer’s specification to all inactive construction areas (previously graded areas that have been inactive for 10 or more days).

2. Replace ground cover in disturbed areas as quickly as possible.

3. Enclose, cover, water twice daily, or apply approved chemical soil binders to exposed piles with 5 percent or greater silt content.

4. Water active grading sites at least twice daily during construction activities.

5. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.

6. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.

7. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads.
(8) Install wheel washers or gravel construction entrances where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.

(9) Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.

24. Hazards and Hazardous Materials (Soil and Groundwater Contamination)

a. Prior to the demolition/grading activities, contractors shall be required to have a construction worker safety plan that complies with the Occupational Safety and Health Administration (OSHA) Safety and Health Standards and shall address, as appropriate, air monitoring for sub surface work activities, personnel protective and safety equipment, and worker training.

b. Identified impacts to soil and/or groundwater beneath the project site shall be addressed under a site-specific independent removal action. An assessment of the potential risk to human health and the environment resulting from the identified impacts to soil and groundwater at the project site and the proposed removal action shall be presented within a Draft Removal Action Workplan (RAW). The RAW shall provide proposed remediation goals for each constituent of potential concern and shall be submitted to the LARWQCB for review and comment prior to implementation.

c. Prior to excavation and/or grading the applicant shall prepare and provide to contractors a Risk Management Plan (RMP) that describes the type of contaminants and subsurface features that may be encountered at the project site and procedures for evaluating and managing such materials.

d. Grading and demolition contractors shall be required by construction specifications to secure approval of haul routes to export or otherwise transport off site excavated materials prior to commencement of such activity.

e. Residual soil and groundwater, which may require special handling and was not addressed during the proposed independent removal action, shall be addressed under a Risk Management Plan (RMP). The RMP shall be implemented during construction and shall present site-specific health and safety protocols and soil/groundwater handling procedures.

f. Prior to demolition, the project applicant shall comply with applicable legal requirements related to asbestos removal and demolition activities involving asbestos-containing building materials (ACBM), including the requirements of the SCAQMD Rule 1403 for ACBM.

g. The project applicant shall comply with the requirements outlined by the California Occupational Safety and Health Administration (Cal/OSHA) Lead in Construction Standard, Title 8, California Code of Regulations (CCR) 1532.1 during demolition activities. Lead-contaminated debris shall be managed and disposed of in accordance with the applicable provisions of the California Health and Safety Code.
25. **Hazards and Hazardous Materials (Operational Impacts-Methane Gas)**

   a. Prior to issuance of a building permit, applicant shall comply with the City Methane Seepage Regulations, Section 91.7100 et seq. of Los Angeles Municipal Code.

   b. Should any unrecorded oil well be found during excavation and grading, it shall be abandoned in accordance with Division of Oil, Gas, and Geothermal Resources (DOGGR) Regulations. Prior to issuance of any building permit within a lot affected by discovery of an unrecorded oil well, the applicant shall submit a final clearance letter issued by DOGGR regarding the proper abandonment of the well(s).

26. **Hydrology and Water Quality (Construction and Operational Impacts)**

   a. Prior to start of soil-disturbing activities at the site, a NOI and SWPPP shall be prepared in accordance with, and in order to partially fulfill, the California SWRCB Order No. 99 08-DWQ, NPDES General Permit No. CAS000002 (General Construction Permit). The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the Clean Water Act and Chapter 6 Article 4.4, Storm Water and Urban Runoff Pollution Control, from the Los Angeles Municipal Code by requiring controls of pollutant discharges that utilize BAT and BCT to reduce pollutants. Examples of BAT/BCT that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.

   b. The project applicant shall prepare and implement an SUSMP in accordance with the requirements of Chapter 6, Article 4.4, Storm Water and Urban Runoff Pollution Control, from the Los Angeles Municipal Code, to ensure that stormwater runoff is managed for water quality concerns through implementation of appropriate and applicable best management practices (BMPs). Prior to issuance of any grading or building permits, the County and/or Stormwater Division of Bureau of Sanitation must approve the SUSMP.

   The following is a listing of applicable BMPs that may be implemented as part of the project through the preparation of the SUSMP:

   (1) Provide reduced-width sidewalks and incorporate landscaped buffer areas between sidewalks and streets.

   (2) Use permeable materials for private sidewalks, driveways, parking lots, or interior roadway surfaces (e.g., hybrid lots, parking groves, permeable overflow parking, etc.).

   (3) Where feasible, direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas, and avoid routing rooftop runoff to the roadway or the storm water conveyance system.

   (4) Infiltration trenches

   (5) Oil/water separators
(6) Catch basin inserts
(7) Continuous flow deflection/separation systems
(8) Storm drains inserts
(9) Media filtration
(10) Bioretention facility
(11) Dry wells
(12) Cisterns
(13) Foundation planting
(14) Catch basin screens
(15) Normal flow storage/separation systems
(16) Clarifiers
(17) Filtration systems
(18) Primary wastewater treatment systems

c. The project contractor, during construction, and the project owner, during operation, shall properly store hazardous materials to prevent contact with precipitation or runoff.
d. The project contractor, during construction, and the project owner, during operation, shall develop and maintain effective monitoring and a cleanup program for spills and leaks of hazardous materials.
e. The project contractor, during construction, and the project owner, during operation, shall place equipment to be repaired or maintained in covered areas on a pad of absorbent material to contain leaks, spills, or small discharge.
f. The project contractor, during construction, and the project owner, during operation, shall provide periodic and consistent removal of landscape and construction debris.
g. The project contractor, during construction, and the project owner, during operation, shall sweep parking lots at regular, frequent intervals to remove debris. The project contractor, during construction, and the project owner, during operation, shall also remove any significant chemical residue on the project site through appropriate methods.
h. The project owner, landscapers, and maintenance team, during project operation, landscaping, and maintenance activities, shall use non-toxic alternatives for such applications as insecticides, herbicides, rodenticides, and fertilizers. Furthermore, chemical controls shall only be applied outdoors when precipitation is not forecast for the project area.
27. **Noise (Construction-Related Impacts)**

   a. Provide notification to the residential land uses on Sycamore Avenue and 8th Street across from the project site at least 10 days in advance of construction activities that are anticipated to result in high vibration levels, such as large bulldozers, caisson drills, and jackhammers within 60 feet of these uses.

   b. Demolition, earthmoving, and other construction activities that are anticipated to result in high vibration levels, such as operation of large bulldozers, caisson drills, and jackhammers, shall, when feasible, be conducted so as not to occur concurrently.

   c. Select demolition methods to minimize vibration where feasible.

   d. Operate earthmoving equipment on the construction sites as far away from surrounding residential uses as is feasible.

   e. All construction equipment shall be equipped with appropriate mufflers and be in good working condition.

   f. Construction noise reduction methods, such as shutting off idling equipment and maximizing the distance between construction equipment staging areas and occupied residential areas, shall be used, where feasible.

   g. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

28. **Public Services (Police Protection)**

   a. The project applicant shall incorporate security features on the construction site, such as fencing and locked entrances; and construction equipment, tools, and materials shall be secured by locking or placing them within sheds and/or other inaccessible areas while not in use.

   b. A Construction Traffic Control Plan/Management Plan shall be prepared per LADOT requirements to minimize the effects of construction on vehicular and pedestrian circulation and assist in the orderly flow of vehicular and pedestrian circulation in the vicinity of the project. In addition, access on to the project site shall remain clear and unobstructed and proposed roadway modifications shall assure adequate access to the proposed project site and adjacent areas.

   c. The project applicant shall contact LAPD'S Crime Prevention Unit to incorporate appropriate crime prevention features into the project design. Examples of crime prevention design features include the following:

      (1) Housing units can be designed so as to allow neighbors to “self-patrol” their environments.
(2) Lighting and landscaping may be enhanced in parking lots to improve visibility.

(3) Fences around housing developments can be designed in ways that avoid creating hiding places for criminals.

(4) Signs can be removed from storefront windows to allow clear views in and out of the store.

(5) Vines or planted coverings may be placed on walls to deter graffiti.

d. Upon completion of the project a diagram of each portion of the property, including access routes and any additional information that might facilitate police response, shall be submitted to the Wilshire Area commanding officer.

29. Public Services (Fire Protection and Emergency Services)

a. Upon completion of the project, a diagram of each portion of the property, including access routes and any additional information that might facilitate fire and emergency medical response, shall be submitted to the fire chief.

b. During project construction, the contractor shall ensure that roads and alleyways remain unobstructed to provide for emergency access at all times though the use of flagmen and other standard construction practices.

c. The project applicant shall coordinate with the LAFD to design and implement an upgraded fire hydrant in compliance with the LAFD Fire Code for high-density residential and neighborhood commercial developments.

30. Public Services (Schools)

a. As authorized by Senate Bill 50, the project applicant shall pay school impact fees to the LAUSD prior to the issuance of building permits.

b. The project applicant shall contact the LAUSD Transportation Branch at (323) 342-1400 prior to construction to coordinate school bus access during construction.

c. The project applicant shall maintain unrestricted access for school buses during construction.

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

e. The project applicant shall not endanger passenger safety or delay student drop-off or pick-up due to changes in traffic patterns, lane adjustments, altered bus stops, or traffic lights.

f. The project applicant shall maintain safe and convenient pedestrian routes to LAUSD schools that are located adjacent to the project site.
g. The project applicant shall maintain ongoing communication with school administration at affected schools, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.

h. The project applicant shall install appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.

i. The project applicant will require that material and delivery trucks serving the project site shall not haul past affected school sites, except when school is not in session. If that is infeasible, project applicant shall require that material and deliver trucks serving the project site shall not haul during school arrival and dismissal times.

k. The project applicant shall not stage or park construction-related vehicles, including worker-transport vehicles, adjacent to school sites.

l. The project applicant shall provide crossing guards when safety of students may be compromised by construction-related activities at impacted school crossings.

m. The project applicant shall install barriers and/or fencing to secure construction equipment and the site in an effort to prevent trespassing, vandalism, and attractive nuisances.

n. The project applicant shall provide security patrols to minimize trespassing, vandalism, and shortcut attractions.

31. Public Services (Recreation and Parks)

a. In accordance with the requirements of the City of Los Angeles (Ordinance No. 141422, amending Chapter 1, Article 7, of the Los Angeles Municipal Code), the project applicant shall either pay the in-lieu fee to the City and/or develop public park or recreation land on the project site using equivalent funding or greater.

32. Transportation, Traffic, Parking and Circulation

a. Wilshire Boulevard and Highland Avenue – As a condition of approval, the project shall upgrade the traffic signal system at the intersection of Highland Avenue and Wilshire Boulevard to Adaptive Traffic Control System (ATCS) operation.

b. 8th Street and La Brea Avenue – As a condition of approval, the project shall widen 8th Street to 40 feet in width between La Brea Avenue and Sycamore Avenue (widens by 7 feet along the north side and by approximately 3.5 feet for the approximately westerly 160 feet along the south side). The project shall also install a westbound left-turn lane on 8th Street at La Brea Avenue.

c. Prior to commencing construction, the Applicant shall prepare a Construction Management Plan, including a Worksite Traffic Control Plan that shall contain, at a minimum, the following:

   (1) A 24-hour construction hotline that is monitored on a daily basis;
(2) An up-to-date list of local police, fire and emergency response organizations and procedures for the coordination with such organizations of construction activities to reduce potential delays. Coordination shall include the assessment of alternative access routes to and from the project site that might be required due to unanticipated road conditions;

(3) The location, times, and estimated duration of any roadway or sidewalk closures, traffic detours, and queuing area.

d. Flag persons shall be provided as necessary to minimize impacts on traffic flows and to ensure safe movement into and out of the project site.

e. Construction vehicles shall not be permitted to queue where they would interfere with traffic movement or block access to adjacent residences or businesses.

f. Haul trucks shall travel only on a haul route approved by the City that avoids local residential streets.

33. Utilities and Service Systems (Wastewater)

a. If local sewer lines have insufficient capacity then the developer shall be required to build a secondary line to the nearest larger sewer line with sufficient capacity.

D. Administrative Conditions

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.
40. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

41. **Mitigation Monitoring.** The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein, as to area of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the Environmental Conditions.

42. **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.
“D” DEVELOPMENT LIMITATION

Floor area ratio (FAR) of 3.34:1. A maximum FAR of 3.34:1 shall be permitted throughout the [T][Q]C4-2D and [T][Q]C4-2D-CDO parcels of the project site.
CONDITIONS OF APPROVAL

CONDITIONAL USE, ZONING ADMINISTRATOR’S ADJUSTMENT, SITE PLAN REVIEW, AND DESIGN OVERLAY PLAN CONDITIONS OF APPROVAL

A. Entitlement Conditions

1. The height of the Project shall not exceed the heights set forth on the attached exhibit labeled as Exhibit “B” stamped and dated May 27, 2009.

2. Permit approximately one unit per every 200 square feet of buildable area for the entire project site area.

3. Permit 482 residential units and approximately 40,000 square feet of leasable commercial floor area on the subject site.

4. Permit a maximum floor area of 472,500 square feet.

5. The applicant shall submit a "green building" program for review to the Department of City Planning prior to obtaining a building permit. The program shall address the development's sensitivity to the environment, resources and energy consumption, and the impact on the project residents. The program shall include a description of the following building materials and construction systems:

   a. Sustainable sites;
   b. Water efficiency;
   c. Energy & atmosphere;
   d. Materials & resources;
   e. Indoor environmental quality;

As an alternative to the above "green building" program requirement, the applicant, at its own discretion, may submit documentation verifying certification by the Leadership in Energy and Environmental Design (LEED) rating system, with the minimum level of "LEED Certified". (www.usgbc.org)

B. Conditional Use Conditions

6. The conditional use authorization herein for the sale of alcoholic beverages for on-site and off-site consumption shall be within the development through the following: on-site sales and consumption at three (3) restaurant establishments and at one (1) gourmet specialty food and beverage store. The following conditions shall also apply:

   a. The applicant or individual operator shall file a Plan Approval with the department of City Planning prior to the utilization of any grant made herein pursuant to the sale of alcoholic beverages. Each plan approval shall be accompanied by the payment of appropriate fees, pursuant to Section 19.01 C of the Municipal Code, and must be accepted as complete by the Department of City Planning. Mailing labels shall be
provided by the applicant for all abutting property owners. IN reviewing the plan approvals for alcohol sales and consumption, the Director of Planning may consider conditions volunteered by the applicant or suggested by the Police Department, but not limited to establishing conditions, as applicable, on the following: hours of operation, security plans, maximum seating capacity, valet parking, noise, character and nature of operation, food service and age limits.

b. Prior to the issuance of any permits relative to this matter, the applicant shall submit an overall security plan for the project site which shall be prepared in consultation with the Los Angeles Police Department and which addresses security measures for the protection of visitors and employees. The project shall include appropriate security design features for semi-public and private spaces, which may include, but shall not be limited to: access control to buildings; secured parking facilities; walls/fences with key security; lobbies, corridors, and elevators equipped with electronic surveillance systems; well-illuminated semi-public space designed with a minimum dead space to eliminate areas of concealment; and location of toilet facilities or building entrances in high foot traffic areas.

c. The alcoholic beverage license for the restaurants shall not be exchanged for “public premises” license unless approved through a new conditional use authorization. “Public Premises” is defined as a premise maintained and operated for sale or service of alcoholic beverages to the public for consumption on the premises, and in which food is not sold to the public as a bona fide eating place.

d. Prior to issuance of the certificate of occupancy, the applicant shall submit copies of the plot plan(s) for review and approval to the Fire Department. The Fire Department’s approval shall be shown via a stamp on all plans submitted to the Zoning Administrator for sign-off.

e. The sale of on-site alcoholic beverages shall be limited to the hours between 7:00 AM to 2:00 AM.

f. The owners, operators, managers, and all employees serving alcohol to patrons shall enroll in and complete a certified training program is recognized by the State Department of Alcoholic Beverage Control for the responsible service of alcohol. This training shall be completed by new employees within four weeks of employment and shall be completed by all employees serving alcoholic beverages every 24 months.

g. All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.

h. A phone number to a responsible representative of the owner shall be posted at each restaurant for the purposes of allowing residents and guests to report an emergency or a complaint about the method of operation of any facility serving alcoholic beverages.
i. The project site managers, individual business owners, and employees of all private security officers shall adhere to and enforce the 10 p.m. Curfew loitering laws concerning all minors within the grounds of the project site without a parent or adult guardian. Staff shall monitor the area under its control, in an effort to prevent loitering of persons about the premises.

j. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business.

k. All public telephones shall be located within the interior of the establishment structure. No public phones shall be located on the exterior of the premises under the control of the establishment.

l. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales from a Planning Department public counter subsequent to the Zoning Administrator’s signature on the Planning Department sign-off form and mount it on either the inside of the window of the subject site facing the street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.

m. There shall be no exterior window signs of any kind or type promoting alcohol products.

n. There shall be no advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.

o. Alcohol sales and dispensing only for on-site consumption shall only be served by employees of the restaurant. The sale of alcoholic beverages for consumption off the restaurant premises is prohibited.

p. Within 60 days of the opening of the restaurants, all employees of the business shall receive “Server Awareness Alcohol Training” (STAR) and LEAD programs regarding alcohol sales, as respectively sponsored by the Los Angeles Police Department and State of California Alcoholic Beverage Control Department at least two times per year or to the satisfaction of the Los Angeles Police Department. The applicant shall transmit a copy of the completion of such training to the Zoning Administrator for inclusion in the file.

q. No employees shall solicit or accept any beverage from any customer while in the premises. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of any for the customers.
r. Signs shall be posted in a prominent location stating that California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age. “No loitering or Public Drinking” signs shall be posted outside the subject facility.

s. The applicant shall designate a community liaison that shall be available to meet with representatives of the Neighborhood Council, community groups, or neighborhood associations to resolve any community concerns regarding the sale of alcohol.

t. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Department to impose additional corrective conditions, if, it is determined by the City Planning Department that such conditions are proven necessary for the protection of person in the neighborhood or occupants of adjacent property.

u. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the City Planning Department will have the right to require the Petitioner(s) to file for a Plan Approval application together with the associated fees and to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

v. **Plan Approval.** The applicant or individual operator shall file a plan approval with the Department of City Planning prior to the utilization of any grant made herein pursuant to the sale of alcoholic beverages. The plan approval(s) shall be accompanied by the payment of appropriate fees, pursuant to Section 19.01,C of the Municipal Code, and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all abutting property owners. In reviewing the plan approval(s) for alcohol sales, the Zoning Administrator may consider conditions volunteered by the applicant or suggested by the Police Department (Community Problems Unit, 251 E. 6th Street, Room 332, Los Angeles, CA 90014), but not limited to establishing conditions, as applicable, on the following: time period of the grant (i.e. Five years); hours and days of operation; primary use(s); security plans; maximum seating capacity; maximum floor area; maximum occupancy; valet parking; noise; mode, character and nature of the operation; food service and age limits. Also, the plan approval review application is for the purpose of evaluating the effectiveness of all conditions, associated with alcoholic beverages and dance hall use of this granted action, as to whether additional conditions are necessary or whether conditions may be deleted.
C. Design Overlay Plan Conditions

7. Façade articulations such as indentations, windows, balconies, and awnings shall be provided as shown on “Exhibit A”

8. Door, window, and storefront glazing on the ground floor shall be clear, non-tinted, and free of permanent signage.

9. Individual storefronts shall not be used for storage or left empty without window displays.

10. All vents, gutters, and downspouts shall be painted to match the color of the adjacent surface unless being used expressly as trim or an accent element.

11. Parking entrances shall be clearly marked and pedestrian entrances along the side street shall be well lit to provide safe pedestrian circulation.

12. Utilities, storage areas, and mechanical equipment shall not be visible from public rights-of-way. Rooftop mechanical equipment shall be enclosed or screened through the use of parapets or similar architectural elements. No mechanical equipment (e.g. Air conditioners) shall be permitted in window or door openings.

13. Trash storage bins shall be located within a gated, covered enclosure and constructed of materials identical to the exterior wall of the building if the trash storage bins are located outside the building.

14. Exterior security grilles or roll-down grilles that conceal windows, doorways, and driveways shall be prohibited. The metal grille work (gate) used for the parking garage portions of the structure shall be ornamental, and shall match and/or be complementary to the ornamental wrought iron used for the balconies and rails in the rest of the building.

15. Exterior lighting shall be low-voltage and shielded to prevent glare to adjacent properties. Intense lighting, which is used solely for advertising purposes shall not be used. Building should be highlighted through “up” lights or accent lights placed on the façade.

16. Landscaping shall be provided as shown on “Exhibit A”. Landscaping shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed architect to the satisfaction of the Planning Department.

17. This approval does not include any signs. Any new signs shall be approved and constructed under separate permits, and will require a separate Overlay Plan Approval.

18. Prior to the issuance of the Certificate of Occupancy, the applicant shall submit a revised set of plans that improve the building’s vertical elements along the Wilshire Boulevard facade, entryway at the corner of Wilshire Boulevard and La Brea Avenue, and roofline architectural elements in compliance with Section 6 of the Miracle Mile Community Design Overlay Plan to be reviewed, stamped, and approved by Department of City Planning, Community Planning Bureau.
19. Prior to the issuance of the Certificate of Occupancy, the applicant shall submit a materials board in compliance with Sections 6E and 6H of the Miracle Mile Community Design Overlay District to the satisfaction of the Department of City Planning to be included as part of the case file.

D. **Other Conditions**

20. **Noise (Residential).** All exterior windows shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. As an alternative, the developer may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

21. **Graffiti Removal.** 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.

22. **Aesthetics.** The structure, or portions thereof shall be maintained in a safe and sanitary condition and good repair and free of graffiti, trash, overgrown vegetation, or similar material, pursuant to Municipal Code Section 91,8104. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to eh satisfaction of the decision maker.

23. **Congestion Reduction.** Prior to the issuance of the Certificate of Occupancy, the developer shall submit evidence of discussions made with the Council Office to provide a suitable amount of MTA Metro Passes to residents and employees of the development for the first two years of the development at no cost to the employees and residents. The developer shall also work with the Council Office to continue to raise awareness of public transit and bicycling alternatives and opportunities (i.e., ongoing subsidies and literature from the MTA and Department of Transportation in welcome packets, a transit kiosk/wall in the lobby area, ride-share and bike-share programs, bicycle safety, etc.) to employees and residents of the development and create a Transit Awareness Program. The developer shall submit the Transit Awareness Program to the Department of City Planning, and record a Covenant Agreement to implement the program into the development.

D. **Administrative Conditions**

24. **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.

25. **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.
26. **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.

27. **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.

28. **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.

29. **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.

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

31. **Utilization of Entitlement.** The applicant/owner shall have a period of five years from the effective date of the subject grant to effectuate the terms of this entitlement by either securing a building permit or a certificate of occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the privileges, the applicant files a written request and is granted an extension to the termination period for up to one additional year pursuant to Sections 12.24.J.3 and 12.28.C, of the Municipal Code. Thereafter, the entitlement shall be deemed terminated and the property owner shall be required to secure a new authorization for the use.

32. **Multiple Entitlements.** The subject Adjustments for building setback require the completion of all applicable conditions of approval herein to the satisfaction of the Planning Department and the effective date of these grants shall coincide with that of the associated zone/height district change on the property involved.
FINDINGS

General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Wilshire Community Plan, which was adopted by the City Council on May 17, 1976 (pursuant to Council File 75-2824) and updated by City Council on September 19, 2001 (pursuant to Council File 97-0051 CPU). The Plan map designates the subject property for Regional Center with the corresponding zones of C2, C4, CR, P, and PB and Community Commercial for the two southwest lots with corresponding zones of C1.5, C2, C4, RAS3, and RAS4. The property contains approximately 3.21 net acres (141,473 net square feet) and is presently zoned C2-1, [Q]C2-1, and [Q]C4-2-CDO. The applicant has requested a General Plan Amendment and a Vesting Zone Change/Height District Change where findings would be required to make the project consistent Land Use designation for the Wilshire Community Plan.

2. **General Plan Text.** The Wilshire Community Plan text includes the following relevant land use objectives, policies and programs:

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

   “Policy 1-1.4  Provide housing along mixed-use boulevards where appropriate.”

   The project will provide 482 dwelling units, with a mix of types of units and rental levels, along the Wilshire corridor which accommodates other mixed-use residential and commercial developments.

   “Objective 1-2 Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops.”

   “Policy 1-2.1 Encourage higher density residential uses near major public transportation centers.”

   The property is located within the Miracle Mile, within a corridor of significant regional and community commercial centers. The property is well situated with respect to transportation facilities along the Wilshire corridor, and along the major north/south streets in the vicinity. This includes bus routes along La Brea Avenue and Wilshire Boulevard. The Metro Purple Line provides service from the Wilshire and Western station to Union Station in Downtown Los Angeles, thereby linking the project area to a continually expanding rail network. The Red Line provides rail transportation through Downtown Los Angeles, the Mid-Wilshire district and North Hollywood.

   “Policy 1-3.1 Promote architectural compatibility and landscaping for new multiple family residential developments to protect the character and scale of existing residential neighborhoods.”

   The project has been designed to be compatible with adjacent land uses. The majority of the project will be six stories in height (five stories above the base), and a maximum of 102 feet. An accent spire at the corner of Wilshire Boulevard and La Brea Avenue will be approximately 132 feet in height, consistent with other higher buildings along Wilshire Boulevard. The portion of the building along Sycamore Avenue will be approximately 54 feet in height, consistent with the height and low medium residential uses along that street.
“Policy 1-4.2 Ensure that new housing opportunities minimize displacement of residents.”

“Policy 1-4.3 Encourage multiple family residential and mixed-use developments in commercial zones.”

The project will provide 482 dwelling units, with a mix of types of units and rental levels, along the Wilshire corridor which accommodates other mixed-use residential and commercial developments. The project will not displace residents, since the block is developed with now vacant commercial uses, a church and surface parking.

“Objective 2-1 Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.”

“Policy 2-1.1 New commercial uses should be located in existing established commercial areas or shopping centers.”

The project will include 40,000 square feet of commercial uses, within the portions of the development facing Wilshire Boulevard and La Brea Avenue. This will provide additional opportunities for commercial services. Those portions of the project will face existing commercial development along Wilshire Boulevard and La Brea Avenue, respectively, and will substantially replace existing commercial uses on the subject site.

“Objective 2-2 Promote distinctive commercial districts and pedestrian-oriented areas.”

While modern in its forms and materials, the building will be referential to and consistent with the architectural context of the Miracle Mile area, which features Art Deco buildings. The project’s 132-foot accent spire at Wilshire Boulevard and La Brea Avenue will provide visual interest. The project will encourage pedestrian activity at the ground level by providing landscaping, planters, building recesses, awnings and other scaled elements. Over 1,800 square feet of programmed open space at the corner of Sycamore Avenue and 8th Street will be available for use by both residents of the building and the neighborhood.

“Objective 2-3 Enhance the visual appearance and appeal of commercial districts.”

“Policy 2-3.1 Improve streetscape identity and character through appropriate controls of signs, landscaping and streetscape improvements; and require that new developments be compatible with the scale of adjacent neighborhoods.”

On all sides of the proposed project, great care will be taken to provide an enhanced pedestrian experience by including planters, building recesses, awnings and other smaller-scale elements. The project has been designed to be compatible with adjacent land uses. The tallest element within the project will be on Wilshire Boulevard at La Brea Avenue. The height of structures will step down along Sycamore Avenue, consistent with the lower heights of residential uses in that location.
Framework Element. The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The project site is currently developed with two surface parking lots. It is one of the few under-improved properties in the vicinity. Development of this site is an infill of an otherwise mix-use neighborhood. By enabling the construction of a supply of housing in close proximity to jobs and services, the proposed General Plan Amendment, Zone Change and associated Height District Change would be consistent with several goals and policies of the Framework Element.

The Land Use chapter of the Framework Element identifies objectives and supporting policies relevant to the project site. Those objectives and policies seek, in part, to provide for the stability and enhancement of multi-family residential neighborhoods.

Housing Element. The Project would meet many housing objectives and policies contained in the Housing Element of the Los Angeles General Plan as follows:

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

The Project would add a total of 482 residential units to an underutilized commercial corridor in need of additional quality housing without removing any existing housing. The Project would provide a mix of studio to two-bedroom units to accommodate different household sizes.

Policy 2.1.3: Encourage mixed use development which provides for activity and natural surveillance after commercial business hours.

Policy 2.1.4: Enhance livability of neighborhoods by upgrading the quality of development and improving the quality of the public realm, including streets, streetscape, and landscaping to provide shade and scale.

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

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

Policy 2.3.3: Encourage the development of new projects that are accessible to public transportation and services consistent with the community plans. Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.
The Project will create a high-quality residential development that offers housing to Wilshire neighborhood, promotes safety by creating a sense of presence by promoting pedestrian activity and locating residential units on the site. Also, the project better utilizes the site by improving the land use and character of the existing neighborhood. Furthermore, the site is located near several transit lines, and will be the future site of a subway stop. Furthermore, the site’s proximity to Downtown, West Los Angeles, and Hollywood will bring residents closer to jobs to alleviate traffic congestion. By creating additional housing units, the project and its location will not only bring residents closer to their jobs, but it will also help reduce congestion, vehicle dependency, and commute times for residents.

3. The Transportation Element of the General Plan will be affected by the recommended action herein. However, any necessary dedication and/or improvement of Wilshire Boulevard and La Brea Avenue to Plan designated Major Highway standards and Eight Street to Plan designated Collector Street standards, and Sycamore Avenue to Plan designated Local Street standards will assure compliance with this Element of the General Plan and with the City’s street improvement standards pursuant to Municipal Code Section 17.05.

4. The Sewerage Facilities Element of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

5. Street Lights. Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the streets which adjoin the subject property.

6. Charter Findings - City Charter Sections 556 and 558 (General Plan Amendment). The proposed General Plan Amendment complies with Sections 556 and 558 in that the plan amendment promotes an intensity and pattern of development that is consistent with the area’s General Plan Framework designation and that encourages transit use; reduces automobile dependency; improves air quality; encourages the development of multiple-family housing and community-serving commercial uses; and enhances the pedestrian environment. The recommended General Plan Amendment to amend the land use designation of the two lots at the southwest portion of the site from General Commercial to Regional Commercial will further many of the City’s land use policies and address the need for housing.

The project will be an in-fill development, which is contiguous and compatible with other development in the immediate vicinity. The General Plan Amendment would allow for the project to intensify the use on the site and provide additional housing in the Wilshire area that would accommodate the growing population of the surrounding area and balance the jobs-to-housing ratio. Finally, the proposed project would include varying unit sizes from studios to two-bedroom units that would accommodate various household sizes of the Wilshire City community as well as provide different choices in housing needs.

The instant request will complete the Regional Center Commercial general plan land use designation on the block bounded by Wilshire Boulevard on the north, Sycamore Avenue on the east, 8th Street on the south and La Brea Avenue on the west. For reasons which are no longer apparent, the two lots at the southwest corner of the block were omitted at the time all other portions of the subject block were designated as Regional Center Commercial in the Wilshire Community Plan.
While the area requested for the instant community plan re-designation comprises a portion of a mixed-use project containing nearly at an FAR of 3.34 to 1 on a 3.21 net acre site, this area contains only approximately 10,000 square feet of lot area and constitutes only approximately 7½ percent of the entire block. It will contain a small fraction of the floor area within the project.

The requested Community Plan re-designation to Regional Center Commercial is necessary for consistency with the remainder of the block on which the project is located and is accompanied by a change of zone and height district to the [T][Q]C4-2D Zone to relieve several restrictions on development potential imposed under the existing Community Plan designation and zoning. The existing C2-1 Zone and Height District would permit a floor area ratio of 1.5:1, while the overall FAR for the proposed project is 3.34:1, as will be permitted under a commercial zone combined with Height District No. 2. Both the C2 and C4 Zones permit residential densities that do not exceed those permitted within the R4 Zone. The instant project proposes residential densities consistent with the R5 Zone, which is permitted when a commercially zoned property is designated for Regional Center Commercial in the Community Plan, as previously discussed.

The existing Regional Center Commercial designation, which comprises the great majority of the block, faces abutting properties with a less intense land use designation along Sycamore Avenue. The majority of the block that faces the project is designated as Low Medium I Residential with an R2-1 zone. The requested community plan re-designation will complete that pattern and will as well face General Commercial land use designations and the C2-1 Zone to the west and south.

The total project has been designed to be compatible with these adjacent land uses. The tallest element within the project will be along Wilshire Boulevard. Retail commercial floor area will extend along Wilshire Boulevard and south along La Brea Avenue, consistent and compatible with the facing commercial uses to the north, west and south. Townhomes will face Sycamore Avenue, consistent with the height and massing of the Low Medium residential uses along that street.

In summary, the requested Community Plan re-designation from General Commercial to Regional Center Commercial will allow completion of both the land use designation and the rezoning for the entire block, and will permit a logical, functionally integrated development for the total project, consistent and compatible with adjacent land uses. It will facilitate development of a well-planned mixed-use project on an entire block, in contrast to the present incompatible land use designations and potential uses.

### 7. **Vesting Zone Change and Height District Change Findings.**

a. Pursuant to LAMC Section 12.32.C.7, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The proposed vesting zone change/height district change would lead to a development that would be deemed consistent with public necessity, convenience, general welfare and good zoning practice. The project is requesting a discretionary approval to change the zone for the lots zoned C2-1, [Q]C2-1, and C4-2-CDO to [T][Q]C4-2D and add a “D” Limitation to restrict the FAR to 3.34:1 and the maximum height of the structure to approximately 132 feet. The project will also provide 56,510 square feet of open space consistent with the requirements of LAMC Section 12.21-G.
The proposed floor area ratio of the project will be 3.34:1, less than the maximum 6.0:1.0 FAR permitted within Height District No. 2 and as permitted by the Community Plan. The residential density will be at a level equivalent to the R5 Zone, which is allowed in the Community Plan under the Regional Center Commercial land use designation and the mixed-use provisions contained in the Zoning Code (LAMC Sec. 12.22-A,18). The height of the project will be consistent and compatible with proximate commercial development. Height District No. 2 contains no limitation on height, however, as part of the instant application, a “D” limitation is requested for Height District No. 2, to limit the floor area ratio to 3.34:1 and the maximum height of structures to approximately 132 feet. The project will also provide 56,510 square feet of open space consistent with the requirements of LAMC Sec. 12.21-G.

Public Necessity. Granting the requested zone change/height district change will be deemed consistent with public necessity. The project will bring 482 residential units and home ownership opportunities to the Wilshire area. This will also include a mix of residences that include studio to two bedroom units that range in various sizes. This will accommodate different household sizes in the Wilshire neighborhood. The project will be providing needed housing at market level rental rates consistent with the area of the City in which it is located.

Convenience. Granting the requested zone change/height district change will be deemed consistent with public convenience. The site is located in the Wilshire Community Plan area. The area consists of commercial uses, including retail, restaurants, and offices, as well as housing of different intensities. The site’s proximity to several transit lines and it being the site of a future subways station, provide convenience to residences and workers of the proposed building. Residences will either be located closer to jobs or closer to transit opportunities to consider alternatives to driving to their jobs. Furthermore, the site proposes restaurants and retail uses that will provide the convenience and options of dining and shopping for residents of the building as well as for other patrons.

General Welfare. Granting the requested zone change/height district change will be deemed consistent with the general welfare. The project replaces one surface parking lot an obsolete commercial center and a church. By replacing these uses, the project brings an active viable use, bring residents to the area to promote safety, and create more stakeholders. Furthermore, as discussed above, with the site’s proximity to several transit opportunities, will help alleviate congestion, vehicle dependency, and commute times to improve the general welfare.

Good Zoning Practice. Granting the requested zone change/height district change will be deemed consistent with good zoning practice. The project site is not only within an urban complex consisting of different commercial uses and residential intensities, but is near transit lines and the site of a proposed subway station. The project will be located in an intensely urbanized area within the City of Los Angeles, with major commercial development along the Wilshire corridor, as well as along the major north-south streets in the vicinity, including La Brea Avenue. In addition to a wide variety of goods and services, this area includes the Los Angeles County Museum of Art and the La Brea Tar Pits. Public service facilities within the vicinity of the site include a post office on Wilshire Boulevard east of Cloverdale Avenue, a fire station on 3rd Street between Cochran and Cloverdale Avenues, and a public library on Olympic Boulevard at Muirfield Road. In addition, Wilshire Crest Elementary School, Burroughs Middle School and Los Angeles Senior High School are all located within close proximity to the project site.
The project would bring in a mixed use project that would bring in 482 residential units and approximately 40,000 square feet of commercial use. The project would bring more balance to the jobs to housing ratio in the area. Also, the project will be an infill development that would replace a church, a commercial strip center, and surface parking. The project will not involve the relocation of tenants.

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

8. Building Line Removal Findings. Section 12.32 of the LAMC requires that certain findings must be established if a Building Line is to be removed. Following is a delineation of said Findings, the application of relevant facts to same; and, the reasons why said Findings can be sustained in the subject case.

a. The removal of the involved 5 foot Building Line will have no adverse impact on the Wilshire Community Plan or any other element of the General Plan.

The General Plan does not specifically designate the required location for building lines. However the Transportation Element of the General Plan and the Wilshire Community Plan designate the type of roadway to which specific streets shall conform. Wilshire Boulevard is designated in the Wilshire Community Plan as a Class II Major Highway. Wilshire Boulevard is presently dedicated and improved to a width of 100 feet, consistent with historical standards for a Major Highway.

The existing 5-foot Building Line along Wilshire Boulevard was originally established by Ordinance No. 80695. The intent of said building line was to prevent the intrusion of any structure which would interfere with eventual improvement of Wilshire to Major Highway standards while preserving adequate front yards. However, building lines have been established along Wilshire Boulevard over a period of many decades. During that period, developments were built up to building lines. At this time, there exists a relatively high uniformity or consistency of building setback lines along Wilshire Boulevard in general and Wilshire Boulevard already functions well as a major highway.

In conjunction with the mixed-use project, two additional feet for highway purposes will be dedicated along the south side of Wilshire Boulevard between La Brea and Sycamore Avenues, to complete a 52-foot half-roadway dedication and improvement consistent with the Class II Major Highway designation. At that point, Wilshire Boulevard will fulfill the standards contained in the Community Plan and the remaining 3 feet of setback at the building line will no longer be necessary.

Removing the existing 5-foot Building Line will allow for the project to accomplish the following: be in conformance with the General Plan; implement the Highways and Freeways Element of the General Plan; comply with Street Standards; and provide for sufficient space for yard areas and passageway for emergency access. Therefore, the removal of the 5-foot building line along the Wilshire Boulevard frontage of the subject property, as established will have no adverse impact or detrimental effect on any element of the General Plan or community plan.
b. **Public necessity justifies the approval of the subject Building Line removal.**

The need for space to provide desired yards and street improvements is a fundamental requirement of all zoning regulations. This objective is met by placing building lines along streets to assure that open space areas for these purposes are preserved. Building lines were established prior to code provisions for each zone. Ordinance 80695 was adopted to establish a 5-foot building line along Wilshire Boulevard to ensure development is adequately setback from Wilshire Boulevard to provide adequate yards and allow for street improvements. Code provisions were established to meet this intent and to serve public necessity.

In this case, the proposed project will be constructed and meet the front yard requirement for the C4 zone, which is 0 feet. The project will provide dedication and improvement of Wilshire Boulevard in accordance with adopted Major Class II Highway Standards. The purpose and objective of said Building Lines has been achieved and “Public Necessity” is not an issue if said Building Line is removed.

c. **Convenience, general welfare, and good zoning practice justify the approval of the subject Building Line removal.**

The removal of the building line will lead to a project that will promote convenience, the general welfare, and good zoning practice. One of the criteria for building lines is to provide sufficient open spaces for public and private transportation. Wilshire Boulevard is a Class II Major Highway dedicated to half roadway width of 52 feet, and will have sufficient area to accommodate foreseeable public and private transportation needs. The dedication and improvement of Wilshire Boulevard will be consistent with the Class II Major Highway designation through the removal of the building line and the construction of the project. This will justify good zoning practice by improving Wilshire Boulevard to be consistent with the Transportation Element and the Community Plan. Convenience and general welfare will result through the removal of the building line since Wilshire Boulevard will function well as a major highway to promote circulation and accommodate transportation needs of the area.

9. **Conditional Use (Sale of alcoholic beverages).** Conditional Use Findings for the sale or dispensing of alcoholic beverages for on-site consumption at three restaurants with cocktail lounges and off-site consumption at one specialty food and beverage shop in the C4 zone pursuant to LAMC Section 12.24-W,1.

a. **Describe briefly how the proposed project will be proper in relation to adjacent uses or the development of the community.**

The proposed mixed-use project is located within an area designated as Regional Center Commercial land use and is adjacent to other commercial uses, including restaurants and retail shops in commercial buildings along Wilshire Boulevard and La Brea Avenue. The sale of alcoholic beverages would likely be a suitable component within this environment. The uses sited along Wilshire Boulevard are designed to create an urban edge as one would find along any pedestrian oriented street in any great urbanized area.
The proposed project will be proper in relation to adjacent uses. The design of
the building and its uses will be compatible with adjacent properties and uses,
and with the provisions of the Miracle Mile Community Design Overlay District
Guidelines and Standards. Onsite parking will be ample and will be easily
accessible for retail patrons from 8th Street and Sycamore Avenue (immediately
south of Wilshire Boulevard). Overall signage will be low-key and consistent with
the requirements of the CDO Guidelines and Standards and, as noted supra,
there will be no signs visible on the outside of the complex indicating the
availability of alcoholic beverages. Hours of operation, as approved under
subsequent plan approval applications, will be consistent with and appropriate for
the urban, cosmopolitan character of the Miracle Mile area.

A natural component of a mixed use project would include the sale and/or
dispensing of alcoholic beverages, along with the bonafide serving of food and
the sale of specialty food items. The mix can help promote pedestrian activity,
and the serving of alcoholic beverages is a normal and expected component of
most restaurants. The special character of the Miracle Mile vicinity would be
enhanced by the addition of the proposed uses in this location. The development
provides a setting wherein many patrons can fulfill shopping, dining and
entertainment needs in one visit. A review of other similar mixed-use projects
indicates that the sale of alcohol is an integral part of such mixed-use settings.

As discussed, the applicant is requesting a total of four alcohol-selling
establishments. In order to allow for safeguards to be established on a case-by-

\begin{itemize}
  \item [b.] Why does applicant believe the location of the project will be desirable to the public convenience and welfare.
\end{itemize}

It is proposed to develop the property with a mixed-use development, containing
approximately 40,000 square feet of commercial floor area, with 482 dwelling
units located within the remainder of the property. The commercial portion of the
project will include approximately restaurant and retail. The residential
component will consist of a mix of multifamily dwelling sizes, including studio
units, one- and two-bedroom apartments, and townhomes.

The request is for a master CUB within the subject development to sell and/or
dispense alcoholic beverages, three of which would be restaurants with cocktail
lounges and one of which would be a gourmet specialty food and beverage shop.
Subsequent plan approval applications would be made as individual commercial
tenants seek approval for specific premises. At this time, specifics to the
operation of each establishment cannot be determined. However, all such
proposed establishments will be carefully evaluated by the property owner, prior
to submittal of applications to the City, for their impact upon and appropriateness
for the character of the surrounding area, as well as impacts upon the safety and
security of the area.
The proposed restaurants will accommodate outdoor dining in open areas where people can relax and congregate in a safe, attractive, and enjoyable environment. The enhanced streetscape will seamlessly connect the sites that compose the project to enable pedestrian-friendly use. The new buildings will present modern architectural features, and will complement the neighboring structures.

Since alcoholic beverage service is an expected amenity with a meal service, an approval of alcohol sales and dispensing will be convenient and enjoyable for patrons of these establishments. It is reasonable to expect a fully integrated mixed-use development to include restaurants that offer alcohol service incidental to the sale and service of food. Alcohol without a food order would be permitted within the separate cocktail lounges. Similarly, it is reasonable to expect that uses such as a grocery store will sell a full line of alcoholic beverages for off-site consumption.

c. Describe how the proposed project will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

The project will enhance the character of development in the surrounding neighborhood by providing up to 482 new units of much needed, high-quality housing. The construction this new buildings will add to the cultural and architectural cache, and the mixed-use character of the area. To ensure that the project will not create any detrimental impacts on the surrounding area, the specific details of each establishment will be reviewed pursuant to the plan approval process. This process will allow for a very comprehensive review of each request with input from each prospective tenant, the Police Department, the Council office, and other interested parties. Security plans, floor plans, seating limitations, and other recommended conditions, as well as the mode and character of the operation, can be addressed and assured through the imposition of site-specific conditions. All retail uses and the restaurants will abut either Wilshire Boulevard or La Brea Avenue. This will place them well within the sphere of abutting compatible commercial uses and a maximum distance from residential uses to the east and south. Furthermore, the project will provide effective buffering between the retail uses and restaurants, and abutting potentially more sensitive residential uses.

The Wilshire Community Plan designates most of the site as Regional Commercial. The two lots at the southwest portion of the site is zoned General Commercial. The proposed uses of the property are consistent with this designation. The proposed restaurants and retail activities are also permitted by-right under the proposed C2 zone. The General Plan does not specifically designate uses permitted by conditional use. LAMC Section 12.24-W,1 permits the requested use within the zones corresponding to the land use designation within the Community Plan. The General Plan states that Regional Centers should become "mixed use centers that provide jobs, entertainment, culture, and serve the region." The project furthers this goal by providing residential, commercial, and retail uses within the same sites. The new development will provide jobs, culture, housing, and serve the region. Alcohol service is ancillary and a normal complement to retail and restaurant uses in a mixed-use project. The request is therefore consistent with the adopted plan. Conditional use authorization for the sale of alcoholic beverages is only allowed subject to certain findings which have been made herein.
The proposed project is also consistent with the Housing Element of the General Plan. One Housing Element Objective is to "promote housing strategies which enhance neighborhood safety and sustainability and provide for adequate population, development, and infrastructure and service capacity within the City and each community plan area, or other pertinent service area." The project achieves this goal by providing up to 482 units of new, high-quality housing in close proximity to new commercial and retail offerings. The project will enhance neighborhood safety by increasing pedestrian traffic in the area and instilling vibrant commercial uses in the area.

d. Will the approval of the Conditional Use at this location adversely affect the economic welfare of the community? Why?

The property will be located in the [QC]C4-2D-CDO Zone. The entire frontage along Wilshire Boulevard is located in the [QC]C4-2-CDO Zone and the west side of La Brea Avenue is located in the C2-1 Zone. The Boulevard is developed with a variety of commercial uses. The overall character of the proposed development will consist of ground level commercial uses geared to the sale of retail goods and restaurants, consistent with neighboring commercial uses.

All retail uses and the restaurants will abut either Wilshire Boulevard or La Brea Avenue. This will place them well within the sphere of abutting commercial uses and a maximum distance from residential uses to the east and south. The subject building will provide effective buffering between the retail uses and restaurants, and abutting potentially more sensitive residential uses.

The architecture of the building and its uses will be compatible with adjacent properties and uses, and with the provisions of the Miracle Mile Community Design Overlay District Guidelines and Standards. Onsite parking will be ample and will be easily accessible for retail patrons from 8th Street and Sycamore Avenue (immediately south of Wilshire Boulevard). Overall signage will be low-key and consistent with the requirements of the CDO Guidelines and Standards and, as noted supra, there will be no signs visible on the outside of the complex indicating the availability of alcoholic beverages. Hours of operation, as approved under subsequent plan approval applications, will be consistent with and appropriate for the urban, cosmopolitan character of the Miracle Mile area.

With respect to the economic welfare of the community, the proposed establishments will serve as upscale uses accessory to the primary role of the project as a residential complex, and to the urban commercial character of the Miracle Mile in general. The proposed project will contain restaurants and a specialty food and beverage shop, and will not contain any type of use which may typically be associated with adverse effects upon the economic health of a neighborhood, such as a liquor store, stand-alone bar or nightclub. The project will positively affect the economic vitality of the community by comprising a well-balanced development including the restaurant uses, retail spaces and residential units. Alcohol service ancillary to restaurants will be an integral part of a well-designed and carefully controlled mixed-use project.
The approval of this conditional use permit will not adversely affect the economic welfare of the community. The proposed project provides three restaurants with cocktail lounges and a gourmet specialty food and beverage store that would contribute to the economic vitality of the site and to the City’s tax base. The economic welfare of the community depends on healthy and viable commerce and these restaurants and gourmet food and beverage store will provide the community with economically viable and respected commercial establishments as part of its community-serving retail. Furthermore, these establishments will also create service sector employment opportunities in the area.

**e. Will the approval of the Conditional Use result in or contribute to an undue concentration of premises for the sale or dispensing of alcoholic beverages, including beer and wine, giving consideration to applicable State laws and the California Department of Alcoholic Beverage Control’s guidelines for undue concentration and the number and proximity of such establishments within a one thousand foot radius of the site and area crime rate?**

The Department of Alcoholic Beverage Control indicates that in Census Tract No. 2110, the maximum number of on-site licenses permitted is four, with sixteen existing. The maximum number of off-site licenses permitted is three, with four existing. Within Crime Reporting District No. 724, 77 crimes were reported within a twelve-month period compared to a citywide high average (120 percent of average number of offenses) of 316 crimes.

Within a 1,000-foot radius of the subject property, twelve establishments selling or dispensing alcoholic beverages for onsite consumption are located. Of these, one is located onsite (740 S. La Brea Avenue) and will be removed with the demolition of the existing uses. Three premises are located within 100-160 feet (672, 757 and 809 S. La Brea Avenue), two of which sell beer and wine only. The remaining eight establishments are located 500 to 1,000 feet from the subject property, and include seven restaurants. With respect to off-sale establishments, four are located within 1,000 feet of the subject site. Of these, one is onsite (718 S. La Brea Avenue) and will be removed with the demolition of existing uses. Two others are food markets located 700 or more feet from the subject site, and selling only beer and wine. The fourth establishment is an online retailer offering no onsite purchases, and sells only beer and wine (5225 Wilshire Boulevard, approximately 100 feet away).

With respect to the request for authorization to sell/dispense alcoholic beverages for onsite consumption in conjunction with three restaurants, the statistics from the Department of Alcoholic Beverage Control state there is an over-concentration of licenses. However, the number of licenses does not rise to the level of being an undue concentration. This is a condition which similarly exists in many intensely urbanized areas of the City of Los Angeles, and particularly in areas such as Downtown Los Angeles, Westwood and the Miracle Mile. Because of both residential population densities in the vicinity and because such areas are also tourist and recreation destinations, there tends to be a high concentration of bonafide eating establishments, many of which typically also sell/dispense alcoholic beverages as an important adjunct to the economic viability of their businesses.
With respect to the request for authorization to sell alcoholic beverages for off-
site consumption, in conjunction with a gourmet specialty foods and beverages
store, while there exists a minor concentration of licenses (three permitted, four
existing), it again does not rise to the level of being undue. As noted above, after
construction of the project, only three off-sale licenses will exist within 1,000 feet
of the property. As with the restaurants, this is a condition which exists in many
highly urbanized portions of the City. The existence of a slight overconcentration
of off-sale licenses in areas such as the subject vicinity is not automatically
inappropriate and does not necessarily constitute an undue concentration. This
is substantially because in this case, the applicant is requesting the authorization
to sell alcoholic beverages for off-site conjunction in conjunction with a specialty
food and beverage shop. Such goods are anticipated to be imported and
domestic gourmet items, not typically sold in more conventional liquor outlets.
The proposed store will be significantly different from either a liquor store or a
typical supermarket, which usually offer a wide range of alcoholic beverages,
both in terms of price and type. Further, it is anticipated that the specialty food
and beverage shop will provide goods and services primarily to the residential
tenants located within the same development as the store, as well as the nearby
residential uses.

The proposed project will increase the population of Census Tract No. 2110.00
by approximately 1220 persons, an increase of 28.3 percent from the 4309
residents reported in the last census. This increase in population will serve to
justify an increase in the number of licenses permitted by the Department of
Alcoholic Beverage Control. In particular, in relation to off-sale licenses, which
are often considered to be more of a concern than on-sale licenses that would
justify an increase in allowed licenses approximately proportional to the increase
in population.

With respect to crime statistics, as the information from the Department of
Alcoholic Beverage Control demonstrates, this is a relatively low crime area. As
previously noted, 77 crimes were reported within Reporting District No. 724, as
compared to 316 crimes per district as 120 percent of the citywide average. It is
not anticipated that the character of the proposed uses would exacerbate existing
levels of crime or be a magnet for criminal activity. These uses will be located
within an upscale development, and will be composed of bonafide eating places
offering full dining menus, and a specialty food and beverage shop. The property
owner will insure that individual operators of the facilities provide appropriate
security measures when application is made for the specific premises under
future plan approval filings. Under those applications, a variety of premises-
specific characteristics can be determined, including hours of operation,
occupancy loads, entertainment, the precise type of alcoholic beverages
permitted, the location of cocktail lounges and security measures.

f. Will the approval of the Conditional Use detrimentally affect nearby residentially
zoned properties? Why?

The uses proposed on the project site, including the Conditional Use Permit
requested herein, will not detrimentally affect nearby residentially zoned property
or other surrounding sensitive uses. While there are residential uses east of the
project site, development of the project will provide additionally needed housing
as well restaurant and retail uses. All establishments serving alcohol at the
project site will be staffed with qualified teams for the responsible service of
alcohol.
As has been stated in previous findings, the proposed alcoholic beverage uses will be relatively low key, involving the sale and/or dispensing of alcohol for onsite consumption in conjunction with operation of bonafide full-service restaurants, and for offsite consumption in conjunction with a specialty food and beverage shop.

The proposed development will be a carefully controlled high-quality mixed-use project. The proposed facilities will be located within the retail commercial portions of the proposed project, abutting Wilshire Boulevard to the north and La Brea Avenue to the west. In both locations, the premises will face only commercial land uses. The nearest residential uses are the low-medium density uses along the east side of Sycamore Avenue and south of the subject property, also facing Sycamore Avenue at its intersection with 8th Street. These are located on the opposite side of the project complex from where the proposed alcoholic beverage outlets will be located. Therefore, the premises will be at a maximum feasible distance from those residential uses, and will be completely buffered by the project complex itself, including visual and noise impacts.

The establishments offering alcoholic beverages within a 1,000-foot radius of the subject property were discussed in the previous finding. These include, after demolition of existing uses onsite, eleven establishments selling or dispensing alcoholic beverages for onsite consumption and three establishments selling alcoholic beverages for offsite consumption. Those statistics are entirely consistent with the highly urbanized character of the surrounding portion of the Miracle Mile district.

With respect to other sensitive uses, there exist three churches within a 1,000-foot radius, including the Wilshire Grace Church onsite which will be demolished prior to construction of the proposed project. Other churches are located at 857 and 927 S. La Brea Avenue, approximately 650 feet and 950 feet respectively from the subject property. There are four schools within 1,000 feet, including a private music and martial arts school at 706 S. Detroit Street, approximately 300 feet away; and a private dance studio and private day school, both on the west side of La Brea Avenue across from the subject project. The fourth school is Wilshire Crest Elementary School, a public school located at 5241 West Olympic Boulevard, approximately 670 feet southeast of the subject site. There are no hospitals or parks within a 1,000-foot radius.

Therefore, with respect to the abutting residential uses to the east and southeast, these will be buffered from potential impacts by their location on the opposite side of the subject project wherein retail uses will be located. Of the six potentially sensitive uses which will exist after construction of the project, four are located on La Brea Avenue, a highly urbanized and commercial street, and a fifth on Detroit Street with no direct access to the portions of Wilshire Boulevard and La Brea Avenue abutting the subject site. The public elementary school is well removed from the site, abutting Olympic Boulevard, and well-buffered from the proposed project by intervening residential streets and land uses. The addition of the proposed restaurants and specialty food and beverage shop will not detrimentally affect any of these uses.
10. **Zoning Administrator’s Adjustment Findings.** Pursuant to LAMC Section 12.28, a Zoning Administrator’s Adjustment is necessary to allow permit a mixed-use development observing zero-foot setbacks from a public alley and construction within the alley, prior to the vacation of the alley via recordation of a vesting tract map (VTT No. 68945).

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

   The applicant is requesting adjustments to permit zero-foot setbacks from an existing public alley and to construct within the alley prior to vacation of the alley pursuant to recordation of Vesting Tentative Tract No. 68945. The adjustments would constitute an “early-start variance” to permit demolition within the alley and possible construction of improvements before the date of recordation for the tract.

   The proposed [T][Q]C4-2D-CDO and [T][Q]C4-2D Zones in which the property will be located do not require setbacks for commercial uses. Further, LAMC Section 12.22-A,18(c)(3), which is within the provisions governing developments combining residential and commercial uses (mixed use projects), provides that no yard requirements shall apply to the residential portions of buildings located on lots in the C4 Zone (and other commercial zones) used for combined commercial and residential uses, if such portions are used exclusively for combined commercial and residential uses, abut a street or alley, and the first floor of such buildings at ground level is used for commercial uses or for access to the residential portions of such buildings. The applicant is seeking the adjustments to observe zero-foot setbacks from the existing public alley and to construct within the alley, because prior experience suggests that the Bureau of Engineering may require such approval from the Planning Department prior to issuing a revocable permit for construction within the alley.

   The proposed project will be a mixed use development containing 482 apartment units, composed of a mix of studio units, one-bedroom units, two-bedroom units and 10 townhomes and 10 flats along Sycamore Avenue. Based upon the mix of types of units, it is anticipated that the residential units will house approximately 1,003 tenants. The retail commercial component will consist of approximately 30,000 square feet of retail uses and 10,000 square feet of restaurant space.

   The instant request constitutes a very minor aspect of the total project and, upon construction of the development, the area wherein the alley is presently located will be interior to the improvements for the project and will be completely indistinguishable from adjacent portions of the development and from the development as a whole.

   The project has been designed to be compatible with adjacent land uses. The tallest elements within the project will be at Wilshire Boulevard and La Brea Avenue. Retail commercial floor area will be on Wilshire Boulevard and extend south along La Brea Avenue, consistent and compatible with the facing commercial uses to the west and south. Townhomes and flats will face Sycamore Avenue, consistent with the height and low medium residential uses along that street.
b. The granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.

The subject property is located within the area covered by the Wilshire Community Plan, which designates the subject property for Regional Center Commercial with corresponding zones of CR, C1.5, C2, C4, R3, R4 and R5. The southwest corner of the site is presently designated for General Commercial, however a general plan amendment is requested among the instant actions to redesignate that portion to Regional Center Commercial. The proposed residential density will be consistent with the mixed use provisions within the Zoning Code. The proposed commercial uses will be consistent with the Regional Center Commercial designation and with the C4 Zone. The proposed floor area ratio of 3.34:1 will be consistent with Height District No. 2, as permitted by the Community Plan within the Regional Center Commercial land use area. Therefore, the proposed project will be consistent with the Wilshire Community Plan.

The Community Plan does not address minor deviations in setbacks. The site is not subject to any specific plans. The project is located within the geographic area governed by the Miracle Mile Community Design Overlay District Guidelines and Standards. A request for approval of a design overlay plan consistent with the CDO District Guidelines and Standards is part of the instant application. The approval of the requested adjustments would lead to a development that would be consistent with the goals and objectives of the General Plan. As stated in the previous findings, the project would bring in 482 residential units, enhance commercial corridors and pedestrian activity, and promote safety.

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

The general purpose and intent of the regulations are to provide compatibility by requiring specific setbacks for buildings and structures. Moreover, setbacks create open space for aesthetics, light and air for the inhabitants, and proper spacing for emergency services. Such regulations, however, are written on a citywide basis and cannot take into account individual unique characteristics of a specific property.

In the instant case, the sole purpose for the requested approval of an adjustment is to permit “early-start” construction within the existing public alley southerly of Wilshire Boulevard, prior to the recordation of a vesting tract map which will vacate the alley. The proposed project will be a functionally integrated development encompassing the entire square block bounded by Wilshire Boulevard, Sycamore Avenue, 8th Street and La Brea Avenue.

With the completion of the mixed use project, the area wherein the alley is located will be entirely internal to the development at ground level and no evidence of the alley will remain. Therefore, neither the alley nor setbacks from it would in the future serve any purpose in relation to providing open space, light, air or access for emergency services. Other elements of the total project will serve these purposes, including the provision of generous amounts of open space throughout the development in the form of linear landscaped areas, open courtyards and similar features.
The overarching spirit and intent of the regulations within the Zoning Code are to provide development that is compatible with neighboring uses and the environment in general. In this instance, as has been described in preceding and following findings, in consideration of the overall commercial location and surroundings of the project, and of the functionally integrated character of the project over the entire block, the purposes of the zoning regulations will be fulfilled.

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

On July 11, 2007, an Initial Study was prepared for the project which identified potential impacts related to aesthetics, air quality, cultural resources, geology/soils, hazards/ hazardous materials, hydrology/water quality, land use/planning, noise, population/ housing, public services, recreation, transportation/traffic, utilities and service systems, and mandatory findings of significance. Pursuant to the Initial Study, an environmental impact report was required under Case No. ENV-2007-1604-EIR. The EIR concluded that the project would not result in any significant project-specific impacts other than short-term noise and air quality impacts during construction. Mitigation measures have been made a part of this action to substantially lessen these impacts. The EIR reflects the independent judgment of the Environmental Review Section and the independent judgment of the Director of Planning or the Director’s designee as permitted by the Site Plan Review Ordinance (Ordinance No. 166127).

More specific to the adjustment request, with the completion of the mixed use project, the area wherein the alley is located will be entirely internal to the development at ground level and no evidence of the alley will remain. Therefore, neither the alley nor setbacks from it would in the future serve any purpose in relation to providing open space, light, air or access for emergency services. Other elements of the total project will serve these purposes, including the provision of generous amounts of open space throughout the development in the form of linear landscaped areas, open courtyards and similar features.

\textbf{e. That the site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible.}

The driving consideration which, in this instance, makes strict adherence to the zoning regulations impractical or infeasible is that the area wherein the existing public alley is located will be vacated upon recordation of a vesting tract map, and its area will be incorporated into the functionally integrated development covering the entire block bounded by Wilshire Boulevard, Sycamore Avenue, 8th Street and La Brea Avenue. Ultimately, with or without the instant request, the alley and any existing setbacks from it will no longer exist. This request simply seeks to enable the applicant to commence early work on demolition and improvements adjacent to and within the alley, in order to facilitate the construction schedule, should that become desirable or necessary.
11. **Site Plan Review Findings.** Pursuant to Section 16.05-F of the Municipal Code:

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

The applicant proposes to construct a mixed-use building with 472,500 square feet of total floor area. This project will have 482 apartment units and 24 commercial condominiums comprised of approximately 40,000 square feet of commercial retail. The commercial units are planned as 28,000 square feet of retail space and 12,000 square feet of restaurant space. The Vesting Tentative Tract Map will merge 21 lots and vacate 0.16 acres of the alley for 482 apartment units and 24 commercial condominiums. The development will consist of a floor area ratio of 3.4:1.

The site is zoned C2-1, [Q]C2-1, and [Q]C4-2-CDO with a Regional Commercial land use designation for most of the site and General Commercial for the two southwest lots within the Wilshire Community Plan.

The project, as proposed, requires a General Plan Amendment, Zone Change/Height District Change, Building Line Removal, Conditional Use Permit, Zoning Administrator's Adjustments, Design Overlay Plan and Site Plan Review Findings. Also included in the request is Vesting Tentative Tract Map No 70522, which requires discretionary approval from the Advisory Agency. The project would the provisions of the Code for most of the requested entitlements. However, the requested entitlements with appropriate findings made would make the project comply with applicable regulations, standards, and provisions of the Municipal Code. The site is not located within a Specific Plan.

On July 16, 2009, the Cultural Heritage Commission commented on the Los Angeles Conservancy's nomination to the State Office of Historic Preservation. At the public hearing, the Cultural Heritage Commission noted the Columbia Savings Building's context and features and supported the Los Angeles Conservancy's nomination to the State. The project as proposed may be impacted by the potential designation of the Columbia Savings Building. The project as conditioned will be required to preserve the Columbia Savings Building should the State determine the building is historically significant. In the event that this occurs, the applicant will be required to preserve the Columbia Savings Building and submit revised architectural plans to incorporate the subject building into the proposed development.

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

The project will be consistent with the General Plan. The Wilshire Community Plan text includes the following relevant land use objectives, policies and programs:

“*Policy 1-1.3  Provide for adequate Multiple Family residential development.*”

“*Policy 1-1.4  Provide housing along mixed-use boulevards where appropriate.*”

The project will provide 482 dwelling units, with a mix of types of units and rental levels, along the Wilshire corridor which accommodates other mixed-use residential and commercial developments.
“Objective 1-2 Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops.”

“Policy 1-2.1 Encourage higher density residential uses near major public transportation centers.”

The project will help reduce vehicular trips and encourage higher density residential uses near public transportation. The site brings housing near several bus lines, and will be the future site of a subway station. The project will encourage the use of public transportation while reducing vehicular trips and congestion.

“Policy 1-3.1 Promote architectural compatibility and landscaping for new multiple family residential developments to protect the character and scale of existing residential neighborhoods.”

The project has been designed to be compatible with neighboring buildings. The majority of the project will be six stories in height (five stories above the base), and a maximum of 102 feet. An accent spire at the corner of Wilshire Boulevard and La Brea Avenue will be approximately 132 feet in height, consistent with other higher buildings along Wilshire Boulevard. The portion of the building along Sycamore Avenue will be approximately 54 feet in height, consistent with the height and low medium residential uses along that street.

“Policy 1-4.2 Ensure that new housing opportunities minimize displacement of residents.”

“Policy 1-4.3 Encourage multiple family residential and mixed-use developments in commercial zones.”

The project will provide 482 dwelling units, with a mix of types of units and rental levels, along the Wilshire corridor which accommodates other mixed-use residential and commercial developments. The project will not displace residents, since the block is developed with now vacant commercial uses, a church and surface parking.

“Objective 2-1 Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.”

“Policy 2-1.1 New commercial uses should be located in existing established commercial areas or shopping centers.”

The project will include 40,000 square feet of commercial uses, within the portions of the development facing Wilshire Boulevard and La Brea Avenue. This will provide additional opportunities for commercial services. Those portions of the project will face existing commercial development along Wilshire Boulevard and La Brea Avenue, respectively, and will substantially replace existing commercial uses on the subject site.
The Project will create a high quality residential development that offers housing to Wilshire neighborhood, promotes safety by creating a sense of presence by promoting pedestrian activity and locating residential units on the site. Also, the project better utilizes the site by improving the land use and character of the existing neighborhood. Furthermore, the site is located near several transit lines, and will be the future site of a subway stop. Furthermore, the site's proximity to Downtown, West Los Angeles, and Hollywood will bring residents closer to jobs to alleviate traffic congestion. By creating additional housing units, the project and its location will not only bring residents closer to their jobs, but it will also help reduce congestion, vehicle dependency, and commute times for residents.

c.  
That the project is consistent with any applicable adopted redevelopment plan.

The project site is not located within an adopted redevelopment plan.

d.  
That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collections, and other such pertinent improvements, which is not or will not be compatible with existing and future development on neighboring properties.

An established pattern of tall buildings with distinctive tower elements characterizes the immediate commercial surroundings, and it is the corner of Wilshire Boulevard and La Brea Avenue that the new building would rise to its highest point. Design elements on the project’s façade would reference the vertical decorative treatment employed on the E. Clem Wilson Building. The corner of the building also reflects bulk and massing seen on the E. Clem Wilson Building. The proposed building is several stories shorter than the tallest of the nearby historical resources. However, it draws upon many of the features from these historical precedents in this scale and massing.

On the north, west, and south facades, a scale oriented to the pedestrian is achieved through a solid building mass set against the lot lines at lower levels and a broad street level expanse of glazed storefront. At the corner of La Brea Avenue and 8th Street, a vertically oriented, curved corner element announces the elevation of linear retail storefronts. It is both taller and more solid in its massing. The curved element at this corner is a contemporary interpretation of the Streamline Moderne canopy style features at the Firestone Tire and Rubber retail store across 8th Street from this corner of the project site.

On the Sycamore Avenue elevation, the scale of the existing residential pattern at street level would be replicated to complement surrounding residential historical resources. In addition, on Sycamore Avenue, a 15-foot wide setback would allow for development of a 5,400 square-foot landscaped area along Sycamore Avenue and a 1,837 square feet garden at the corner of Sycamore Avenue and 8th Street would provide additional transition between the height and mass of the project building and the lower-scale residential neighborhood east of the site on Sycamore Avenue.
(1) Building Design. The proposed development, above the elevated base, will consist of two elements: a primary structure arranged in a ‘wing’ configuration, which will create building ‘fingers’ that will surround open-ended courtyards, and a smaller ‘bar’ structure along the base edge at Sycamore Avenue. The ‘finger’ building will be five stories plus a mezzanine level above the base, while the ‘bar’ building will be two stories above the base. Overall, the ‘finger’ building will be a maximum xx feet above grade, and the ‘bar’ building will be up to xx feet above grade. An accent tower at the corner of Wilshire Boulevard and La Brea Avenue will be up to 130 feet above grade. The highest parts will provide a decorative element for the building that references the stepped massing and expressive rooftop of the historic E. Clem Wilson Tower across Wilshire Boulevard from the project.

(2) Parking Facilities. Parking will be located within two subterranean levels and on ground level. All parking will not be visible from the rights-of-way, and entrance and exit points for residents and patrons will be from Sycamore Avenue and 8th Street only. The project will comply with LAMC requirements to ensure adequate parking.

(3) Loading Areas. Loading areas will be located near the northeast portion of the site, near Wilshire Boulevard and Sycamore Avenue, and will be located completely within the interior of the structure. Trucks will be able to enter onto 8th Street onto a 30-foot wide loading driveway, and exit via the driveway onto Sycamore Avenue.

(4) Lighting. The lighting proposed by the proposed project adjacent to residential uses would be limited to the amount required to safely light driveways, sidewalks, and public space areas within the project. Outdoor lighting adjacent to light-sensitive residential uses would be oriented and focused onto the specific on-site location intended for illumination, such as driveways, walkways, interior courtyard areas, and public areas, and directed away from adjacent residential properties and public rights-of-way to avoid any light or glare impacts from lighting fixtures. In addition, landscape lighting would be utilized to accentuate landscape features. Some decorative lighting, landscape lighting would be utilized to accentuate landscape features. Some decorative lighting, such as on the corner tower or rooflines, on Wilshire Boulevard, La Brea Avenue and 8th Street, adjacent to commercial uses, may be used. The project will provide illumination at street level for security. All lighting on the upper levels will be shielded and focused on the project site and directed away from the neighboring land uses. Therefore, the project will not result in a substantial amount of light that would adversely affect the day or night time views in the project vicinity. The project will include architectural features and facades with a low level of reflectivity.

(5) Landscaping.

The project proposes 12,350 square feet of landscaped area at ground level and the podium and deck levels. The project will incorporate landscaping along all four sides of the development. Along Wilshire Boulevard, pedestrians can walk between the double-lined trees that will conform to City of Los Angeles Guidelines. The entire length of the east
and west perimeters will also incorporate street trees. The east perimeter will include enhanced landscaping to soften the development impact to residential dwellings along Sycamore Street. Enhanced landscaping will include shrubs, vines, and groundcovers. The south perimeter will include one street tree with parkway plantings. The southeast corner of the development will include a public park that totals 1,800 square feet. The park will be landscaped and include furniture, plantings, shrubs, vines and groundcovers.

The podium and deck levels will be located at the interior portions of the development. These open areas will include landscaping to complement recreational amenities such as a water feature, fireplace, BBQ and eating areas, a spa, pool, and outdoor fitness area.

(6) Trash Collection Service. The project will provide residential and commercial trash collection within the parking structure at the ground level (P1). Trash bins will be placed away from driveways to minimize the effect on traffic on Sycamore Street.

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

The project will address all mitigation measures set forth in ENV-2007-1604-EIR (SCH No. 2007071053) to assure compliance with the environmental review and to minimize the effect of aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, recreation and parks, transportation/circulation, and utilities and service systems.

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

The project is designed to include a pedestrian-friendly experience along La Brea Avenue and Wilshire Boulevard. The project will incorporate a design that would welcome pedestrians to the ground level stores. The project will include the “Cove” and the “Eddy”, which are public plazas that allow for pedestrian access to parking and the resident lobby.

The project will provide indoor recreation and fitness areas, and open space court yards. Other amenities will include a play room, club room, and cardio room. The project will provide a total of approximately 56,510 square feet of open space. This will include 39,430 square feet of common non-recreational open space (primarily the pool deck at the second level of the building) and 4,830 square feet of common recreational facilities. Common open space areas at the first level will include an interpretive garden, linear park, and court at La Brea Avenue near Wilshire Boulevard. In addition, there will be 12,250 square feet of open space to be located within individual private decks for a majority of the apartment dwellings. The project as conditioned will be required to meet the requirements of LAMC Section 12.21-G, pertaining to open space for multi-family residential developments, which specifies landscaping and the provision of other amenities.
The exterior space of the project is designed to create a lush landscape experience for those who access the site Wilshire Boulevard or La Brea Avenue. There will be outdoor seating for residents, as well as the public. Landscaping will be included within the wide sidewalks through planter boxes, street trees and a variety of different plant species. In addition, there will be outdoor dining for guests of the restaurant.

12. Design Overlay Plan pursuant to the provisions of the Miracle Mile Community Design Overlay District.

A. The project substantially complies with the adopted Community Design Overlay Guidelines and Standards (LAMC Section 13.08-E,3).

The proposed project is subject to the provisions of the adopted Miracle Mile Community Design Overlay District Guidelines and Standards. These guidelines and standards are based upon five principles relating to consistency, activity, pedestrian orientation, safety and simplicity. The Guidelines and Standards govern five major aspects of development:

1) Site planning, including building orientation, circulation, and utility and service areas;

2) Architecture, including articulation, building continuity, entry treatment, roof lines, exterior surface materials, windows, storefronts, color, awnings and canopies, ground floor lighting, utilities and mechanical equipment screening and trash containers, and security grilles;

3) Parking, including parking structures;

4) Landscaping, including building sites; and

5) Signage, including pedestrian signs, projecting signs, wall signs, information signs and window signs.

With respect to the five design principles, concerning the principle of consistency, while modern in its forms and materials, the building will be referential to and consistent with the architectural context of the Miracle Mile area, which features Art Deco buildings. The project’s 132-foot accent spire at Wilshire Boulevard and La Brea Avenue will provide visual interest and a unique decorative feature of the development.

The project will orient the building towards Wilshire Boulevard by placing retail entrances at ground level running parallel to right-of-way. At the intersection of Wilshire and La Brea, an entrance is oriented towards that junction to encourage pedestrian activity. Residential units will be placed above retail uses, where residents will be able to enter the site through just south of the Wilshire/La Brea intersection via a residential lobby. Pedestrians will be able to circulate along the wide 23-foot sidewalk of Wilshire Boulevard, which will include street trees and planters to encourage pedestrian activity. Vehicle access will be located on 8th Street and Sycamore Avenue, away from pedestrian activity along Wilshire Boulevard. Parking lots and structures will promote pedestrian circulation between parked vehicles and the building through the use of clearly marked walkways, signage, and lighting. Utilities, storage areas, and mechanical equipment will be located away from Wilshire Boulevard and will not be visible from the outside, and located within the interior of the building structure.
With respect to the principles of activity and pedestrian orientation, on all sides of the proposed project, great care has been taken with the design to provide an enhanced pedestrian experience at the sidewalk level. The project will encourage pedestrian activity at the ground level by providing planters, building recesses, awnings and other scaled elements. Over 1,800 square feet of programmed open space at the corner of Sycamore Avenue and 8th Street will be available for use by the public.

Concerning the principle of safety, loading and parking areas will be located within the building, and the three driveways will enter and exit along less traveled streets. Residential and retail parking entrances will be located on 8th Street and Sycamore Avenue. Locating the loading and parking areas and the driveways in this manner will minimize potential conflicts with other automobiles and pedestrians.

With respect to the principle of simplicity, signage will be incorporated into the proposed building and will complement the façade. Signs directing vehicular and pedestrian traffic will also be included.

Development of the project will help implement the goals and design principles of the Miracle Mile CDO District Guidelines and Standards. The retail and restaurant components of the project will provide entrances located at street level. In addition, the project will provide landscaping along Sycamore Avenue and along Wilshire Boulevard, La Brea Avenue and 8th Street. Consequently, the project will be consistent with the goal to encourage development that adds to a pedestrian-friendly environment. The project is, therefore, consistent with the Guidelines and Standards.

B. The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and in the vicinity (LAMC Section 13.08-E,3).

The proposed development above the elevated base will consist of two elements: a primary structure arranged in a ‘wing’ configuration, which will create building ‘fingers’ that will surround open-ended courtyards, and a smaller ‘bar’ structure along the base edge at Sycamore Avenue. The courtyards will be open to the east to take advantage of city skyline views, and to provide a more articulated building face to the adjacent residential neighborhood along Sycamore Avenue and beyond. The secondary ‘bar’ building will be used, together with the flats at grade, to diminish the height of the structure as it fronts Sycamore Avenue, and will provide mass, bulk and scale that is more consistent with the residential structures located along the east side of the street.

As noted in the preceding finding, the building will be referential to and consistent with the architectural context of the Miracle Mile area, which features Art Deco buildings. The project’s 132-foot accent spire tower at Wilshire Boulevard and La Brea Avenue will provide visual interest. On all sides of the proposed project, great care has been taken with the design to provide an enhanced pedestrian experience at the sidewalk level. The project will encourage pedestrian activity at ground level by providing planters, building recesses, awnings and other scaled elements. Over 1,800 square feet of programmed open space at the corner of Sycamore Avenue and 8th Street will be available for use by both residents of the building and the neighborhood.

The proposed project is consistent with the pattern of zoning and development on nearby properties along both sides of Wilshire Boulevard, and will serve to further complete the pattern of zoning and land use consistent with the adopted plan’s Regional Center Commercial designation and the Miracle Mile Community Design Overlay District Guidelines and Standards. Wilshire Boulevard is developed with a mix of various intensities of commercial development, in areas designated for Regional Center
Commercial land use. The nearest cultural, scenic and/or environmental resources to the subject property are the Los Angeles County Museum of Art and the La Brea Tar Pits, which are located approximately three-quarters of a mile to the west on Wilshire Boulevard.

The project has been designed to be compatible with adjacent land uses. The tallest elements within the project will be at Wilshire Boulevard and La Brea Avenue. Retail commercial floor area will occur on Wilshire Boulevard and extend south along La Brea Avenue, consistent and compatible to commercial uses to the west and south that face the development. Townhomes will face Sycamore Avenue, and will be consistent with the height and low medium residential uses along that street.

The subject development has a targeted goal of achieving for all residences certification under the LEED (Leadership in Energy and Environmental Design) Green Building Rating System. LEED certification utilizes a nationally recognized rating system for the design, construction and operation of high performance green buildings. The process is intended to promote a whole-building approach to sustainability by recognizing performance in key areas of human and environmental health. Projects are evaluated within categories relating to sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design processes.

In summary, the project will not create any undue levels of impacts for neighboring uses. As noted, where neighboring uses are commercial, the project will present primarily a commercial appearance at ground level (but also including pedestrian and vehicular access for residents), and where neighboring uses are residential, the lower-rise residential components of the development will be more evident.

13. The approval of the requested General Plan, zone change/height district change, conditional use, zone variance and site plan review has been made contingent upon compliance with the conditions of approval 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.

14. FINDINGS OF FACT (CEQA)

I. CERTIFICATION OF EIR

The City Planning Commission of the City of Los Angeles (the “City”) hereby certifies that the Final Environmental Impact Report State Clearinghouse No. 2007071053, dated February 2009 (the “EIR” or “Final EIR”) for the Project described below 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 BRE Properties, Inc. (the “Applicant”). This Final EIR is being certified in connection with all discretionary or ministerial approvals and permits required to implement the Wilshire La Brea Project.

II. PROJECT BACKGROUND AND CEQA PROCESS

A. Project as Analyzed in the EIR.

The proposed Wilshire La Brea Project (the “Project”) will be developed on the property located at the southeastern corner of Wilshire Boulevard and La Brea Avenue, Los Angeles, California
(“Property or “Project Site” interchangeably). Specifically, the site is bound by Wilshire Boulevard to the north, Sycamore Avenue to the east, 8th Street on the south, and La Brea Avenue to the west. The Property is located approximately 2 miles north of the Santa Monica Freeway (I-10).

As described more fully in the EIR Project Description, the EIR analyzed a mixed-use development consisting of 562 residential units and approximately 45,000 square feet of ground-floor retail-commercial and restaurant uses. The ground-floor retail/commercial and restaurant uses would be located on Wilshire Boulevard and La Brea Avenue. A total of 1,083 parking spaces would be provided in a partial aboveground “mezzanine” level, in a ground level, and in a 2-level subterranean structure.

As originally proposed, the Project would consist of six levels of apartment dwellings atop an elevated base, which would be approximately 20 feet above street level at the Wilshire Boulevard end of the property and approximately 28 feet above street level at 8th Street. The residential floors would consist of two elements: a primary structure arranged in a “wing” configuration, which would create building “fingers” that would surround open-ended courtyards, and a smaller “bar” structure along the podium edge at Sycamore Avenue. The finger building would be six stories plus mezzanines above the podium, while the bar building would be two stories above the podium. Project construction is expected to commence in December 2009 and the Project is anticipated to be ready for occupancy in 2012. The construction period for the Project is anticipated to consist of four phases and last approximately 36 months. Phase I (Demolition) would involve the demolition and removal of existing on-site structures. Approximately 14,000 cubic yards (cy) of demolition materials would be generated. Demolition and removal would involve the use of standard construction equipment such as excavators and other related equipment such as haul trucks. This phase is anticipated to take two months to complete.

Phase II (Excavation/Earthwork) would involve the grading and excavation of existing on-site soils. Grading would require excavation up to depths of approximately 36 feet below ground surface at 8th Street and approximately 27 feet below ground surface at Wilshire Boulevard. It is anticipated that approximately 163,000 cy of earth material would be removed from the Project Site. Excavation/Earthwork activities would involve the use of standard earth-moving equipment, such as excavators, backhoes, and dump trucks, and other related heavy-duty equipment, which would be stored on site during construction to minimize disruption of the surrounding land uses. This phase is anticipated to take four months to complete.

Phase III (Sub-Grade Construction) would involve construction of the foundations and sub-grade portions of the parking structure while Phase IV (Building Construction) would involve above-grade construction of the base building. Building activities during these two phases on a worst-case day would involve the use of standard construction equipment, including cranes, forklifts, and two backhoes. Phase III is expected to take 9 months to complete while Phase IV is expected to take 14 months to complete. There would be three months of overlap of Phase III and Phase IV.

B. Reduction in the Project Following Publication of the Final EIR.

In response to input from the community and Councilman Tom Labonge’s office, the Applicant reduced the height and overall density of the Project. As currently proposed, the Project consists of 482 dwelling units and approximately 40,000 leasable square feet of retail and restaurant uses. The overall height of the finger building has been reduced by a full story, from six stories over the podium to five. Overall, the finger building would be a maximum of approximately 102 feet, and the bar building would be approximately 54 feet. The decorative accent spire at the corner of Wilshire Boulevard and La Brea Avenue would be approximately
up to 132. The foregoing heights are measured from the top of the parapet, vent shaft or spire, as the case may be, to the point of finished grade directly below. A total of 992 parking spaces will be provided in the garage, and the third partial subterranean level has been eliminated. The publicly accessible open space at the corner of Sycamore and 8th Street has been increased from 1,600 square feet to a minimum of 1,837 square feet.

The Project construction schedule has not changed and remains as described above.

C. CEQA Process.

The Los Angeles Department of City Planning is acting as lead agency as defined by CEQA for environmental review of this Project. Upon certification of the Final EIR by the City of Los Angeles, a variety of discretionary and ministerial actions will be required, including, but not limited to:

- Environmental Impact Report ENV-2007-1604-EIR;
- CPC 2008-9909 General Plan Amendment for the southernmost portion of the La Brea Avenue parcel from General Commercial to Regional Center Commercial;
- CPC 2008-9909 Zone/Height District (HD) change from [Q] C4-2-CDO (Wilshire), C2-1 (La Brea) and [Q]C2-1 (Sycamore) to [T][Q]C4-2 on the entire site;
- Vesting Tract Map 68945, including the vacation of an alley;
- Zoning Administrator adjustment;
- Site plan review;
- Master conditional use permit (CUP) for sale of alcohol;
- Building line removal along Wilshire Boulevard;
- Haul route approval;
- Project permit compliance under Community Design Overlay (CDO) District; and
- Other approvals as necessary, including but not limited to approvals for temporary street closures.

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 Notice of Preparation ("NOP") for a Draft Environmental Impact Report (the “Draft EIR”) was circulated for a 30-day review period starting on July 11, 2007.

On August 29, 2008, the City released the Draft EIR for public comment. The Project description in the NOP and draft EIR described and analyzed a larger Project of 562 residential units and 45,000 square feet of retail. The comment period was 46 calendar days, ending on October 14, 2008. The lead agency received 31 written comments on the Draft EIR from public agencies, groups and individuals during the public comment period. Responses to all comments received during the public comment period are included in the Final EIR.

The Final EIR consists of the Project Environmental Assessment Form, the Initial Study, the Draft EIR and appendices attached thereto, Final EIR and appendices attached thereto.

III. FINDINGS

Section 21081 of the California Public Resources Code and Section 15091 of the State CEQA Guidelines (the "Guidelines) require a public agency, prior to approving a Project, to identify significant impacts of the Project and make one or more of three possible findings for each of the significant impacts.
A. The first possible finding is that “[c]hanges or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Guidelines Section 15091 (a)(1)); and

B. The second possible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (Guidelines Section 15091(a)(2)); and

C. The third possible finding is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or Project alternatives identified in the final EIR.” (Guidelines, Section 15091(a)(3)).

The Department of City Planning served as the Lead Agency under CEQA with respect to the Project. In approving the Advisory Agency’s Determination and making these findings, the Advisory Agency has considered all of the information in the administrative record of proceedings, including but not limited to: the applications for the Project Approvals, City staff reports, all public comments received both written and verbal, and the Final EIR. On the basis of all the foregoing information, the Advisory Agency finds:

1. Pursuant to Public Resources Code Section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment as identified in the Final EIR;

2. Pursuant to State CEQA Guidelines Section 15091(a)(1), that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR;

3. The Final EIR has been completed in compliance with CEQA and is adequate under CEQA for approval of the Director’s Determinations and all other City permits, entitlements, and discretionary approvals for the Project;

4. The alternatives set forth in Section III.F below are rejected for the reasons set forth in that Section; and

5. The changes to the Project and other information presented since publication of the Final EIR do not constitute significant new information or otherwise require any additional analysis under CEQA or recirculation of the EIR pursuant to CEQA Guidelines Section 15088, for the reasons set forth in Sections III.N below.

A. Impacts Found to be Less Than Significant (No Significant Impacts Would Occur and No Mitigation Required)

The Advisory Agency has determined that there is no substantial evidence that the Project would result in any potentially significant impacts in the environmental subject areas presented below and no mitigation is required.
1. Aesthetic Resources

Views

The existing structures do not qualify as historical resources nor do they substantially contribute to the valued visual character of the area as they offer no distinct aesthetically valuable features. Therefore, no potential for significant impacts would occur with respect to the removal of visually valued features or elements in the Project vicinity.

The Project Site and the surrounding vicinity do not include any areas of natural open space; therefore, implementation of the proposed Project would not affect natural open spaces areas in the Wilshire Community Plan Area of Los Angeles, and there is no potential for significant impacts.

The Wilshire and La Brea Project Site is currently zoned as [Q] C4-2-CDO along Wilshire Boulevard, C2-1 along La Brea Avenue, and [Q] C2-1 along Sycamore Avenue. Implementation of the Project will require that the entire site be rezoned as a [T][Q] C4-2 zone, which allows for the uses proposed for the Wilshire and La Brea Project.

Existing buildings on the Project Site represent a mix of architectural styles. The church is an example of Late Modern expression combining aspects of Brutalism and International Style architecture while the commercial strip center is an example of the Art Deco style of architecture that is prevalent in the area. However, the commercial strip center has undergone extensive alterations, thus degrading its original design. For these reasons, the buildings on the Project Site do not substantially contribute to the aesthetic value of the area. As such, there is no potential for significant impacts.

Implementation of the proposed Project would not conflict with applicable urban design policies and guidelines outlined in the Wilshire Community Plan nor would implementation of the proposed Project conflict with applicable guidelines and standards listed in the Miracle Mile CDO.

Implementation of the Project would block a majority of all views across the Project Site. However, the existing structures on the Project Site already block a majority of all views across the property. The proposed Project does not significantly degrade scenic views off site, and residents on the upper floors of the completed Project will have enhanced views.

Wilshire Boulevard along the northern border of the Project Site has been a Scenic Highway due to its nature as a highly urbanized high-rise corridor. Implementation of the proposed Project would introduce a new residential structures. The residential structures would contribute to the expected urban visual characteristics of the existing Wilshire Boulevard Corridor skyline but would not obstruct a critical feature or interfere with its aesthetic character. Also, the new residential structures would be visible from vantage points around the Project Site but would not obstruct, affect, or prevent views of valued visual resources from the designated Scenic Highway. Impacts would be less than significant.

Construction

During project construction, visual impacts associated with the temporary relocation of wireless communication equipment would occur due to the 60-foot height of the monopole, equipment shelter and cabinets, which would be contained within a chain-link fence and screened with landscaping. The City of Los Angeles Municipal Code contains design standards for wireless telecommunication facilities. However, these provisions relate to permanent facilities, and are not applicable to the monopole, which would only be visible temporarily during construction. The visual impact would be minimized as the pole and equipment would be set in the backdrop of a
major construction site on La Brea Boulevard, a major thoroughfare. The location of the temporary facility along the La Brea side of the project site ensures there will no visual impacts to residential uses on Sycamore Avenue. The cell site would be located sufficiently south of Wilshire Boulevard so as to be minimally visible from the Wilshire Boulevard streetscape. In addition, the pole mounted antennas and accessory cabinets and structures would be placed within an 8-foot high chain link fence. For these reasons, and because impacts would be temporary in nature, visual impacts associated with the temporary cell site would be less than significant. The permanent relocation would comply with the City of Los Angeles Municipal Code and would be located in a manner that is similar to existing conditions. Therefore, there is no significant impact that would result from the permanent relocation.

Shade/Shadow

Section IV.A of the Draft EIR and section II.A of the Final EIR include analyses of shade/shadow impacts. Final EIR Figure IV.A-5, Shade and Shadow Analysis, shows the shadows cast in the vicinity of the Project Site. Implementation of the proposed Project would change the pattern of shadow cast by the sun on adjacent properties. Shadow-sensitive uses, including residences and associated open space recreational areas, exist in the immediate vicinity of the Project Site across Sycamore to the east of the Project Site. Existing uses to the north and the west are predominately commercial and are not shadow-sensitive. Morning shadow patterns would extend to the west and northwest of the Project but would not fall on any shadow-sensitive uses for three hours or more. The maximum shadow lengths would occur at the winter solstice. On that day, the Project would cast shadows of approximately 440 feet. Early morning shadows would fall across properties on the northwest side in both the winter and autumn but would not fall on any shadow-sensitive uses for three hours or more. Noon shadows would be cast on commercial uses to the north in both the winter and autumn. Afternoon shadows cast by the Project would extend to the northeast in the winter and autumn. During the summer, shadows would be cast onto the residential uses to the east across Sycamore some time after 3:00 PM. Overall, the shadows cast onto adjacent properties would not create a significant impact because the shadows cast from the proposed structure would not be cast upon shadow-sensitive uses to the east for more than three hours between late October and early April or more than four hours between early April and late October. Therefore, no potential for significant impacts would occur with respect to shadowing and shading-sensitive uses.

Cumulative Aesthetic Impacts

Views

Most of the related projects are located sufficiently distant from the Project Site so as not to result in changes to the visual environment in which the Project is located. Only related Project numbers 26, 27, 28, and 37 are situated so as to cause a potential cumulative impact with respect to visual character or views. Related Project numbers 27 and 28 are located within the Miracle Mile CDO and will therefore be subject to City review for compliance with the CDO’s architectural and other guidelines. Related Project number 37 is subject to design review under the Park Mile Specific Plan. Related Project number 26 is a 68-foot multi-family residential Project that was extensively reviewed by the City during its entitlement process.

Implementation of the proposed Project and related projects would introduce new high-rise and mid-rise tower buildings in the Wilshire Community Plan Area and Miracle Mile District that would contribute to the expected visual characteristics of the Wilshire Boulevard Corridor skyline. However as noted above, the Project would not impact views of scenic vistas. Moreover, most of the related projects are located sufficiently distant from the Project Site and out of the line of sight of the Project so as not to result in any cumulative impairment of views of scenic vistas.
Therefore, the proposed Project in conjunction with the identified related projects would not result in cumulatively considerable impacts.

**Shade/Shadow**

A cumulative shade/shadow impact occurs when the shadow cast by a project plus the shadow cast by a related project together exceed the threshold for shading a shadow sensitive use, or a related project casts a shadow that exacerbates a significant project-specific shade/shadow impact. Neither of these two conditions arise from the proposed Project. In the general vicinity of the proposed and related projects, shadows are already cast onto adjacent properties from the neighboring mid-rise and high-rise structures. The proposed Project would not result in a significant impact due to shade and shadows. Moreover, all of the related projects are located sufficiently distant from the Project Site and/or to the north of the Project Site so that shadows from these related projects would not shade sensitive uses in the immediate vicinity of the Project Site. Therefore, cumulative impacts with respect to shade and shadows would be less than significant.

2. **Agricultural Resources**

The Project Site is located in an urbanized area and has been previously developed with urban, non-agricultural uses. The Project Site is within an area designated as Urban and Built-Up Land on the State Important Farmland Maps prepared by the State Department of Conservation. Additionally, the Project Site is currently zoned C2, Commercial, and C4, Commercial. This zoning classification is neither intended for agriculture uses nor is the site under a Williamson Act contract. Therefore, no impacts associated with agricultural resources would occur.

3. **Air Quality**

*Construction—Criteria Pollutants*

Draft EIR Table IV.B-10, *Estimated Unmitigated Project Construction Emissions*, identifies the maximum daily emissions for each pollutant per year regardless of the construction phase compared to the thresholds of significance established by SQAMD. Construction emissions include all emissions associated with the proposed equipment, grading and demolition activities, worker trips, and on-road diesel trucks. As shown in Table IV.B.10, no significance threshold for volatile organic compounds (VOC), NO\textsubscript{X}, carbon monoxide (CO), sulfur oxides (SO\textsubscript{X}), PM\textsubscript{10}, or PM\textsubscript{2.5} would be exceeded during construction of the proposed Project. Therefore, construction emissions would not result significant impacts to air quality in the region.

*Construction—Localized Significance Thresholds—NO\textsubscript{2} and CO*

The SCAQMD has established localized significant thresholds for pollutants, which are based on the ambient air quality standards and the background levels in the Project area as measured by SCAQMD’s monitoring stations. Draft EIR Table IV.B-11, *Localized Significance Thresholds Analysis for Construction*, shows that the construction of the proposed Project would not exceed the NO\textsubscript{2} and CO local significance thresholds established by SQAMD.

*Criteria Pollutants—Operation*

Draft EIR Table IV.B-12, *Estimated Operational Emissions without Mitigation – Wilshire and La Brea Project*, identifies daily emissions associated with both stationary and mobile sources. The proposed Project would not generate emissions that would exceed SCAQMD thresholds for volatile organic compounds (VOC), NO\textsubscript{X}, carbon monoxide (CO), sulfur oxides (SO\textsubscript{X}), PM\textsubscript{10}, or PM\textsubscript{2.5}. Therefore, daily operational emissions generated by the proposed Project are considered less-than-significant.
Localized Carbon Monoxide Emissions—Operation

The Project was evaluated to determine if it would cause a CO hotspot utilizing a simplified CALINE4 screening model developed by the Bay Area Air Quality Management District (BAAQMD). For the purposes of this analysis, all intersections operating at a LOS D or below were analyzed. Post-Project maximum future CO concentrations were calculated for peak hour traffic volumes. The results of these CO concentration calculations are presented in Draft EIR Table IV.B-15, Predicted Future Carbon Monoxide Concentrations—With Project, for representative receptors located 0 and 25 feet from the applicable intersection. Under this worst-case scenario, future CO concentrations at each intersection would not exceed the state 1-hour and 8-hour standards with the development of the proposed Project. No significant CO hotspot impacts would occur to sensitive receptors in the vicinity of these intersections.

Consistency with SCAG AQMP Population Projections

The population increase resulting from implementation of the proposed Project falls within SCAG projections, which are the basis for the AQMP; therefore, the emissions generated from the proposed Project at buildout would not interfere with the attainment plans or contribute to the exceedance of an existing air quality violation.

Global Climate Change

The Wilshire and La Brea Project would result in greenhouse gas (GHG) emissions due to, among other things, fuel combustion in motor vehicles and building heating systems associated with the Project. Building and motor vehicle air conditioning systems may use hydrofluorocarbons (HFCs) (and hydrochlorofluorocarbons [HCFCs] and chlorofluorocarbons [CFCs] to the extent that they have not been completely phased out at later dates), which may result in emissions through leaks. The other primary GHGs (perfluorocarbons and sulfur hexafluoride) are associated with specific industrial sources and are not expected to be associated with the proposed Project.

While the proposed Project would result in emissions of GHGs, no guidance exists to indicate what level of GHG emissions would be considered substantial enough to result in a significant adverse impact on global climate. However, it is generally the case that an individual Project of this size is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG impacts are more appropriately recognized as cumulative impacts; there are no non-cumulative significant GHG emission impacts from a climate change perspective.

Air Quality Cumulative Impacts

Regional Impacts

Mass air emissions generated by the Project would not exceed the thresholds of significance established by the SCAQMD. Thus, the Project's operational emissions would not have cumulatively considerable impacts to air quality. Construction emissions would not exceed any of the SCAQMD thresholds of significance for construction, but would exceed the LSTs for PM$_{10}$ and PM$_{2.5}$, which represent local impacts only. Also discussed in the Draft EIR, the proposed Project is consistent with the population growth projections of the SCAG Growth Forecast. The control strategy of the AQMP is based on projections contained in local general plans. Projects that are consistent with local general plans are considered consistent with air quality-related
regional plans such as the AQMP. Uses and activities that are consistent with the applicable assumptions used in the development of the AQMP would not jeopardize attainment of the air quality levels identified in the AQMP, even if they exceed the SCAQMD’s recommended thresholds. According to the methodology described in the SCAQMD CEQA Air Quality Handbook, if an individual Project reduces the rate of growth of VMT and is consistent with the AQMP, then the project’s cumulative impact could be considered less than significant. This criterion has been met and the Project would be considered consistent with AQMP. Consequently, there is no potential for significant cumulative air quality impacts under this criterion.

4. Biological Resources

The Project Site is located in an urbanized area of the City of Los Angeles and the entire site is currently covered with buildings or pavement. The site is not known to contain any threatened, endangered, or rare species or their habitats; locally designated species or natural communities; wetland habitats; or wildlife corridors. The site is not within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or similar plan. The site is neither within nor proximate to any Significant Ecological Area, Land Trust, or Conservation Plan. Therefore, no impacts would occur to biological resources.

5. Cultural Resources

Historical Resources

The Project’s potential historic resource impacts are evaluated in Section IV.C of the Draft EIR and discussed in detail in the Responses to Comments found in the Final EIR. The analysis of cultural resource impacts is supported by the Chattel Architecture, Planning & Preservation, Inc. Historic resources report dated May 13, 2008 (“Chattel Report”), which is contained in Appendix IV.C of the Draft EIR.

The Draft EIR concludes that no historic resources are present on the Project Site. The Wilshire Grace Church was constructed in 1965 as a bank building occupied by Columbia Savings Bank. The Metroplaza Mall is a combination of older structures retrofitted for adaptive use and new, replacement structures. The main structure was constructed in 1945. The Wilshire Grace Church and Metroplaza Mall were assessed for individual eligibility for listing in the National Register of Historic Places, the California Register of Historical Resources, and as City-Historic Cultural Monuments, and both were found ineligible for listing under all four criteria. Due to the age and architectural style of the Wilshire Grace Church property, as well as its location east of the district boundary, it does not qualify as a contributing resource to the Miracle Mile Historic District.

The California Register criteria are based on the National Register criteria. Therefore, the guidelines applied to buildings under consideration for the National Register are directly relevant in apply the City’s criteria to specific properties. For a property that is less than 50 years old to be eligible for the California Register, there must have been an adequate time to allow for assessment in scholarly work. Under the National Register criteria, properties that are less than 50 years of age are not usually considered eligible for listing in the National Register. Fifty years is the general estimate of the time needed to develop historical perspective and to evaluate significance. Properties younger than 50 years can be eligible for listing in the National Register, but only if (in addition to meeting the regular requirements) they meet special requirements called Criteria Considerations. National Register Bulletin #15 states that a

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1 CEQA Air Quality Handbook 12-2
property less than 50 years of age may be eligible for inclusion in the National Register if it is of exceptional importance. National Register Bulletin #22 provides further guidance on preparing nominations for properties that have achieved significance within the past 50 years:

- In evaluating and justifying exceptional importance, it is especially critical to identify the properties in the geographical area that portray the same values or associations and determine those that best illustrate or represent the architectural, cultural, or historical values being considered.

- The case for exceptional importance is bolstered when there is a substantial amount of professional, documented materials on the resource and the resource type. A property listed in the National Register 10 or 15 years after it has achieved significance requires clear, widespread recognition of its value to demonstrate exceptional importance.

For the California Register, a resource must meet one of the four criteria for listing and, in addition, must meet two additional standards if less than 50 years old. The California Register requires that resources less than 50 years old be able to show that (1) sufficient time has passed to obtain a scholarly perspective on the events or individuals associated with the resource, and (2) sufficient time has passed to understand the resource’s historic importance.

The Wilshire Grace Church is less than 50 years old. Therefore, it must be of exceptional importance in order to qualify as a National Register eligible resource and for the California Register, it must be demonstrated to be significant through scholarly work. As set forth in the EIR and the expert report included in the EIR’s appendices, the Wilshire Grace Church building does not meet any of the criteria for National Register or California Register eligibility. The Wilshire Grace Church building is not associated with any events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1). There is no evidence that the Wilshire Grace Church building, built in 1945, 20 years after World War II, and acting as a headquarters for a small local bank, has any association with events that have made a significant contribution to patterns of local or regional history or the cultural heritage of California or the United States. The Wilshire Grace Church Building is not associated with the lives of persons important in our past (Criterion 2). The Wilshire Grace Church Building does not embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master or possess high artistic values (Criterion 3). The Wilshire Grace Church Building combines the International and Brutalist styles in competing ways, failing to demonstrate a type, period, or regional style. The Wilshire Grace Church Building and its related signage fail to demonstrate an example of the architecture of the region due to the signage’s failure to demonstrate exemplary technology, craftsmanship, design, architecture, creativity, or innovation. The Wilshire Grace Church Building does not show any exemplary craftsmanship, and does not possess high artistic values due to its combination of International and Brutalist styles and the inclusion of its unremarkable and era-standard art program. The Wilshire Grace Church building is also not the work of a master and was designed by a relatively unknown architect. The Wilshire Grace Church building is not expected to yield information important in the prehistory or history of the state (Criterion 4). The site was built out in the 1920s, was graded, and there is no indication that there would be any information of this type in the building or on the site.

Even assuming the Wilshire Grace Church building did meet one of the four criteria for California Register eligibility, there is no evidence in the record that the building is of exceptional importance and is able to meet the two additional California Register requirements for resources under 50 years old. There is no scholarly perspective on the events or individuals associated with the resource. There is no published work on the Wilshire Grace Church building. Among other things, there is not a substantial amount of professional, documented materials on the
resource and the resource type. The single interview conducted and cited by the Los Angeles Conservancy in its comment letters to the DEIR and Final EIR do not meet the requirements of National Register Bulletin #22 or the California Register. Moreover, as set forth in the DEIR and accompanying expert report, the building compares poorly to other stand alone bank buildings, other bank building headquarters buildings, and other works of more pure Brutalist or International Style architecture or a more creative combination of the two. In addition, there is no evidence that sufficient time has passed to understand the significance of the Wilshire Grace Church building. Therefore, the City finds that the Wilshire Grace Church does not qualify as an historic resource under CEQA as California Register eligible, and its removal from the site would not result in a significant impact.

Five historical resources in the vicinity of the Project Site were identified:

- E. Clem Wilson/Mutual of Omaha building at 5217 Wilshire Boulevard. This building is eligible for listing in the National Register and is listed in the California Register.
- Security Pacific Bank/Security First National Bank building at 5207–5209 Wilshire Boulevard. This building is listed in both the National and California Registers, and is a City of Los Angeles Historic-Cultural Monument.
- Firestone Tire and Repair building at 800 La Brea Avenue. This building is eligible for listing in the California Register.
- Potential Period Revival residential historic district located adjacent to the east and south sides of the Project Site on Sycamore Avenue and West 8th Street, respectively. This district is eligible for listing in the California Register.
- Miracle Mile Historic District situated along Wilshire Boulevard, west of La Brea Avenue and east of Burnside Avenue. This district is eligible for listing in the National Register and is listed in the California Register.

An assessment of the proposed Project in conformance with the Secretary of the Interior's Standards was performed. The new building would not alter the setting of adjacent or nearby historical resources such that significant impacts would occur for the following reasons. While the new building would be visible from all directions, its contemporary design would be clearly differentiated, and its overall height and setbacks would be generally compatible with adjacent historic resources and existing development in the immediate surroundings of the Project Site. The design elements on the project's façade adjacent to the intersection of Wilshire Boulevard and La Brea Avenue would be in keeping with the historic character of the adjacent Miracle Mile District. The lower scale of the Project building on Sycamore Avenue would be compatible with lower-scale residential uses on that street.

The proposed street widening along 8th Street would be minimal on the south side; therefore, it would not significantly alter the setting of the Firestone Tire and Rubber building or the adjacent potential Period Revival residential historic district.

The design compatibility of the new building would be in conformance with the Secretary's Standards.

An established pattern of tall buildings with distinctive tower elements characterizes the immediate commercial surroundings, and it is at the corner of Wilshire Boulevard and La Brea Avenue that the new building would rise to its highest point. Design elements on the Project's façade would reference the vertical decorative treatment employed on the E. Clem Wilson Building. This corner of the building also reflects bulk and massing seen on the E. Clem Wilson Building. The proposed building is several stories shorter than the tallest of the nearby historical resources, including the E. Clem Wilson Building; however, it draws upon many of the features from these historical precedents in its scale and massing.
On the north, west, and south facades, a scale oriented to the pedestrian is achieved through a solid building mass set against the lot lines at lower levels and a broad street-level expanse of glazed storefront. At the corner of La Brea Avenue and 8th Street, a vertically oriented, curved corner element announces the retail space that runs the length of La Brea Avenue. This curved element breaks the otherwise continuous elevation of linear retail storefronts; it is both taller and more solid in its massing. The curved element at this corner is a contemporary interpretation of the Streamline Moderne canopy style featured at the Firestone Tire and Rubber retail store across 8th Street from this corner of the Project Site.

On the Sycamore Avenue elevation, the scale of the existing residential pattern at street level would be replicated to complement surrounding residential historical resources. In addition, on Sycamore Avenue, a 15-foot-wide setback would allow for development of a 5,400-square-foot landscaped area along Sycamore Avenue and publicly accessible open space at the corner of Sycamore Avenue and 8th Street would provide additional transition between the height and mass of the Project building and the lower-scale residential neighborhood east of the site on Sycamore Avenue.

No indirect impacts to the nearby Miracle Mile Historic District would occur due to its distance from the Project Site.

Detailed comments to the Draft EIR regarding cultural resources were received and responses prepared, including multiple letter from the Los Angeles Conservancy, arguing that the Wilshire Grace Church (the Columbia Savings Bank building) qualifies as historic resource under CEQA and that its demolition would be a significant and unavoidable impact. The Conservancy provided additional information that when the building was newly constructed it was published in a leading professional architectural magazine in France, that the stained glass artist studied with renowned Belarusian-French artist Marc Chagall, and that the fountain was designed by a local artist, Taki. The Conservancy also submitted a letter dated March 11, 2009 restating its arguments that the Wilshire Grace Church and the stained glass are historic resources under CEQA and that the building’s signage is important to the building’s overall design.

As discussed in Response-to-Comments 10 and 32 in the Final EIR, this additional information provided by the Los Angeles Conservancy in its comment letters does not (a) adequately establish the building’s eligibility for listing in the California Register or as an historic resource under CEQA, or constitute substantial evidence of a new significant impact or a substantial increase in a significant impact disclosed in the Draft EIR or new information requiring recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5. The City hereby finds that there is no credible evidence supporting the claim that Wilshire Grace Church building, the stained glass, fountain or signage included in the building and its design qualify as historic resources under CEQA and that, in contrast, substantial evidence exists to support the conclusions of the Draft EIR and Final EIR.

In comment letter 7 in the Final EIR, the Art Deco Society of Los Angeles maintains that former Murphy Oldsmobile Dealership (Murphy dealership) in the existing Metroplaza Mall on the Project Site represents a contributing structure to the Miracle Mile District (District) and that the Murphy dealership’s demolition would impact the District as a whole. As described in the Chattel Report, the Murphy dealership is not located within the established boundaries of the District, has been substantially altered, and does not embody distinctive characteristics of the type, period, region, or method of construction that would lead to its individual eligibility. The City hereby finds that there is no credible evidence supporting the claim that Murphy dealership qualifies as a historic resource and that, in contrast, substantial evidence exists to support the conclusions of the Draft EIR and Final EIR.
For these reasons, impacts to historical resources would be less than significant, and no mitigation measures are required.

**Cultural Resources—Cumulative Impacts**

The related projects are located far enough from the Project Site so as not to create any potentially significant cumulative impacts to cultural resources in the vicinity of the Project Site. Moreover, the only related Project within the Miracle Mile Historic District (related Project no. 27) was extensively studied as part of the entitlement process, and the City determined that there were no historic resources on that site.

Furthermore, the proposed Project and the related projects within the Miracle Mile CDO will be reviewed to achieve the CDO’s goal of preserving architecturally significant buildings in the Miracle Mile. Implementation of the proposed Project would result in less than significant impacts on cultural resources. Therefore, the contribution of the proposed Project on impacts to cultural resources in the area would not be cumulatively considerable.

**6. Geology & Soils**

**Surface Rupture and Seismic Groundshaking**

The proposed Project is located 2.8 miles from the nearest fault (Santa Monica fault) and would comply with the California Building Code and the Los Angeles Uniform Building Code, which ensure safety in the event of an earthquake. The potential for surface rupture or seismic groundshaking is less than significant.

**Liquefaction and Ground Failure**

The Project Site is not located within a liquefaction zone based on the California Geologic Survey hazards maps. Also the Project Site is not located on a slope, and, therefore, is not at a risk for landslides. The potential for seismic-related ground failure is less than significant.

**Sedimentation & Erosion**

All grading activities require grading permits from the Department of Building and Safety, which include requirements and standards designed to limit potential impacts to acceptable levels. In addition, all on-site grading and site preparation would comply with applicable provisions of Chapter IX, Division 70, of the Los Angeles Municipal Code, which addresses grading, excavations, and fills. Therefore, potential sedimentation and erosion impacts would be less than significant.

**Flood Zones**

According to the official Flood Insurance Rate Maps from the Federal Emergency Management Agency, the Project Site is not located within a 100-year flood zone. Given the low chance of flooding on the Project Site, changes in geology due to flooding is not significant.

**Landform Alteration**

The proposed Project Site is located on flat land in the Los Angeles area. This area is a highly urbanized area, and the Project Site is neither on nor near any unique or natural geologic or topographic features, such as hilltops, ridges, hill slopes, canyons, ravines, rock outcrops, water bodies, streambeds, and/or wetlands. Therefore, the Project would not have a significant impact by altering landforms.
**Geology & Soils—Cumulative Impacts**

Potential geologic hazards associated with the proposed Project are site-specific and do not represent a cumulative impact concern. Implementation of the proposed Project and other projects in the Southern California region would cumulatively increase the number of structures and people exposed to geologic-and seismic-related hazards. As long as Project design and construction occurs consistent with proper engineering practices and to the requirements of applicable portions of the California Building Code (CBC) and Los Angeles Uniform Building Code (LAUBC) as they apply to each component of the Project, seismic and regional geologic hazards would not be considered cumulatively considerable.

Grading of the proposed Project would adhere to the City’s Department of Building and Safety codes and requirements. Grading and geologic hazards and features not expected to have cumulative impacts as individual development projects would be required to comply with the requirements of the City’s Department of Building and Safety thresholds. Compliance with the City’s requirements would ensure that both individual and cumulative Project impacts associated with the project’s structure and grading would not exceed the identified thresholds of significance. Therefore, impacts would not be cumulatively considerable, so are considered to be less than significant.

7. Hazards & Hazardous Materials

**Roadway Hazards—Construction**

Construction of the Project may result in temporary partial obstruction to adjacent roadways. The Project would be required to comply with all applicable City codes and regulations pertaining to emergency response and evacuation plans maintained by the police and fire departments, as well as fire protection and security. The Project applicant would comply with applicable fire department, police department, DPW, and Department of Building and Safety regulations relating to access. As a result, impacts with regard to emergency access would be less than significant.

**Toxic Air Contaminants—Operation**

The Project will not have hazardous materials on the site and would not be a source of toxic air contaminants regulated by the SCAQMD, state, or federal government. Therefore, no significant impacts are anticipated with respect to toxic air contaminants.

**Handling, Storage, Transport and Disposal of Hazardous Materials—Operation**

Implementation of the proposed Project would not involve the use of hazardous substances with the potential for accidental release or explosion. The only known hazardous substances associated with Project operations would be chemical cleaners, landscaping-related chemicals, and other common household hazardous substances. The quantities of these materials would be limited to those typically utilized in households and retail settings. The potential for accidental release and/or explosion of these substances is low, and no aspects of the Project design could result in the accidental release or explosion of a hazardous substance; therefore, no potentially significant hazardous substance impacts related to the Project design would occur.
**Listed Hazardous Materials Sites**

All surrounding sites listed on the federal and state environmental databases have been analyzed in the Phase 1 Environmental Site Assessment (ESA) relative to the proposed Project and the Phase I ESA determined that the sites do not represent a recognized environmental condition to the Project Site due to the lack of reported violations, the remediation status, and hydraulic location of the sites. Therefore, though some sites in the vicinity of the Project are listed as hazardous sites, the probable frequency and severity of consequences to the proposed Project Site from these sites is less than significant.

**Interference with an Emergency Response and Evacuation Plans**

Development of the proposed Project would be required to comply with all applicable community and City codes and regulations pertaining to emergency response and evacuation plans maintained by the police and fire department. The Project would redevelop a site that is currently developed with urban uses. As such, emergency and evacuation plans would remain similar to the current existing plans. The impact of the proposed Project on emergency response and evacuation plans would be less than significant.

**Hazards & Hazardous Materials Cumulative Impacts**

The hazardous impacts associated with a proposed Project usually occur on a project-by-Project basis, rather than in a cumulative nature. Because Project implementation would comply with regulatory controls to abate the site-specific hazards, any potential cumulative impacts associated with the Project would be decreased as the harmful substances and subsequent exposure to a health hazard would be removed from the Project Site. Therefore, cumulative impacts associated with the proposed Project are considered to be less than significant.

**8. Hydrology and Water Quality**

**Cumulative Impacts**

**Surface Water**

Development of the proposed Project in combination with the list of related projects could result in the violation of water quality and/or waste discharge requirements during construction and operation. However, the Project and each of the related projects would be required to prepare an SWPPP for construction activities. In addition, the operation of all the related projects are required, by Chapter 13.29, Storm Water and Urban Runoff Pollution Prevention Control and SUSMP of the Los Angeles Municipal Code, to submit and implement an SUSMP containing design features and BMPs appropriate and applicable to the Project to reduce post-construction pollutants in stormwater discharges. Potential water quality impacts of the City-wide related projects in combination with the proposed Project would be less than significant.

The Santa Monica Bay Watershed Management Area (WMA), within the limits of the City of Los Angeles, is composed mainly of urban uses, with remaining open spaces being devoted to uses not likely to be developed. As a result, most of the drainage system in the watershed consists of engineered storm channels and, therefore, is expected to experience little change. Additionally, as extensive development is not expected in the remaining open spaces, it is unlikely that there would be substantial alteration of drainage systems and watercourses in those areas. Because the proposed Project, as well as the related projects, would be constructed on already urban-developed sites, the amount of runoff would not substantially increase, and therefore, substantial increases in erosion, siltation, flooding, and exceedance of
the stormwater drainage system are not expected. Cumulatively, the Project does not have the potential for significant impacts related to runoff and stormwater drainage.

Existing stormwater facilities are adequate to accommodate existing and anticipated flows. The proposed Project, as well as the related projects identified in Section III, General Description of Environmental Setting, of the Draft EIR, would be located in the urbanized environment of Los Angeles. While cumulative future development may require that there be some localized modifications or additions to the existing stormwater drainage system, it is expected that these modifications or additions would not be extensive, as stormwater drainage systems already exist in the primarily impervious and urbanized area of Downtown Los Angeles. Consequently, there is no potential for significant cumulative impacts from implementation of the proposed Project in combination with the identified related projects.

The proposed Project is not anticipated to result in a cumulatively considerable contribution to the degradation of surface water quality in Los Angeles or the greater Los Angeles Basin.

**Groundwater Quality**

Implementation of Citywide projects would result in additional development that could indirectly require an increased use of groundwater through the provision of potable water provided by Los Angeles Department of Water and Power (LADWP). However, the provision of water, including the increased use of groundwater supplies, as a result of the cumulative development of the proposed projects and identified related projects is within the established demand projections of the LADWP (refer to Section IV.L.1, Water, of the Draft EIR for supplementary analysis of water supplies). Groundwater to be consumed by cumulative development would be consumed according to current plans and projections by the LADWP and would not, therefore, be substantially depleted as a result of the implementation of cumulative development.

Recharge in the Los Angeles Coastal Plain consists of percolation, precipitation, and return water from irrigation. Individual basins within the Los Angeles Coastal Plan may also be replenished by the following: surface water spreading of local runoff; imported water and reclaimed water; injection of imported water (for protection against saline intrusion); and subsurface inflow from other basins. Neither the proposed projects nor any of the identified related projects would be developed within a recharge area, and, as such, cumulative impacts to groundwater recharge would be less than significant.

Development of the proposed Project and the related projects are not expected to substantially degrade groundwater quality or have any significant cumulative effects.

9. **Land Use Planning**

**Operational Impacts**

**Divide or Disrupt an Established Community**

The Project Site is currently occupied by a church, a commercial strip center, and paved parking areas. The paved parking areas are utilized by both the church and commercial strip center patrons. The Project Site is situated among retail-commercial, office, residential, and parking uses. Since the Project Site is an existing urban space and the proposed Project would include a mixture of residential and commercial uses, the Project would fit well with surrounding land uses. The proposed Project would not add a new land use to the area as the Project would provide a mixture of land uses already present in the area, and thus, would not result in land use compatibility impacts to surrounding uses or divide the community. Therefore, the Project would complement surrounding land uses and would not divide or disrupt the existing
neighborhood. Finally, there is no potential for significant secondary impacts to surrounding land uses because the Project involves a mix of land uses, including residential and retail-commercial, similar to surrounding land uses. Therefore, no potential for significant land use impacts associated with disrupting or affecting the surrounding community would occur.

Consistency with Applicable Local & Regional Plans Adopted for the Purpose of Mitigating Environmental Effects

The proposed Project would be consistent with the general plan framework’s land use objectives for the Regional Center designation. The Project would integrate housing with commercial uses and amenities, thereby ensuring complementary and supportive uses within the Regional Center. The density of the proposed structure has a floor area ratio (FAR) of 3.4:1. It is thereby within the General Plan Framework’s recommended FAR for Regional Centers. Generally, Regional Centers will range from FAR 1.5:1 to 6:1 and are characterized by 6- to 20-story (or higher) buildings as determined in the community plan. The Project’s FAR would be within the range of the typical FAR for Regional Centers and the height of the proposed Project, 6 stories, is within the range of heights typical for regional centers of 6 to 20 or more stories. In addition, land uses that are encouraged by the General Plan Framework on regional center properties include mixed-use projects such as the Wilshire and La Brea Project. Consequently, the Project is consistent with the General Plan Framework policies related to the Regional Center and no significant impacts would result.

The proposed Project is consistent with the goals and policies listed in the Wilshire Community Plan. However, implementation of the proposed Project would require a general plan amendment to change the designation for the southernmost portion of the Project Site along La Brea Avenue from General Commercial to Regional Center Commercial. The amendment is required because the residential portion of the Project has a residential density of approximately 305 square feet of lot area per dwelling unit. The proposed C4 zone designation over the entire site generally provides for a residential density of 400 square feet of lot area per unit. However, mixed-use developments located on properties designated as Regional Center Commercial, as in the case of the proposed Project, can utilize R5 development standards, which require only 200 square feet of minimum lot area for each unit. Moreover, the City Planning Department prefers as a general policy that general plan designations remain consistent over an entire Project Site, whenever possible. Therefore, in order to take advantage of the residential density allowed under the R5 zone and to achieve a consistent designation across the entire site, the southernmost portion of the Project Site along La Brea Avenue will be re-designated with the Regional Center Commercial land use designation. With this amendment, potential conflicts between general plan land use designations and zoning requirements would not occur on the site and Project implementation would not result in significant impacts. The amendment would also implement the City’s long range planning objectives, as the entire Project site is designated as a Regional Center in Figure 3-1 of the General Plan Framework. Policy P-1.a of the Framework calls for the application of the Framework Element's land use categories, as shown on the Land Use Diagrams, to specific parcels.

The City of Los Angeles Zoning Code is a tool to implement the General Plan and provides regulations to preserve public peace, health, and safety. The Zoning Code designates the Project Site as C4-2-CDO along Wilshire Boulevard, C2-1 along La Brea Avenue, and C2-1 along Sycamore Avenue, all of which permit commercial and residential uses within this zone. Uses proposed for the Wilshire and La Brea Project, including residential, commercial and parking uses, are allowed within these zones. The existing zoning would allow up to 455 dwelling units to be developed on the Project Site.
Height District 1 associated with the C2-1 zone along La Brea Avenue and the [Q] C2-1 along Sycamore allow a maximum FAR of 1.5:1 while Height District 2 associated with the C4-2-CDO along Wilshire Boulevard allows a maximum FAR of 6:1. As portions of the Project exceed the FAR permitted under Height District 1, implementation of the Project will require that the entire site be rezoned as [T][Q]C4-2.

Other approvals necessary to comply with the Los Angeles Municipal Code (LAMC) include a Vesting Tentative Tract Map, including the vacation of an alley, a Zoning Administrator Adjustment for 0-foot yards adjacent to an alley to allow buildings to encroach on the alley prior to recordation of the final map and vacation of the alley, a building line removal along Wilshire Boulevard, site plan review, and a master conditional use permit for alcoholic beverages.

Development of the Project would help implement the goals and design principals contained in the Miracle Mile Community Design Overlay District (CDO). The retail and restaurant components of the Project will provide entrances at the street level. In addition, the Project will provide landscaping along Sycamore Avenue and planters along Wilshire Boulevard, La Brea Avenue, and 8th Street. Consequently, the Project would be consistent with the goal to encourage development that adds to a pedestrian-friendly environment. The CDO’s design guidelines and standards also identify five design principals. Concerning the principal of consistency, while modern in its forms and materials, the building is referential to its context, which features well-known Art Deco buildings, including the E. Clem Wilson Tower (Samsung) located to the north of the Project Site across Wilshire Boulevard. The accent tower at the corner of Wilshire Boulevard and La Brea Avenue would be up to 130 feet in height and much lower than the height of the E. Clem Wilson building, which is approximately 196 feet. However, this corner of the building reflects the bulk and massing seen on the E. Clem Wilson Building. While the proposed building is several stories shorter than the tallest of the nearby historical resources, including the E. Clem Wilson Building, it draws upon many of the features from this historical precedent in its scale and massing. The curved element at the corner of Wilshire Boulevard and 8th Street is a contemporary interpretation of the Streamline Moderne canopy style featured at the Firestone Tire and Rubber retail store across 8th Street from this corner of the Project Site.

Concerning the principal of activity, in an effort to promote pedestrian activity, entrances to the proposed structure would be oriented towards Wilshire Boulevard and set back from the street. Similarly, in order to adhere to the principal of pedestrian orientation, articulation along the lower level of the proposed structure would avoid blank surfaces and street trees along the sidewalk would provide shade.

Concerning the principal of safety, loading, and parking would be located inside the building, and both of the driveways would enter and exit along less traveled streets. For example, one residential and retail entrance would be located along 8th Street while the other residential and retail entrance would be located along Sycamore Avenue near the existing alley. Locating the loading and parking areas and the driveways in this manner would minimize potential conflicts between pedestrians and other automobiles. As for the principal of simplicity, signage will be incorporated into the proposed building and would complement the façade. Signs directing vehicular and pedestrian traffic would also be included. The Project is, therefore, consistent with the CDO’s guidelines and would not result in any significant impacts in regards to consistency with the guidelines.

Finally, several regional plans are applicable to the proposed Project. As the Project Site is located within the jurisdiction of SCAG, which includes Los Angeles, Ventura, Orange, San Bernardino, Riverside, and Imperial counties, land uses proposed by the Project are governed by goals, objectives, and polices contained in the Regional Comprehensive Plan and Guide (RCPG), the 2004 Regional Transportation Plan (RTP), and the 2004 Growth Vision Report.
The proposed Project is consistent with all the goals, policies, and principals listed in these plans.

**Conflict with an Applicable Habitat Conservation Plan or Community Conservation Plan**

No such plans are applicable to the Project Site. Therefore, the Project does not conflict with an applicable Habitat Conservation Plan or Community Conservation Plan.

**Land Use Impacts—Cumulative**

Implementation of the proposed Wilshire and La Brea Project, on its own, would not result in land use incompatibilities or plan inconsistencies; thus, no significant land use impacts would occur. In considering the proposed project’s cumulative contribution, with those from the list of related projects identified in Section III, General Description of Environmental Setting, of the Draft EIR, upon City approval of the requested entitlements the proposed Project, as well as the related projects, would be consistent with the City’s General Plan and the City’s Zoning Code. Implementation of the proposed Project and the related projects would further the goals and objectives of these plans, ultimately contributing to a revitalized, renewed, and economically and culturally diverse Wilshire Community Plan Area. Therefore, the proposed Project would neither on its own, nor as a cumulative contribution to development in the greater Wilshire Community Plan Area, result in a significant cumulative impact.

**10. Mineral Resources**

The Project Site is located in an area where urban development has already occurred. The Wilshire Community Plan does not indicate an important mineral resource on or near the site. Therefore, no impact associated with mineral resources would occur.

**11. Noise**

**Operation**

The proposed Project would result in permanent ambient noise level increases ranging from 0.0 to 1.2 dB(A) on surrounding roadways during the weekday. The largest Project related increase of 1.2 dB(A) would occur on Sycamore between Wilshire and 8th. The following road segments would have a community noise equivalent level (CNEL) that falls under the “normally unacceptable” and “clearly unacceptable” categories: 3rd Street between La Brea and Highland, Olympic between Hauser and La Brea, Olympic between La Brea and Highland, and Highland between 3rd and Wilshire. The road segment of Highland between Wilshire and 8th would have a CNEL of 70.0 dB(A) and would fall under the “normally unacceptable” category. None of the roadway segments would result in an increase in CNEL of 3 dB(A) to or within the “normally unacceptable” or “clearly unacceptable” category, or by 5 dB(A) within “normally acceptable” or “conditionally acceptable” category. Therefore, the increase in exterior noise levels due to Project-related traffic would not have the potential to result in significant impacts on uses adjacent to the roadways.

Concerning interior noise levels, with windows closed, outside to inside attenuation for buildings within California typically range from 25 to 30 dB(A). Interior noise levels within residential uses on the Project Site would be approximately 29.5 dB(A) to 41.3 dB(A) and, therefore, would be below the established interior noise standard of 45 dB(A). The construction standards recommended in the mitigation measures found below would ensure that on-site interior noise levels are kept below the established interior noise standard. Therefore, impacts to interior living areas on site would be less than significant.
Section IV.H, Noise, of the Draft EIR also considered parking structure noise, loading dock noise, and noise from rooftop mounted equipment during the operation of the proposed Project, and found these sources of noise would not cause noise levels at off-site sensitive receptors to exceed the 5 dB(A) significance threshold.

Roadway Noise—Operational—Cumulative

Cumulative operational noise impacts would primarily occur as a result of increased traffic on local roadways due to ambient growth and other developments in the vicinity of the Project Site. The traffic study conducted for the proposed Project in May 2007 projected future traffic volumes based on year 2010 weekday conditions. The predicted 2010 ambient noise levels presented in the analysis with and without the proposed Project are based on cumulative traffic conditions, which already take into account expected development of related projects identified in the surrounding area. Noise levels along studied roadway segments are predicted to range from 58.3 to 71.9 dB(A) as a result of cumulative traffic volumes without the proposed Project. Project-related noise would result in a 1.2 dB(A) increase or less (as compared to cumulative conditions without the proposed project), which is not audible to the human ear and would not represent a cumulatively considerable increase. As a result, the project’s contribution would not cause the ambient noise level measured at the property line of adjacent uses to increase by 3 dB(A) in CNEL to or within the “normally unacceptable” or “clearly unacceptable” category, or by 5 dB(A) within the “normally acceptable” or “conditionally acceptable” category. Therefore, the Project would not have a considerable contribution to a significant cumulative roadway noise level impact.

12. Population and Housing

Operation

Implementation of the proposed Project would add 482 new residential units (80 less units than the 562-unit Project evaluated in the Draft EIR), which is accounted for in growth projections for the City of Los Angeles and the Wilshire Community Plan Area. The Project Site is already developed and served by transportation, public services, and public utilities as detailed in the Draft EIR in Section IV.K, Transportation, Section IV.J, Public Services, and Section IV.L, Public Utilities, and would not require construction or expansion of infrastructure to meet the needs of additional residential population. Impacts would be less than significant.

Cumulative

The housing and population growth generated by the proposed Project in conjunction with City-wide related projects would not exceed SCAG projections or projections for the Wilshire and La Brea Community Plan. Therefore cumulative impacts associated with growth would be less than significant.

13. Public Services

Fire & Emergency Protection—Cumulative

The Project and other planned and approved developments throughout the City would cumulatively increase the need for services from the LAFD. This demand would be met by the increased tax base associated with the proposed Project. Moreover, each Project is subject to review by LAFD to ensure that an adequate emergency response exists and that adequate emergency site access is provided. Therefore, the Project would not individually or cumulatively result in significant impacts to fire protection and emergency medical services.
Library Services—Operational

Implementation of the proposed Project would introduce 1,046 residents (or 154 fewer than the 1,220 residents considered in the EIR) to the area served by the Wilshire Branch Library. (The Project would also add workers in the commercial space; however, it is anticipated that these workers would patronize libraries near their homes.) It is assumed that the 1,046 residents are new residents from outside the City limits and have not relocated from within the Los Angeles City limits. As the Wilshire Branch Library does not currently meet Los Angeles Public Library (LAPL) service standards, the addition of project-generated residents to the service area could result in a potentially significant impact. However, five other branch libraries are also located within 2 miles of the Project Site. As such, future residents of the Project would have adequate access to additional library facilities. Therefore, the impacts on library services would be less than significant.

Library Services—Cumulative

The proposed Project and list of related projects would result in the addition of 9,045 residents. The addition of approximately 9,045 residents to the area served by the Wilshire Branch Library and other library branches throughout the area would increase demand for library services in this portion of the City. However, as the related projects are scattered in a radius of approximately 2 miles around the Project Site, they would be served by various libraries, including the Wilshire Library Branch and five other branches within 2 miles of the Project Site. For these reasons, library resources would be sufficient to serve related projects in combination with the proposed Project and, therefore, cumulative impacts to library services would be less than significant.

14. Transportation, Traffic, Parking & Circulation

Neighborhood Streets —Operation

The EIR analyzed the potential for the Project traffic to impact surrounding neighborhood streets and determined that potential impacts to such streets, including Sycamore Avenue, would be less than significant due to an average daily trip (ADT) increase that would be below the threshold established in the City’s CEQA guidelines. Therefore, the traffic generated by the Project would not create any significant traffic neighborhood impacts.

Parking—Construction & Operation

The proposed Project would not result in significant impacts to parking availability because the proposed number of parking spaces would meet the applicable Los Angeles Municipal Code parking requirements. Construction activities would not result in the loss of on-street parking.

Public Transportation—Operation & Construction

The proposed Project is located within immediate access to an array of public transit opportunities, including the existing MTA Wilshire Boulevard / La Brea Customer Center. In addition, a northern alignment Metro Rail terminus at Wilshire / La Brea is currently under consideration. Although it is expected that Project residents and visitors will utilize public transportation, the demand for public transportation by Project residents and guests is not expected to exceed the capacity of available public transportation infrastructure. Construction activities would not result in closure of bus stops or disruption of existing public transit lines. Consequently, the Project would not result in significant impacts to public transportation.
15. Public Utilities

**Annual Report on Growth and Infrastructure**

A comment to the Draft EIR asserted that because the City has failed to produce an Annual Report on Growth and Infrastructure (Annual Report) since 1999, insufficient documentation exists to accurately assess the state of the City’s infrastructure. Producing the Annual Report is not a mandatory requirement under the General Plan’s Framework Element (Chapter 2, Growth Monitoring) for conducting CEQA review. It is a means to “facilitate” infrastructure assessment that may be useful for environmental review. The fact that further studies or analysis might be useful or shed light on the subject is not evidence that an EIR analysis is inadequate. One can always imagine some additional study or analysis that might provide helpful information, but it is the adequacy of the information found in the Draft EIR that is important.

The commenter did not provide any substantial evidence that the discussion of potential impacts to infrastructure in the Draft EIR is inadequate or that the evidence upon which the Draft EIR reaches its conclusions is flawed. The Draft EIR addresses the specific impacts of the Project on City infrastructure and analyzes in detail the project’s potential impacts on transportation, water, power, police, fire, parks, libraries, and school infrastructure based on the most current information. The conclusions of the Draft EIR regarding the adequacy of infrastructure to accommodate the Project are drawn from a variety of sources, including a traffic study approved by the Los Angeles Department of Transportation (LADOT); a Water Supply Assessment prepared by the Los Angeles Department of Water and Power (LADWP) and approved by the LADWP Board; and data and correspondences from the LADWP, the Bureau of Sanitation, Los Angeles Police Department (LAPD), Los Angeles Fire Department (LAFD), Los Angeles Unified School District (LAUSD) staff, Los Angeles Department of Parks and Recreation, and the Los Angeles Public Library (LAPL). Written correspondence is provided in the Appendices to the Draft EIR. These sources are sufficient to ascertain the availability of public infrastructure to accommodate the Project and to analyze any potential Project impacts on the City’s infrastructure that may result.

**Water Consumption--Operation**

The proposed Project would increase water demand. The proposed Project of 562 units that was analyzed in the Draft and Final EIRs would demand approximately 92,807 gallons of water per day or 104 acre-feet of water per year. With the inclusion of water conservation measures, water demand associated with the Project represents an increase of approximately 75 acre-feet of water per year over existing conditions. This represents a relatively small fraction of the projected water demand of 683,000 acre-feet that LADWP plans to meet by 2010 under average weather conditions.

As discussed on page IV.L.1-39 of the Draft EIR, a Water Supply Assessment (WSA) was prepared by the Los Angeles Department of Water and Power (LADWP) for the proposed Project, which estimated the originally proposed Project (which included more dwelling units than currently proposed) to have a water demand of 94 acre-feet of water per year (afy). The WSA also states that LADWP would have adequate water to meet the proposed project’s demands. After revisions to the original design and a reduction in the number of units, the proposed Project would use approximately 75 afy, which is approximately 0.01 percent of the projected water demand of 683,000 afy in 2010 that LADWP plans to meet under average conditions. Therefore, the water demand generated by the proposed Project is accounted for in LADWP’s projections and the Water Supply Assessment prepared by LADWP confirms that there is adequate water supply to meet the proposed project’s demand. The Project has been reduced from 562 units to 482 units, and the Project’s water demand would be proportionately reduced. As such, implementation of the proposed Project and the resulting increase in water
demand in the Project area would not have the potential to result in significant impacts associated with water supply.

**Water Consumption--Cumulative**

The Draft EIR includes detailed information regarding past and current DWP and MWD plans and programs to secure future water supply for the City. Using SCAG’s growth forecasts, LADWP has projected that there will be an adequate supply of water to accommodate anticipated growth for the next several decades. Given that the UWMP plans for water supplies to serve existing and projected needs, it is anticipated that LADWP will be able to supply the demands of the proposed Project and related projects through the foreseeable future, and no significant cumulative impacts related to water demand are anticipated. LADWP states in the water supply assessment for the proposed Project that adequate water supplies exist to meet the demands of the proposed Project, as well as existing and planned future demands, and, therefore, the proposed Project does not have the potential to result in potentially significant cumulative impacts on water supply. Moreover, LADWP has taken a number of measures to assure adequate water supplies, including implementing shortage year rates in April, 2009 to discourage excess water consumption and increase conservation and limiting sprinkler use to two days per week. Similarly, the Metropolitan Water District (MWD) has taken measures to increase available supplies or reduce demand, including (a) endorsing in January 2009 a Delta Vision Plan to ensure California’s supply future through habitat improvements, a statewide commitment to water-use reductions and local resource development, additional groundwater storage, completion of surface storage investigations, and construction of a dual conveyance system in the Delta, beginning in 2011; and (b) adjusting rates and approving an allocation action that offers local water providers the flexibility to choose among various conservation strategies, from tiered pricing to limits on outdoor water use, to ensure that demands stay in balance with limited supplies; and (c) pursuing up to 300,000 acre-feet of water reserves through the Governor’s Drought Water Bank in 2009 (an acre-foot of water is nearly 326,000 gallons) to help assure supplies to local water providers.2

**Wastewater—Construction**

Construction-related wastewater would not have a significant impact on wastewater disposal and treatment facilities due to the temporary nature of construction and expected low volumes of wastewater.

**Wastewater—Cumulative**

Development of the proposed Project and related projects would increase development intensity and wastewater generation. Several improvements to the HTP system have recently been completed that have allowed the system to treat increased wastewater flows. In addition, each new development within the City of Los Angeles is required to comply with the City’s water conservation ordinances and other regulations pertaining to sewer collection and disposal. Moreover, in 2006 the City adopted the Integrated Resources Plan to meet existing and future wastewater needs in the City through 2020. Therefore, there is no potential for cumulative impacts on wastewater.

**Solid Waste—Construction**

Wastes generated during demolition and construction would result in an incremental and intermittent increase in solid waste disposal at landfills and other disposal facilities under the jurisdiction of the City of Los Angeles. No new facilities would be required as a result of Project construction. Therefore, there is no potential for significant impacts with regard to the generation of solid waste by construction activities.

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2 MWD website, [http://www.mwdh2o.com/](http://www.mwdh2o.com/), accessed May 1, 2009
Solid Waste—Operation

Operation of the proposed Project of 562 units evaluated in the Draft and Final EIRs would generate a net increase of approximately 8,616 pounds per day, or about 1,574 tons per year, of solid waste. It has been determined by the City Bureau of Sanitation that the tonnages generated by the proposed Project would not have any appreciable impact on the regional solid waste system. No new solid waste facilities would be required as a result of Project implementation. The Project has been reduced from 562 units to 482 units—thereby lowering Project solid waste generation below what was estimated in the Final EIR. Therefore, there is no potential for significant impacts on solid waste from the operation of the proposed Project.

Solid Waste—Cumulative

The City of Los Angeles Solid Waste Management Plan sets forth strategies that would provide adequate landfill capacity through 2020 to accommodate anticipated growth, based on SCAG’s projections. The growth associated with the Project is within those projections. Furthermore, projects within the City of Los Angeles must comply with the City’s Source Reduction and Recycling Element (SRRE). Overall, the source reduction and recycle efforts laid out in the SRRE have been extremely successful in diverting waste from area landfills.

As of 2002, the City had achieved a waste diversion rate of 63 percent, thus exceeding the state-mandated diversion goal of 50 percent by 2000 set by the California Integrated Waste Management Board (CIWMB) of 1989. The Bureau of Sanitation has developed a strong waste management infrastructure over the last decade. Through both City and private sector efforts, a myriad of innovative source reduction, reuse, recycling and composting programs have been implemented. The City is now striving for a 70 percent diversion rate by 2020. New programs are being implemented to increase the amount of waste diverted by the City to help meet waste reduction and recycling goals. Moreover, the Project would not result in a significant impact. Cumulative impacts would be less than significant, and the contribution of the Project to the impact would not be cumulatively considerable.

Energy Consumption

Electricity—Operation

The estimated total electricity consumption from the proposed Project of 562 units evaluated in the Draft and Final EIRs is anticipated to be approximately 4,043,043 kilowatt-hours (kWh) per year. Project design would be required to comply with Sections of the State Building Energy Efficiency Standards, contained in Title 24 of the California Code of Regulations. The LADWP has determined that the distribution system is adequate to supply the project’s needs. Therefore, the proposed Project would result in a less than significant impact on power consumption.

Electrical infrastructure currently exists throughout the Project area. Implementation of the proposed Project would not result in the need for additional off-site infrastructure in order to provide needed electrical supplies. The Project has been reduced from 562 units to 482 units. Therefore, impacts would be less than significant.

Electricity—Cumulative

The proposed Project in combination with the related projects would cause an additional electricity demand estimated at 35,998,438 kWh of electricity per year. Based on this increase in demand, LADWP has indicated that the cumulative effects of the Project and other added loads would require near term and/or future additions to distribution system capacity. In
accordance with current building codes and conservation standards, each of the related projects would be required to comply with the energy conservation standards established in Title 24 of the California Administrative Code. Compliance with Title 24 energy standards and other energy conservation programs on the local level would further reduce cumulative energy demands. Moreover, the Project would not result in a significant impact. Therefore, implementation of the proposed Project in combination with related projects would not result in cumulative significant impact to energy supplies or the energy distribution system, and the contribution of the Project to the impact would not be cumulatively considerable.

**Natural Gas—Operation**

The estimated total natural gas consumption for the proposed Project of 562 units evaluated in the Draft and Final EIRs is anticipated to be approximately 46,514,760 cubic feet per year. According to the Gas Company, the existing system will be able to meet the proposed Project’s load based on the above assumptions. The system can also be modified to meet loads that are much higher than the projected gas consumption by the proposed Project, as the Gas Company will make improvements to their system to meet customer obligations if needed. Therefore, the proposed Project would not result in significant impacts to gas service.

Natural gas infrastructure currently exists throughout the Project area. Implementation of the proposed Project would not result in the need for additional off-site infrastructure in order to provide needed natural gas supplies. The Project has been reduced from 562 units to 482 units. Therefore, impacts would be less than significant.

**Natural Gas—Cumulative**

The proposed Project and related projects would demand additional 29,506,250 cubic feet of natural gas per month. As previously indicated the distribution system in the Project area is flexible and can be modified to provide adequate supply to meet increased demand as a result of cumulative projects. Each Project would also be required to incorporate applicable energy conservation features into its design. Moreover, the Project would not result in a significant impact. As such, implementation of the proposed Project in combination with related projects would not result in cumulative significant impact to natural gas supplies, and the contribution of the Project to the impact would not be cumulatively considerable.

**B. Impacts Determined to be Potentially Significant, but Can be Mitigated to Less Than Significant Levels**

1. **Aesthetics**

**Light & Glare (Project and Cumulative)**

Project lighting may potentially cause light and glare impacts on adjacent light-sensitive residential uses unless lighting is designed in a manner to reduce light and glare impacts. Outdoor lighting adjacent to light-sensitive residential uses would be oriented and focused onto the components of the Project intended for illumination, such as driveways, walkways, interior courtyard areas, and public areas. Project lighting will be directed away from adjacent residential properties and public rights-of-way to avoid any light or glare impacts from lighting fixtures included in the Project. In addition, landscape lighting would be utilized to accentuate landscape features. Some decorative lighting, such as on the corner tower or rooftops, on Wilshire Boulevard, La Brea Avenue and 8th Street, adjacent to commercial uses, may be used; however, light-sensitive uses are not located on Wilshire Boulevard and La Brea Avenue across from the Project Site.
In addition, Project lighting combined with light and glare generated from related projects could result in cumulative light and glare impacts if the project-specific impacts are not mitigated. Each of the proposed sites corresponding to the related projects is currently located in a dense urban environment and is a source of nighttime light in the area. New light sources introduced from the proposed Project in combination with the identified related projects would include additional nighttime security lighting on each Project Site, street lighting, and lighting in open spaces between buildings. In addition, interior lighting associated with the proposed uses would provide an additional source of nighttime illumination from each Project Site. Implementation of the proposed Project and the related projects would result in higher density and, generally, an incremental increase in the amount of lighting present on each site and in the Wilshire Community Plan Area. While the Project may have the potential to generate lighting that could spill off the Project Site and adversely impact adjacent light-sensitive uses, mitigation has been identified above that would reduce the impacts to a less than significant level. Each of the related projects would be subject to LAMC Section 93.0117, which limits the amount of stationary light onto off-site sensitive receptors to 2 foot-candles. Therefore, there cumulative impacts would be less than significant.

With implementation of MM-VR-1, impacts would be less than significant.

**MM-VR-1:** Outdoor lighting on site and adjacent to light-sensitive residential uses on Sycamore Avenue and 8th Street shall be downcast and directed toward on-site areas of the property, sidewalks surrounding the building, building entry points, driveways, and interior courtyard areas.

With the incorporation of MM-VR-1, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant light and glare impact identified in the final EIR.

### 2. Cultural Resources

**Archeological**

No known archaeological sites exist on or adjacent to the Project Site, and based on the historic uses of the Project Site, intact human remains are unlikely to be present beneath the site. Excavation for the foundations and subterranean parking levels associated with the proposed Project would cause new subsurface disturbance on the Project Site. As the Project Site has been subject to past subsurface disturbance associated with grading and foundations, it is unlikely that undisturbed unique archeological resources exist on this site. Based on the past uses of the site, it is unlikely that intact human remains are present beneath the site. However, unanticipated discovery of unique archeological resources or intact human remains is possible. In the event of an unexpected disturbance, significant impacts to archaeological resources and human remains could occur. However, implementation of mitigation measures MM-CR-1 and MM-CR-2 would reduce potentially significant impacts to less than significant levels.

**MM-CR-1:** If archaeological resources are uncovered on the Project Site during excavation, the developer must notify the Los Angeles Department of Building and Safety immediately and work must stop within a 100-foot radius until a qualified archeologist has evaluated the find. Construction activity may continue unimpeded on other portions of the Project Site. If the find is determined by the qualified archeologist to be a unique archeological resource, as defined by Section 2103.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code. If the find is determined not to be a unique archeological resource, no further action is necessary and construction may continue.
If during excavation of the Project Site human remains are discovered, the steps described in State CEQA Guidelines Section 15064.5(e) shall be followed.

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the County in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

With the incorporation of MM-CR-1 and MM-CR-2, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant archeological impacts identified in the final EIR.

**Paleontological**

No unique paleontological resources or unique geologic features are known to occur on the Project Site; although, paleontological resources do exist throughout the City of Los Angeles. Excavation for the foundations and subterranean parking levels associated with the proposed Project would cause new subsurface disturbance on the Project Site. As the Project Site has been subject to past subsurface disturbance associated with grading and foundations, it is unlikely that undisturbed paleontological resources or unique geologic features exist in the upper levels of subsurface soil. Soils underneath the Project Site consist of silty clay with
various amounts of silt. This soil type is not typically known to yield paleontological resources. However, unanticipated discovery of unique paleontological resources is possible. In the event of an unexpected disturbance, significant impacts to paleontological resources remains could occur. However, implementation of the mitigation measure MM-CR-3 would reduce these impacts to a less than significant level.

**MM-CR-3:** If paleontological resources are uncovered during excavation of the Project Site, the City of Los Angeles Department of Building and Safety must be notified immediately and work must stop within 100 feet of the find to allow a qualified paleontologist to appropriately remove the find.

With the incorporation of MM-CR-3, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant paleontological impacts identified in the final EIR.

4. Geology & Soils

**Groundwater—Construction and Operation**

Groundwater beneath the Project Site has the potential to affect the proposed development during construction and during the life of the structure. Historical groundwater levels on the Project Site have been documented to be as shallow as 12 feet below the existing ground surface. Mitigation measures will be required for construction extending below the groundwater level, such as temporary dewatering or the use of drilling fluids to maintain open excavations. With adherence to one or more of these measures, geology and soil impacts associated with the proposed Project during construction would be less than significant.

Concerning Project operation, measures will also be required for permanent structures extending near or below the groundwater level. Such measures should be determined by the Project consultants and may include permanent dewatering, waterproofing, and designing structures to resist hydrostatic pressures (including uplift). With the selection of one or more of these measures, geology and soil impacts associated with Project operation would be less than significant.

**MM-GEO-1:** The Project shall be designed and constructed in accordance with the requirements outlined in the latest edition of the California Building Code and the Los Angeles Uniform Building Code, including all applicable provisions of Chapter IX, Division 70 of the Los Angeles Municipal Code, which addresses grading, excavations, and fills.

**MM-GEO-2:** Prior to start of soil-disturbing activities at the site, a Notice of Intent (NOI) and SWPPP shall be prepared in accordance with, and in order to partially fulfill, the California State Water Resources Control Board Order No. 99-08-DWQ, NPDES General Permit No. CAS000002 (General Construction Permit) and Chapter 6, Article 4.4, Stormwater and Urban Runoff Pollution Control, from the Los Angeles Municipal Code. The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the CWA and Chapter 6, Article 4.4, Stormwater and Urban Runoff Pollution Control, from the Los Angeles Municipal Code, by requiring controls of pollutant discharges that utilize best available technology (BAT) economically achievable and best conventional pollutant control technology (BCT) to reduce pollutants.
The Project applicant shall implement dust control measures consistent with SCAQMD Rule 403, Fugitive Dust, during the construction phases of new Project development. The following actions are currently recommended to implement Rule 403 and have been quantified by the SCAQMD as being able to reduce dust generation between 30 and 85 percent depending on the source of the dust generation:

- Apply water and/or approved nontoxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas that have been inactive for 10 or more days).
- Replace ground cover in disturbed areas as quickly as possible.
- Enclose, cover, water twice daily, or apply approved chemical soil binders to exposed piles with 5 percent or greater silt content.
- Water active grading sites at least twice daily during construction activities.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- Sweep streets at the end of the day if visible soil material is carried over to adjacent roads.
- Install wheel washers or gravel construction entrances where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.

With the incorporation of MM-GEO-1 through MM-GEO-3, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant groundwater impacts identified in the final EIR.

5. Hazards & Hazardous Materials

Construction—Soil and Groundwater Contamination

Reported laboratory analytical results for selected soil and/or groundwater samples collected from the Project Site indicated the following constituents at concentrations greater than the laboratory method detection limit (MDL): Total petroleum hydrocarbons (TPH), such as diesel (TPHd) and oil (TPHo), volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), and select California Administrative Manual (CAM) 17 Metals. As a result, the consequences to people from exposure to some or all of these constituents during either construction or operation of the proposed Project are potentially significant.

The identified impacts to soil and/or groundwater beneath the Project Site would be addressed under a site-specific independent removal action. An assessment of the potential risk to human health and the environment resulting from the identified impacts to soil and groundwater at the Project Site and the proposed removal action would be presented within a Draft RAW. The Draft RAW would provide proposed remediation goals for each constituent of potential concern and would be submitted to the LARWQCB for review and comment prior to implementation.
Residual soil and groundwater, which may require special handling and were not addressed during the proposed independent removal action, would be addressed under an RMP. The RMP will be implemented during construction and would present site-specific health and safety protocols and soil/groundwater handling procedures.

Mitigation measures, which require the implementation of a RAW and RMP, would reduce the risk of exposure to people during either construction or operation of the proposed Project to a less than significant level.

**MM-HAZ-1:** Prior to the demolition/grading activities, contractors shall be required to have a construction worker safety plan that complies with the Occupational Safety and Health Administration (OSHA) Safety and Health Standards and shall address, as appropriate, air monitoring for sub-surface work activities, personnel protective and safety equipment, and worker training.

**MM-HAZ-2:** Identified impacts to soil and/or groundwater beneath the Project Site shall be addressed under a site-specific independent removal action. An assessment of the potential risk to human health and the environment resulting from the identified impacts to soil and groundwater at the Project Site and the proposed removal action shall be presented within a Draft Removal Action Workplan (RAW). The Draft RAW shall provide proposed remediation goals for each constituent of potential concern and shall be submitted to the LARWQCB for review and comment prior to implementation.

**MM-HAZ-3:** Prior to excavation and/or grading the applicant shall prepare and provide to contractors a Risk Management Plan (RMP) that describes the type of contaminants and subsurface features that may be encountered at the Project Site and procedures for evaluating and managing such materials.

**MM-HAZ-4:** Grading and demolition contractors shall be required by construction specifications to secure approval of haul routes to export or otherwise transport off-site excavated materials prior to commencement of such activity.

**MM-HAZ-5:** Residual soil and groundwater, which may require special handling and was not addressed during the proposed independent removal action, shall be addressed under a Risk Management Plan (RMP). The RMP shall be implemented during construction and shall present site-specific health and safety protocols and soil/groundwater handling procedures.

With the incorporation of MM-HAZ-1 through MM-HAZ-5, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant soil and groundwater contamination impacts identified in the final EIR.

### Construction—Asbestos & Lead-Based Paint

Structures constructed or remodeled between 1930 and 1981, such as the existing church and commercial strip center, have the potential to contain asbestos-containing building materials (ACBM). In addition, the two structures were constructed prior to the ban on lead-containing paints in 1979. Construction activities, especially demolition of existing structures on the Project Site, could result in the release of the asbestos-containing materials (ACM), fibers, and lead-based paint dust. The presence of these materials represents a potentially significant health hazard. Recommended mitigation measures to remove and properly dispose of ACMs and lead-based paint (LBP) would reduce this impact to less than significant.
In addition, demolition of the existing buildings has the potential to release asbestos fibers due to the age of the structures. Demolition activity is subject to South Coast Air Quality Management District (SCAQMD) Rule 1403, which is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of asbestos-containing waste material generated or handled during these activities. Project compliance with Rule 1403 would ensure that asbestos-containing materials would be disposed of appropriately.

**MM-HAZ -6:** Prior to demolition, the Project applicant shall comply with applicable legal requirements related to asbestos removal and demolition activities involving ACBM, including the requirements of the SCAQMD Rule 1403 for ACBMs.

**MM-HAZ -7:** The Project applicant shall comply with the requirements outlined by the California Occupational Safety and Health Administration (Cal/OSHA) Lead in Construction Standard, Title 8, California Code of Regulations (CCR) 1532.1 during demolition activities. Lead-contaminated debris shall be managed and disposed of in accordance with the applicable provisions of the California Health and Safety Code.

With the incorporation of MM-HAZ-6 and MM-HAZ-7, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant asbestos and lead-based paint impacts identified in the final EIR.

**Construction-Temporary Wireless Cell Site**

The proposed temporary cell site, which would replace an existing cell site on the subject property, would comply with Federal Communication Commission (FCC) standards with regard to electromagnetic emissions from antennas. Current regulations are contained in CFR Title 47, Sections 1.1310, et seq. Transmitters regulated by the FCC must comply with the exposure limits put forth in Title 47 Sections, 1.1307 and 1.1310 and applications to the FCC must contain a statement confirming compliance with these limits and technical information supporting compliance. Section 704 (the National Wireless Telecommunications Site Policy) of the Telecommunication Act of 1996 requires facilities to comply with FCC regulations concerning radio frequency (RF) emissions exposure. In general, the maximum permissible exposure levels cannot be exceeded by an individual in the FCC’s uncontrolled/general population class unless they are directly in front of the antenna, in its main beam, and within 2 feet of the antenna, or within inches of the back of the antenna. Since these antennas would be mounted on a 60-foot pole, the only individuals with the potential for exposure would be trained wireless communications workers with access to this area of the roof. These workers would have training regarding proper avoidance of RF emissions exposure. Compliance with the FCC Regulations, as well as CPUC General Order 95, Rule 94, hazards and hazardous materials impacts would mean that potential impacts would be less than significant.

**Operation—Methane Gas**

The Project Site is within a City Methane Zone associated with the Downtown Los Angeles oil field. Since the Project Site is located within a City-defined Methane Zone, the impact of methane to the Project Site during construction and operation is considered potentially significant, and mitigation measures are required, according to Section 91.7104.2 of the Municipal Code. Adherence to methane mitigation system requirements and mitigation measures would decrease these impacts to less than significant levels.

**MM-HAZ-8:** Prior to issuance of a building permit, applicant shall comply with the City Methane Seepage Regulations, Section 91.7100 et seq. of Los Angeles Municipal Code.
MM-HAZ-9: Should any unrecorded oil well be found during excavation and grading, it shall be abandoned in accordance with Division of Oil, Gas, and Geothermal Resources (DOGGR) Regulations. Prior to issuance of any building permit within a lot affected by discovery of an unrecorded oil well, the applicant shall submit a final clearance letter issued by DOGGR regarding the proper abandonment of the well(s).

With the incorporation of MM-HAZ-8 and MM-HAZ-9, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant methane gas impacts identified in the final EIR.

6. Hydrology & Water Quality

Surface Water—Construction & Operation

The construction of foundations for medium-rise buildings and subterranean parking structures could have the potential to interfere with groundwater by intercepting the aquifer during excavation. The proposed Project involves the construction of a high-rise building and a subterranean parking structure. The geotechnical investigation conducted for the proposed Project determined that the depth of groundwater on the site is between 16 to 21 feet below the ground surface. The subterranean parking structure would be approximately 36 feet below ground surface. Therefore, excavation for the proposed Project would exceed a depth of 16 to 21 feet below ground surface, and thus would encounter groundwater during Project construction. Therefore, Project construction could result in a significant impact to groundwater or groundwater quality.

During construction, dewatering may be required and could be achieved with temporary dewatering wells, storage tanks, and filters. Treated water would then be disposed of into the City storm drain system. Dewatering activities would require an NPDES Permit for Groundwater Discharge from the LARWQCB. This permit would ensure that water discharged into the City’s storm drain system would meet all NPDES requirements for suspended solids, organic material, and other water quality parameters thereby reducing water quality impacts associated with this activity to a less than significant level.

The groundwater beneath the Project area is currently contaminated, and given the existing groundwater level, Project construction activities could affect groundwater. Treated water would then be disposed of into the City storm drain system. Disposal of treated groundwater would require an NPDES Permit for Groundwater Discharge from the LARWQCB, which would ensure that water discharged into the City’s storm drain system, would meet all NPDES requirements for suspended solids, organic material, and other water quality parameters. Therefore, water quality impacts associated with this activity would be reduced to a less than significant level.

Concerning operation, the existing Project Site consists largely of impervious surfaces. Upon implementation of the proposed Project, conditions at the Project Site would be comparable to existing conditions, as the site would continue to be developed predominantly with impervious surfaces. Therefore, the Project Site does not currently allow for direct percolation within the Central Los Angeles Basin. As such, implementation of the proposed Project is not expected to contribute to or result in groundwater contamination in the Project vicinity, and thus there is no potential for significant impacts to groundwater resources unless Project landscaping is created and toxic pesticides, herbicides or debris are allowed to accumulate in Project garden areas that may wash into surface water.
As discussed above, since the Project Site is currently and would remain, predominantly covered by impervious surfaces, the Project Site would not contribute to groundwater recharge. Therefore, the Project would not affect groundwater quality of existing wells. No potential for significant groundwater quality impacts would result from Project implementation.

**MM-HYD-1:** Prior to start of soil-disturbing activities at the site, a NOI and SWPPP shall be prepared in accordance with, and in order to partially fulfill, the California SWRCB Order No. 99-08-DWQ, NPDES General Permit No. CAS000002 (General Construction Permit). The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the Clean Water Act and Chapter 6 Article 4.4, Storm Water and Urban Runoff Pollution Control, from the Los Angeles Municipal Code by requiring controls of pollutant discharges that utilize BAT and BCT to reduce pollutants. Examples of BAT/BCT that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.

**MM-HYD-2:** The Project applicant shall prepare and implement an SUSMP in accordance with the requirements of Chapter 6, Article 4.4, Storm Water and Urban Runoff Pollution Control, from the Los Angeles Municipal Code, to ensure that stormwater runoff is managed for water quality concerns through implementation of appropriate and applicable BMPs. Prior to issuance of any grading or building permits, the County and/or Stormwater Division of Bureau of Sanitation must approve the SUSMP.

The following is a listing of applicable BMPs that may be implemented as part of the Project through the preparation of the SUSMP:

- Provide reduced-width sidewalks and incorporate landscaped buffer areas between sidewalks and streets.
- Use permeable materials for private sidewalks, driveways, parking lots, or interior roadway surfaces (e.g., hybrid lots, parking groves, permeable overflow parking, etc.).
- Where feasible, direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas, and avoid routing rooftop runoff to the roadway or the storm water conveyance system.
- Infiltration trenches
- Oil/water separators
- Catch basin inserts
- Continuous flow deflection/separation systems
- Storm drains inserts
- Media filtration
- Bioretention facility
- Dry wells
- Cisterns
- Foundation planting
- Catch basin screens
- Normal flow storage/separation systems
- Clarifiers
- Filtration systems
- Primary wastewater treatment systems
**MM-HYD-3:** The Project contractor, during construction, and the Project owner, during operation, shall properly store hazardous materials to prevent contact with precipitation or runoff.

**MM-HYD-4:** The Project contractor, during construction, and the Project owner, during operation, shall develop and maintain effective monitoring and a cleanup program for spills and leaks of hazardous materials.

**MM-HYD-5:** The Project contractor, during construction, and the Project owner, during operation, shall place equipment to be repaired or maintained in covered areas on a pad of absorbent material to contain leaks, spills, or small discharge.

**MM-HYD-6:** The Project contractor, during construction, and the Project owner, during operation, shall provide periodic and consistent removal of landscape and construction debris.

**MM-HYD-7:** The Project contractor, during construction, and the Project owner, during operation, shall sweep parking lots at regular, frequent intervals to remove debris. The Project contractor, during construction, and the Project owner, during operation, shall also remove any significant chemical residue on the Project Site through appropriate methods.

**MM-HYD-8:** The Project owner, landscapers, and maintenance team, during Project operation, landscaping, and maintenance activities, shall use non-toxic alternatives for such applications as insecticides, herbicides, rodenticides, and fertilizers. Furthermore, chemical controls shall only be applied outdoors when precipitation is not forecast for the Project area.

With the incorporation of MM-HYD-1 through MM-HYD-8, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant surface water impacts identified in the final EIR.

**Groundwater Quality—Construction & Operation**

The construction of foundations for medium-rise buildings and subterranean parking structures could have the potential to interfere with groundwater by intercepting the aquifer during excavation. The proposed Project involves the construction of a high-rise building and a subterranean parking structure. The geotechnical investigation conducted for the proposed Project determined that the depth of groundwater on the site is between 16 to 21 feet below the ground surface. The subterranean parking structure would be approximately 36 feet below ground surface. Therefore, excavation for the proposed Project would exceed a depth of 16 to 21 feet below ground surface, and thus would encounter groundwater during Project construction. Therefore, Project construction could result in a significant impact to groundwater or groundwater quality.

During construction, dewatering may be required and could be achieved with temporary dewatering wells, storage tanks, and filters. Treated water would then be disposed of into the City storm drain system. Dewatering activities would require an NPDES Permit for Groundwater Discharge from the LARWQCB. This permit would ensure that water discharged into the City’s storm drain system would meet all NPDES requirements for suspended solids, organic material, and other water quality parameters thereby reducing water quality impacts associated with this activity would be reduced to a less than significant level.
The groundwater beneath the Project area is currently contaminated, and given the existing groundwater level, Project construction activities could affect groundwater. Treated water would then be disposed of into the City storm drain system. Disposal of treated groundwater would require an NPDES Permit for Groundwater Discharge from the LARWQCB, which would ensure that water discharged into the City’s storm drain system, would meet all NPDES requirements for suspended solids, organic material, and other water quality parameters. Therefore, water quality impacts associated with this activity would be reduced to a less than significant level.

Concerning operation, the existing Project Site consists largely of impervious surfaces. Upon implementation of the proposed Project, conditions at the Project Site would be comparable to existing conditions, as the site would continue to be developed predominantly with impervious surfaces. Therefore, the Project Site does not currently allow for direct percolation within the Central Los Angeles Basin. As such, implementation of the proposed Project is not expected to contribute to or result in groundwater contamination in the Project vicinity unless toxic pesticides, herbicides are used on Project landscaping and wash off the site into areas that percolate into groundwater.

With the incorporation of MM-HYD-1 through MM-HYD-8, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant groundwater quality impacts identified in the final EIR.

7. Noise

Construction—Cumulative

There are 37 related projects located within the vicinity of the Project Site, all of which have the potential to produce construction noise impacts. Given that timing of construction activities for the related projects cannot be fully defined, any quantitative analysis that assumes multiple, concurrent construction projects would be speculative and not reasonably foreseeable. Furthermore, the continuing economic recession makes it especially unlikely that simultaneous construction will occur because construction lending and Project financing is increasingly scarce.

The Project will be required to comply with noise mitigation measures which will reduce the severity of its own construction noise impacts and, thereby reduce its contribution to any cumulative impact associated with construction of related projects. In addition, each of the related projects would have to comply with the local noise ordinance, as well as any mitigation measures that may be incorporated pursuant to CEQA-required environmental review that would reduce construction noise for each Project to the extent feasible. As such, individual construction noise impacts would only contribute to cumulative impacts when projects are in proximity to each other. The closest related Project to the Project Site is a residential Project proposed at 5500 Wilshire Boulevard, approximately 0.20 mile to the west of the proposed Project. Construction of the proposed Project and the proposed related residential Project represents the worst-case scenario under cumulative construction impacts. The closest sensitive receptors to both projects are multi-family residences are located 75 feet to the east of the proposed Project and 75 feet southeast of the proposed related residential Project. Given the proposed related residential project’s distance from the Project Site, intervening commercial structures along Wilshire Boulevard between the Project Site and the proposed related residential Project Site and incorporation of standard construction mitigation measures, the construction of the proposed Project would not contribute to cumulative noise levels in combination with the related residential Project. Therefore, the proposed project’s construction noise impacts would not be cumulatively considerable and would not have the potential to result in significant cumulative impacts.
MM-N-1: Provide notification to the residential land uses on Sycamore Avenue and 8th Street across from the Project Site at least 10 days in advance of construction activities that are anticipated to result in high vibration levels, such as large bulldozers, caisson drills, and jackhammers, within 60 feet of these uses.

MM-N-2: Demolition, earthmoving, and other construction activities that are anticipated to result in high vibration levels, such as operation of large bulldozers, caisson drills, and jackhammers, shall, when feasible, be conducted so as not to occur concurrently.

MM-N-3: Select demolition methods to minimize vibration, where feasible.

MM-N-4: Operate earthmoving equipment on the construction sites as far away from surrounding residential uses as is feasible.

MM-N-5: All construction equipment shall be equipped with appropriate mufflers and be in good working condition.

MM-N-6: Construction noise reduction methods, such as shutting off idling equipment and maximizing the distance between construction equipment staging areas and occupied residential areas, shall be used, where feasible.

MM-N-7: Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

With the incorporation of MM-N-1 through MM-N-7, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant cumulative construction noise impacts identified in the final EIR.

8. Public Services

**Police—Construction, Operation, Cumulative**

During construction of the proposed Project, a potential increase in the frequency of calls for equipment theft, trespassing, vandalism, and traffic congestion could result in an increased demand on police services. In addition, temporary lane closures on streets adjacent to the Project Site could also temporarily disrupt police services.

Parking facilities in the vicinity of the Project Site are very limited. However, construction workers will be provided with an off-street secured parking area.

**MM-PP-1:** The Project applicant shall incorporate security features on the construction site, such as fencing and locked entrances; and construction equipment, tools, and materials shall be secured by locking or placing them within sheds and/or other inaccessible areas while not in use.

**MM-PP-2:** A Construction Traffic Control Plan/Management Plan shall be prepared per LADOT requirements to minimize the effects of construction on vehicular and pedestrian circulation and assist in the orderly flow of vehicular and pedestrian circulation in the vicinity of the Project. In addition, access on to the Project Site shall remain clear and unobstructed and proposed roadway modifications shall assure adequate access to the proposed Project Site and adjacent areas.
During Project operation there would be 1,220 new residents at the Project Site, which would represent a 0.5 percent increase in population in the Wilshire Area Community Police Station jurisdiction over existing conditions. The Los Angeles Police Department (LAPD) has stated that a Project of this size would have a moderate impact on police services in the Wilshire area.

As the Wilshire and La Brea Project is developed, tax revenues from property and sales taxes would be generated and deposited in the City’s General Fund and the State Treasury. A portion of these revenues would then be allocated to the City’s police department during the City’s annual budget process to maintain staffing levels within the City of Los Angeles in numbers adequate to serve project-related increases in service call demands.

Secured entry and exit points, security fencing, security lighting, and other essential features would be introduced in the Project. In order to help the Wilshire Community Plan Area commanding officers during responses to emergencies, the applicant would provide a diagram demonstrating access routes to each portion of the Project Site.

Both the Project and other planned and approved developments throughout the City could cumulatively increase the need for services from the LAPD. This demand would be met by increases in law enforcement staffing and equipment as needed, which would be funded by increased revenues from the increased tax base generated by Project residents. Therefore, through implementation of mitigation measures, the Project would not result in potentially significant impacts.

**MM- PP-3:** The Project applicant shall contact LAPD’S Crime Prevention Unit to incorporate appropriate crime prevention features into the Project design. Examples of crime prevention design features include the following:

- Housing units can be designed so as to allow neighbors to “self-patrol” their environments.
- Lighting and landscaping may be enhanced in parking lots to improve visibility.
- Fences around housing developments can be designed in ways that avoid creating hiding places for criminals.
- Signs can be removed from storefront windows to allow clear views in and out of the store.
- Vines or planted coverings may be placed on walls to deter graffiti.

**MM- PP-4:** Upon completion of the Project a diagram of each portion of the property, including access routes and any additional information that might facilitate police response, shall be submitted to the Wilshire Area commanding officer.

With the incorporation of MM-PP-1 through MM-PP-4, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant police services impacts identified in the final EIR.

**Fire Protection & Emergency Services—Construction, Operation**

Construction of the proposed Project would result in the presence of work and delivery crews on the site; therefore, the potential for an increased demand on fire and emergency medical services exists during construction due to the introduction of activities and individuals which may generate new fire and emergency medical calls. The response distance during construction would remain within the performance standard listed in the Local Agency Fire Code (LAFC).
MM-F-1: Upon completion of the Project, a diagram of each portion of the property, including access routes and any additional information that might facilitate fire and emergency medical response, shall be submitted to the fire chief.

MM-F-2: During Project construction, the contractor shall ensure that roads and alleyways remain unobstructed to provide for emergency access at all times though the use of flagmen and other standard construction practices.

Implementation of the proposed Project would result in an increase in 1,220 new residents and approximately 135 new employees. As a result of this population increase, there would be an increase in demand for fire protection services for residential and commercial-related fire services.

The response during the operation of the proposed Project would remain within the performance standard of the LAFC. The closest fire station to the Project is Fire Station 61, which is 0.6 mile away. According to the City of Los Angeles Fire Department, adequate staff, equipment, and fire protection services currently exist to meet the additional demands that would be generated through the implementation of the proposed Project.

Tax revenues from property and sales taxes would be generated and deposited in the City's General Fund and the State Treasury. A portion of these revenues would then be allocated to the City's Fire Department during the City's annual budget process to maintain staffing levels within the City of Los Angeles in numbers adequate to serve project-related increases in service call demands.

According to the LADWP, there is sufficient fire flow to four adjacent fire hydrants fronting the property to meet standard required by the LAFC. Due to the fact that only three of the four fire hydrants closest to the property are up to standard for the high-density residential and neighborhood commercial developments in the LAFC, Project construction will result in significant impacts to fire service.

MM-F-3: The Project applicant shall coordinate with the LAFD to design and implement an upgraded fire hydrant in compliance with the LAFD Fire Code for high-density residential and neighborhood commercial developments.

With the incorporation of MM-F-1 through MM-F-3, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant fire protection & emergency services impacts identified in the final EIR.

**Schools—Operation & Cumulative**

There are three planned Los Angeles Unified School District (LAUSD) campuses to be constructed in the Local District 3, within which the Project Site is located, which would alleviate overcrowding and ensure that the Project would not result in significant impacts to schools. To further reduce any potentially significant impacts associated with the provision of school services, the Project applicant is required to contribute school fees as mitigation.

The proposed Project has the potential to alter existing bus routes during both construction and operational phases, and Project construction could affect students who walk to school. However, several mitigation measures would reduce these potentially significant impacts to less than significant levels.
Though the proposed Project, along with surrounding projects, would increase student enrollment, and one of the schools which serves the Project Site is already operating over capacity, the new school construction planned by LAUSD and required school impact fees would mitigate these cumulative impacts to less than significant levels.

**MM-SCH-1:** As authorized by Senate Bill 50, the Project applicant shall pay school impact fees to the LAUSD prior to the issuance of building permits.

**MM-SCH-2:** The Project applicant shall contact the LAUSD Transportation Branch at (323) 342-1400 prior to construction to coordinate school bus access during construction.

**MM-SCH-3:** The Project applicant shall maintain unrestricted access for school buses during construction.

**MM-SCH-4:** The Project applicant shall comply with provisions of the California Vehicle Code by requiring construction vehicles to stop when encountering school buses using red flashing lights.

**MM-SCH-5:** The Project applicant shall not endanger passenger safety or delay student drop-off or pick-up due to changes in traffic patterns, lane adjustments, altered bus stops, or traffic lights.

**MM-SCH-6:** The Project applicant shall maintain safe and convenient pedestrian routes to LAUSD schools that are located adjacent to the Project Site.

**MM-SCH-7:** The Project applicant shall maintain ongoing communication with school administration at affected schools, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.

**MM-SCH-8:** The Project applicant shall install appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.

**MM-SCH-9:** The Project applicant will require that material and delivery trucks serving the Project Site shall not haul past affected school sites, except when school is not in session. If that is infeasible, Project applicant shall require that material and deliver trucks serving the Project Site shall not haul during school arrival and dismissal times.

**MM-SCH-10:** The Project applicant shall not stage or park construction-related vehicles, including worker-transport vehicles, adjacent to school sites.

**MM-SCH-11:** The Project applicant shall provide crossing guards when the safety of students may be compromised by construction-related activities at impacted school crossings.

**MM-SCH-12:** The Project applicant shall install barriers and/or fencing to secure construction equipment and the site in an effort to prevent trespassing, vandalism, and attractive nuisances.

**MM-SCH-13:** The Project applicant shall provide security patrols to minimize trespassing, vandalism, and short-cut attractions.
With the incorporation of MM-SCH-1 through MM-SCH-13, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant school impacts identified in the final EIR.

Recreation & Parks—Operational & Cumulative

The open space and recreational amenities provided by the proposed Project would meet the needs of the new residents that would be introduced by the proposed Project as well as help reduce additional demand for public recreation facilities generated by the project-related population increase. The public open space and private recreation facilities included in the Project design would not meet the needs of the residents of the Project for neighborhood or community parks. The increase in local population generated by the Project would incrementally increase the use of existing neighborhood and community parks in the Wilshire Community Plan Area. This increase would cause a significant impact due to the acceleration of the physical deterioration of existing parks within the vicinity of the Project Site. Therefore, incorporation of the proposed mitigation measure would reduce impacts to a less than significant level.

Given the existing deficiency of parks and recreational facilities, both the individual Project and the combined effects of the proposed projects in the Wilshire Community Plan Area on existing facilities is considered cumulatively significant because the use of existing facilities would increase, thus contributing to an acceleration in the physical deterioration of these facilities. The contribution of the proposed Project to this impact is cumulatively considerable; however, through implementation of the MM-K-21, the project’s individual contribution to the cumulatively significant impact would be mitigated to a less than significant level.

MM-REC-1: In accordance with the requirements of the City of Los Angeles (Ordinance No. 141422, amending Chapter 1, Article 7, of the Los Angeles Municipal Code), the Project applicant shall either pay the in-lieu fee to the City and/or develop public park or recreation land on the Project Site using equivalent funding or greater

With the incorporation of MM-REC-1, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant recreation & park impacts identified in the final EIR.

9. Traffic

Traffic Trips—Construction

The Project would generate temporary traffic during construction from construction workers, haul trucks, and delivery vehicles. A total amount of approximately 163,000 cy of earth would be removed from the Project Site over a 120 day period, or an average of approximately 1,358 cy per day. Assuming a haul truck capacity of 14 cy per day, this equates to approximately 97 truckloads per day, or 194 trips (one inbound and one outbound trip per load). Adjusting upward by a 3.0 per trip passenger car equivalence (PCE) to reflect the larger size and limited maneuverability of trucks as compared to cars, this equates to approximately 582 trips.

The current uses on the site, which would be discontinued prior to commencement of construction, would generate 770 daily trips and 1,285 adjacent trips. Therefore, temporary traffic impacts associated with hauling would be a net reduction of trips compared to the existing uses. Nevertheless, if construction trips are not properly managed, then construction vehicle trips could result in temporary significant impacts. Therefore, to ensure construction trip impacts remain less-than-significant, mitigation measures are necessary.
MM-TRA-4 Prior to commencing construction, the Applicant shall prepare a Construction Management Plan, including a Worksite Traffic Control Plan that shall contain, at a minimum, the following:

- A 24-hour construction hotline that is monitored on a daily basis;
- An up-to-date list of local police, fire and emergency response organizations and procedures for the coordination with such organizations of construction activities to reduce potential delays. Coordination shall include the assessment of alternative access routes to and from the Project Site that might be required due to unanticipated road conditions;
- The location, times, and estimated duration of any roadway or sidewalk closures, traffic detours, and queuing area.

MM-TRA-5 Flag persons shall be provided as necessary to minimize impacts on traffic flows and to ensure safe movement into and out of the Project Site.

MM-TRA-6 Construction vehicles shall not be permitted to queue where they would interfere with traffic movement or block access to adjacent residences or businesses.

MM-TRA-7 Haul trucks shall travel only on a haul route approved by the City that avoids local residential streets.

With the incorporation of MM-TRA-4 through MM-TRA-7, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant construction-related traffic trip impacts identified in the final EIR.

**Traffic Trips—Operation & Cumulative**

The proposed Project would result in three intersections operating at LOS E or LOS F because these intersections would have a volume to capacity ratio (V/C) increase of greater than or equal to 0.01, during AM and/or PM peak hours, with Project implementation.

Seven of the 16 intersections that were analyzed would operate at LOS E or F for Future with Project Traffic Conditions. As such, there is a potential for conflicts between existing vehicular traffic and bicycle and pedestrians, resulting in possible significant impacts. With implementation of these mitigation measures, impacts would be reduced to less than significant levels.

The Project is expected to result in significant impacts to three intersections on its own or in combination with the 37 identified related projects; therefore, the potential exists for significant cumulative transportation impacts. However, as mitigation is incorporated to reduce Project related impacts to a less than significant level, the contribution of the Project to these cumulative impacts would not be cumulatively considerable and is less than significant.

On March 3, 2009 Overland Traffic Consultants prepared a traffic assessment for the revised 482 unit project. The revised project results in 858 less daily trips, 86 less AM peak hour trips, and 67 less PM hour trips compared to the project analyzed in the EIR. Only one significant impact will be created by the revised project at the intersection of Highland Avenue and La Brea Avenue. Although the revised project does not result in a significant impact at the intersection of 8th Street and La Brea Avenue, the Project developer proposes to voluntarily improve the intersection to accommodate a westbound left-turn late on 8th Street.
MM-TRA-1: Wilshire Boulevard and Highland Avenue – As a condition of approval, the Project shall upgrade the traffic signal system at the intersection of Highland Avenue and Wilshire Boulevard to Adaptive Traffic Control System (ATCS) operation.

MM-TRA-2: 8th Street and La Brea Avenue – As a condition of approval, the Project shall widen 8th Street to 40 feet in width between La Brea Avenue and Sycamore Avenue (widen by 7 feet along the north side and by approximately 3.5 feet along the south side). The Project shall also install a westbound left-turn lane on 8th Street at La Brea.

With the incorporation of MM-TRA-1 through MM-TRA-2, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant operation and cumulative traffic trip impacts identified in the final EIR. As the Project has been revised since the EIR to reduce both the number of dwelling units and commercial square footage, traffic generation will be proportionately reduced and actual traffic impacts will be less than set forth in the EIR.

10. Utilities

Wastewater—Operation

The proposed Project is estimated to generate 68,150 net gallons of wastewater per day or 0.068 million net gallons of wastewater per day, which represents an increase of approximately 0.02 percent over the daily volume of wastewater treated at the Hyperion Water Treatment Plant (HTP). As such, it is expected that the HTP has sufficient capacity to accommodate the project’s wastewater, and impacts on wastewater treatment capacity would be less than significant.

The City of Los Angeles Bureau of Engineering has indicated that existing lines serving the Project Site appear to have enough capacity to accommodate wastewater flows generated by the proposed Project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a sewer connection point. If local sewer lines have insufficient capacity then the developer will be required to build a secondary line to the nearest larger sewer line with sufficient capacity. Given this requirement, impacts on sewage capacity would be less than significant.

MM-WW-1: If local sewer lines have insufficient capacity then the developer shall be required to build a secondary line to the nearest larger sewer line with sufficient capacity.

With the incorporation of MM-WW-1, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant wastewater impacts identified in the final EIR.

C. Significant Unavoidable Impacts

Air Quality Regional Emission—Construction—PM\textsubscript{10} and PM\textsubscript{2.5}

Construction of the proposed Project would generate mass emissions of PM\textsubscript{10} and PM\textsubscript{2.5} that exceed the SQAMD regional thresholds. The mitigation measures listed in MM-AQ-1 would help reduce emissions of PM\textsubscript{10} and PM\textsubscript{2.5}; however, the reductions achieved through implementation of the measures cannot be quantified and may not reduce PM\textsubscript{10} and PM\textsubscript{2.5} emissions below significant levels.
In addition to the requirements of SCAQMD Rule 403, the applicant shall implement the following measures to help reduce emissions of PM$_{10}$ and PM$_{2.5}$ during construction activities.

a. Configure construction parking to minimize traffic interference. (The emission reduction efficiency for this measure is not quantified.)

b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person). (The emission reduction efficiency for this measure is not quantified.)

c. Schedule construction activities that affect traffic flow on the arterial system to off peak hours to the degree practicable. (The emission reduction efficiency for this measure is not quantified.)

d. Re-route construction trucks away from congested streets. (The emission reduction efficiency for this measure is not quantified.)

e. Consolidate truck deliveries when possible. (The emission reduction efficiency for this measure is not quantified.)

f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site. (The emission reduction efficiency for this measure is not quantified.)

g. Maintain equipment and vehicle engines in good condition and in proper tune, as per manufacturers’ specifications and per SCAQMD rules, to minimize exhaust emissions. (The emission reduction efficiency for this measure is not quantified.)

h. Apply water to demolition materials to reduce the emissions of fugitive dust during demolition operations. (The emission reduction efficiency for this measure is not quantified.)

Following implementation of mitigation, construction emissions of PM$_{10}$ and PM$_{2.5}$ would remain significant unavoidable impacts on air quality.

**Air Quality Localized Significance Thresholds—Construction—PM$_{10}$ and PM$_{2.5}$**

The SCAQMD has established localized significant thresholds for pollutants, which are based on the ambient air quality standards and the background levels in the Project area as measured by SCAQMD’s monitoring stations. Under the SCAQMD’s *Final Localized Significance Threshold Methodology*, the construction of the proposed Project would exceed SCAQMD’s *Final Localized Significance Threshold* for PM$_{10}$ and PM$_{2.5}$. The mitigation measures listed in MM-AQ-1 would help reduce emissions of PM$_{10}$ and PM$_{2.5}$, but not to less-than-significant levels. Therefore, Project construction would cause temporary but significant local air quality impacts for PM$_{10}$ and PM$_{2.5}$.

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Air Quality—Cumulative GHG Emissions

The GHG emissions associated with operation of the proposed Project were estimated and are listed in Section IV.B, Air Quality, of the Draft EIR. Based on a conservative estimate, operation of the Project would result in direct net GHG emissions of approximately 3,730 metric tons per year (0.00373 million metric tons). While the proposed Project would result in emissions of GHGs, no guidance exists to indicate what level of project-specific GHG emissions would be considered substantial enough to result in a project-specific significant adverse impact on global climate. It is generally the case that an individual Project of this size is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG impacts are, therefore, recognized as cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. 4 Based on the findings in Section IV.B, Air Quality, of the Draft EIR, the contribution of the Project to cumulative GHG emissions would most likely not be cumulatively considerable if such a threshold were to be established. However, in the absence of an established threshold and understanding that the proposed Project would result in the emission of some GHGs, the proposed project’s impact will be considered cumulatively significant. Consequently, MM-AQ-2 is incorporated into the Project to reduce GHG emissions to the extent feasible.

MM-AQ-2: The proposed Project shall meet the City’s Green Building Ordinance standards for all residences. Items that may be incorporated in the Project identified in the City’s green building ordinance include low flow-plumbing fixtures, dual flush toilets, a cool roof, separate recycling trash chutes, and recycled content in construction materials such as carpet. The inclusion of such items as required by the Green Building Ordinance will improve the energy efficiency of the Project and reduce GHG emissions associated with the Project.

Although, MM-AQ-2 would reduce the severity of cumulative GHG emissions, without an established threshold of significance the City cannot conclude with certainty that cumulative GHG emissions would be reduced to less-than-significance levels. Therefore, in an abundance of caution, the City concludes that the cumulative GHG emissions would remain significant and unavoidable despite MM-AQ-2.

Construction Noise

Construction of the proposed Project would result in temporary but significant and unavoidable impacts related to noise levels. Construction activities are not permitted between 9:00 PM and 7:00 AM on weekdays, 6:00 PM to 8:00 AM on Saturdays, or at any point on Sundays; as such, Project construction would not exceed the ambient noise level by the threshold of 5 decibels measured on an A-weighted scale (dB(A)) or more during normal sleep hours. The closest sensitive receptors in the vicinity of the Project Site include multi-family residences located approximately 60 feet to the south across 8th Street and 75 feet to the east across Sycamore Avenue. If construction equipment were operating at the property line, it is possible that temporary and periodic exterior noise levels of up to 91.5 dB(A) would occur at sensitive receptor locations in the vicinity of the Project Site. As a result, construction activities on the Project Site would temporarily exceed existing ambient exterior noise levels by 5 dB(A) or more at a noise-sensitive use. Therefore, construction noise associated with the Project Site has the potential to result in significant impacts, and while noise from construction equipment would be minimized with the implementation of mitigation measures MM-N1 through MM-N-7, noise impacts would still remain significant and unavoidable.

D. Significant Irreversible Environmental Changes

Section 15126.2(c) of the State CEQA Guidelines states that the “uses of nonrenewable resources during the initial and continued phases of the Project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.” Section 15126.2(c) further states that “irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.”

The types and level of development associated with the Proposed Project would consume limited, slowly renewable and non-renewable resources. This consumption would occur during construction of the Proposed Project and would continue throughout its operational lifetime. The development of the Proposed Project would require a commitment of resources that would include (1) building materials, (2) fuel and operational materials/resources and (3) the transportation of goods and people to and from the Project Site.

Construction of the Proposed Project would require consumption of resources that are not replenishable or which may renew slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), petrochemical construction materials (e.g., plastics) and water. Fossil fuels, such as gasoline and oil, would also be consumed in the use of construction vehicles and equipment.

The commitment of resources required for the type and level of proposed development would limit the availability of these resources for future generations for other uses during the operation of the Proposed Project. However, this resource consumption would be consistent with growth and anticipated change in the City of Los Angeles and the Southern California region.

E. Growth Inducing Impacts

Section 15126.2(d) of the State CEQA Guidelines requires a discussion of the ways in which a Proposed Project could induce growth. This includes ways in which a Project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Section 12126.2(d) of the State CEQA Guidelines states:

“Discuss the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

As discussed in Section IV. (Population and Housing), the proposed Project analyzed in the DEIR and FEIR involves the construction of 562 new residential units within the Wilshire Community Plan Area of Los Angeles. SCAG’s 2004 Regional Transportation Plan Growth Forecast Report projects that the City of Los Angeles will add 61,739 dwelling units between 2005 and 2010. The proposed Wilshire and La Brea Project would add 562 dwelling units, representing an approximately 0.91 percent (562 units of the projected 61,739 units)
contribution towards the projected dwelling unit increase for the City of Los Angeles. The Project has been reduced from 562 units to 482 units—thereby further lowering any impact on population and housing.

As also discussed in this Draft EIR, the roadways and other infrastructure (e.g., water facilities, electricity transmission lines, natural gas lines, etc.) associated with the Proposed Project would not induce growth because they would only serve the Proposed Project.

F. Alternatives

The Draft EIR considered a reasonable range of alternatives to the Project to provide informed decision-making in accordance with Section 15126.6 of the State CEQA Guidelines. The alternatives analyzed in the Draft EIR included:

- Alternative 1 – No Project, No Build Alternative
- Alternative 2 – No Project, Existing Zoning and General Plan
- Alternative 3 – Reduced Density
- Alternative 4 – No Subterranean Parking

Alternative 1: No Project, No Build

Alternative Description

CEQA requires the alternatives analysis to include a No Project Alternative. The purpose of analyzing a No Project Alternative is to allow decision makers to compare the impacts of approving the Proposed Project with the impacts of not approving the Proposed Project (State CEQA Guidelines Section 15126.6(e)(1)). Pursuant to State CEQA Guidelines Section 15126.6(e)(2):

The “no project” analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the proposed Project were not approved, based on current plans, and consistent with available infrastructure and community services.

Under the No Project Alternative, no new development would occur on the site as compared to existing conditions. The existing church, commercial strip center and surface parking lots would be reused and would not be demolished.

Alternative Impact Summary

Reduction of Significant Project Impacts

The Proposed Project would result in significant and unavoidable impacts with respect to Air Quality (Construction PM$_{10}$ and PM$_{2.5}$ & Cumulative GHG Emissions) and Construction Noise. This alternative would avoid all of the significant environmental impacts associated with the proposed project; however, under this alternative, greater impacts associated with hazards and hazardous materials would occur, as known hazards would not be removed from the Project Site. Therefore, since the No Project, No Build alternative would result in greater impacts to hazards and hazardous materials and land use in comparison to the proposed Project, this alternative is not considered environmentally superior.
Relationship to Project Objectives

The No Project/No Build alternative would not meet the following objectives:

- to provide multi-family residential housing in an urban area of the City of Los Angeles where there is substantial demand for such housing;
- to promote the use of public transportation by providing housing, retail shopping, and dining opportunities adjacent to a major public transit corridor;
- to provide retail shopping and dining opportunities for the local community;
- to promote walkability by providing housing, retail shopping, and dining opportunities in close proximity to adjacent commercial and residential uses;
- to meet the City’s green building ordinance, which will enhance the City’s sustainability goals;
- to develop the site with land uses consistent with the intent of the Wilshire Community Plan and the Miracle Mile Community Design Overlay District Design Guidelines and Standards;
- to improve and integrate the streetscape along Wilshire Boulevard and La Brea Avenue;
- to provide jobs within the Wilshire Community Area of Los Angeles;

The No Project/No Build alternative would meet the following Project objectives:

- to provide a development in the Miracle Mile District that respects the height of adjacent historic buildings; and
- to develop the site with structures that are compatible with existing residences to the east in terms of scale, mass, and bulk.

Alternative 2: No Project, Existing Zoning and General Plan

Alternative Description

The No Project, Existing Zoning and General Plan Alternative, assumes no general plan amendment and zone/height district change would be sought. Instead, development of the site would conform to existing land use and height regulations permitted under the current general plan and zoning and height district designations for the Project Site. The primary differences between this alternative and the proposed Project is that under this alternative (a) the portion of the site located along Wilshire Boulevard north of the existing alley zoned [Q]C4-2–CDO would be developed with a commercial office tower with ground floor retail/restaurant uses at an FAR of 6:1, (b) the C2-1 zoned portion of the site along La Brea Avenue would be developed with a retail center at an FAR of 1.5:1, and (c) the [Q]C2-1 zoned portion of the site adjacent to Sycamore Avenue would be developed with multi-family residential uses at a density of 2,500 square feet of lot area per dwelling unit and an FAR of 1.5:1. Except for the proposed general plan amendment and zone/height district change, this alternative would require the same other discretionary and ministerial actions associated with the proposed Project.

This alternative would result in the development of a 14-story, 209-foot-tall office tower containing approximately 199,088 square feet of office uses, 5,000 square feet of retail, and 5,000 square feet of restaurant uses on the northern third of the Project Site; a 2-story, 40-foot-tall, 72,526-square-foot retail/restaurant center along La Brea Avenue south of the alley; and 21 3-story, 33-foot-tall townhomes along Sycamore Avenue south of the alley. Under this alternative, all on-site buildings would be demolished and removed.
**Alternative Impact Summary**

*Reduction of Significant Project Impacts*

The Proposed Project would result in significant and unavoidable impacts with respect to Air Quality (Construction PM$_{10}$ and PM$_{2.5}$ & Cumulative GHG Emissions) and Construction Noise. This alternative would not avoid significant impacts to air quality and noise. In addition, this alternative would not avoid or substantially reduce the proposed project’s less than significant impacts associated with visual resources, geology, hazards and hazardous materials, hydrology and water quality, noise (operational), public services, transportation, and public utilities as compared to the proposed Project. As such, Alternative 2 avoids none of the significant environmental impacts of the Project. Therefore, this alternative is not considered environmentally superior.

**Relationship to Project Objectives**

Specifically, the No Project, Existing Zoning and General Plan Alternative would not meet the following objectives:

- to provide multi-family residential housing in an urban area of the City of Los Angeles where there is substantial demand for such housing;
- to promote the use of public transportation by providing housing, retail shopping, and dining opportunities adjacent to a major public transit corridor;

The No Project, Existing Zoning and General Plan Alternative Alternative would meet the following Project objectives:

- to provide retail shopping and dining opportunities for the local community;
- to promote walkability by providing housing, retail shopping, and dining opportunities in close proximity to adjacent commercial and residential uses;
- to meet the City's green building ordinance, which will enhance the City's sustainability goals;
- to develop the site with land uses consistent with the intent of the Wilshire Community Plan and the Miracle Mile Community Design Overlay District Design Guidelines and Standards;
- to improve and integrate the streetscape along Wilshire Boulevard and La Brea Avenue;
- to provide jobs within the Wilshire Community Area of Los Angeles;
- to provide a development in the Miracle Mile District that respects the height of adjacent historic buildings; and
- to develop the site with structures that are compatible with existing residences to the east in terms of scale, mass, and bulk.

**Alternative 3: Reduced Density Alternative**

*Alternative Description*

The Reduced Density Alternative considers development of the entire 3.4-acre site at approximately 75 percent of the density of residential and commercial uses under the proposed Project set forth in the Draft EIR. Under this alternative, all on-site buildings would be demolished and removed. The layout for the land uses proposed under this alternative would be the same as for the proposed Project, and would result in the development of 422 apartment units, 27,750 square feet of retail space, and 6,000 square feet of restaurant space. Under this alternative, the finger and bar residential structures would be constructed at a height of 75 feet.
and 33 feet, respectively. All discretionary and ministerial actions associated with the proposed Project, including a general plan amendment and zone/height district change, would remain the same. Under this alternative, all on-site buildings would be demolished and removed.

The Reduced Density Alternative would require the same Project approvals as the proposed Project.

The lighting, landscaping, and utility connections would be generally similar to those of the Proposed Project, for the purpose of analyzing this alternative. The potential environmental impacts associated with this alternative are described below and are compared to the significant environmental impacts associated with the Proposed Project. All applicable mitigation measures recommended for the Proposed Project are incorporated into the Reduced Density Alternative.

**Alternative Impact Summary**

**Reduction of Significant Project Impacts**

The Proposed Project would result in significant and unavoidable impacts with respect to Air Quality (Construction PM$_{10}$ and PM$_{2.5}$ & Cumulative GHG Emissions) and Construction Noise. Implementation of this alternative would not avoid or substantially significant impacts to air quality and noise because (with exception of cumulative GHG emissions) these impacts are related to construction. Construction of Alternative 3 would require similar grading, excavation, and site preparation as the proposed Project. There would be less above-ground construction; however, the amount and types of construction equipment used on a daily basis would be similar. Therefore, the construction-related air quality and noise impacts of Alternative 3 would similar to the proposed Project and not substantially lessened. In addition, this alternative would not avoid or substantially reduce the less-than-significant impacts associated with visual resources, geology, hazards and hazardous materials, hydrology and water quality, land use, noise (operational), public services, transportation, and public utilities as compared to the proposed Project. As such, Alternative 3 neither avoids nor substantially lessens any of the significant environmental impacts of the Project. Therefore, this alternative is not considered environmentally superior.

**Relationship to Project Objectives**

The Reduced Density Alternative would generally result in similar environmental impacts as the Proposed Project. The Reduced Density Alternative would satisfy all of the Project objectives. However, by including fewer residential units and less commercial space, it would meet the following objectives to a lesser extent than the proposed Project:

- to provide multi-family residential housing in an urban area of the City of Los Angeles where there is substantial demand for such housing;
- to promote the use of public transportation by providing housing, retail shopping, and dining opportunities adjacent to a major public transit corridor;
- to provide retail shopping and dining opportunities for the local community;
- to promote walkability by providing housing, retail shopping, and dining opportunities in close proximity to adjacent commercial and residential uses; and
- to provide jobs within the Wilshire Community Area of Los Angeles.
Alternative 4: No Subterranean Parking

Alternative Description

Under the No Subterranean Parking Alternative, the site would be developed with the same uses and densities as the proposed Project. However, in order to reduce significant short-term construction noise and air quality impacts, all parking would be constructed at or above grade. As this alternative would not include subterranean parking, the amount of excavation and associated noise and emissions would be less than under the proposed Project.

Under this alternative, the finger and bar residential structures would be constructed at a height of 135 feet and 79 feet, respectively, because the parking would be at or above grade. All discretionary and ministerial actions associated with the proposed Project, including a general plan amendment and zone/height district change, would remain the same. Under this alternative, all on-site buildings would be demolished and removed.

Alternative Impact Summary

Reduction of Significant Project Impacts

The Proposed Project would result in significant and unavoidable impacts with respect to Air Quality (Construction PM$_{10}$ and PM$_{2.5}$ & Cumulative GHG Emissions) and Construction Noise. This alternative may substantially lessen but not avoid short-term significant impacts to air quality and noise. This Alternative would not substantially lessen or avoid significant cumulative GHG emission impacts. In addition, this alternative would not reduce the less-than-significant impacts associated with visual resources, geology, hazards and hazardous materials, hydrology and water quality, noise (operational), public services, transportation, and public utilities as compared to the proposed Project. Although Alternative 4 would substantially lessen construction-related significant air quality and noise impacts, the greater height of the buildings and the increased scale, bulk and mass of the building on Sycamore Avenue would create greater impacts with regard to aesthetics and historical resources.

Relationship to Project Objectives

Alternative 4 would not meet the following objectives:

- to improve and integrate the streetscape along Wilshire Boulevard and La Brea Avenue;
- to develop the site with structures that are compatible with existing residences to the east in terms of scale, mass, and bulk;
- to provide a development in the Miracle Mile District that respects the height of adjacent historic buildings.

Alternative 4 would meet the following Project objectives:

- to provide retail shopping and dining opportunities for the local community;
- to promote walkability by providing housing, retail shopping, and dining opportunities in close proximity to adjacent commercial and residential uses;
- to meet the City’s green building ordinance, which will enhance the City’s sustainability goals;
- to develop the site with land uses consistent with the intent of the Wilshire Community Plan and the Miracle Mile Community Design Overlay District Design Guidelines and Standards;
- to provide jobs within the Wilshire Community Area of Los Angeles;
In addition to the discussion and comparison of impacts of a proposed Project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an “environmentally superior” alternative be selected and the reasons for such a selection disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of adverse impacts. In this case, the No Build/No Project Alternative would result in the least impacts on the existing environment. However, Section 15126.6(e)(2) of the CEQA Guidelines states if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to the proposed Project shall identify one alternative as the environmentally superior alternative. Furthermore, if the environmentally superior alternative is the No Project Alternative; the EIR shall also identify an environmentally superior alternative from among the other alternatives.

Of the remaining alternatives, implementation of Alternative 4 (No Subterranean Parking) would substantially lessen but not avoid the construction-related significant air quality and noise impacts while meeting most of the basic objectives of the Project. From an environmental perspective, this alternative is superior to the proposed Project. However, the greater height of the buildings and the increased scale, bulk, and mass of the building on Sycamore Avenue may result in greater significant impacts to aesthetics and historical resources than would the proposed Project. Furthermore, Alternative 4 would not meet the Project objectives to develop the site with structures that are compatible with existing residences to the east in terms of scale, mass, and bulk as well as the proposed Project, or the Project objective to improve and integrate the streetscape along Wilshire Boulevard and La Brea Avenue, or to provide a development in the Miracle Mile District that respects the height of adjacent historic buildings. A parking podium above-grade defeats integrated and improved streetscapes.

The City hereby finds that Alternative is infeasible for the following reasons:

- Alternative 4 would be inconsistent with the walkability checklist requirements set forth in Table IV.G-5 of the Draft EIR;
- Alternative 4 would be inconsistent with SCAG Growth Visioning Principle GV P2.3 to promote “people-scaled” walkable communities;
- The greater height of the buildings and the increased scale, bulk, and mass of the building on Sycamore Avenue as well as the parking podium above-grade would be inconsistent with Community Plan Commercial Objective 2-2 to promote distinctive commercial districts and pedestrian-oriented areas.
- The greater height of the buildings and the increased scale, bulk, and mass of the building would be inconsistent with the Secretary of Interior of Interior’s Rehabilitation Standards 9 & 10 with regard to impact of new structures on nearby historic structures—especially the Potential Period Revival residential historic district on Sycamore Avenue and West 8th Street identified on page IV.C-39 of the Draft EIR.

**Finding Regarding Reasonable Range of Alternatives**

CEQA Guidelines Section 15126.6 provides that an EIR need not consider every conceivable alternative to a Project. Rather, it must consider a reasonable range of alternatives to the proposed Project that “would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant impacts of the Project.” The Proposed Project would result in significant and unavoidable impacts with respect to air quality (construction PM$_{10}$ and PM$_{2.5}$ & cumulative GHG emissions) and construction noise. Consequently, Project alternatives were selected that may result in substantially lessening or avoiding these significant impacts.
A public comment on the Draft EIR requested that the Draft EIR evaluate an alternative that retains and preserves the Wilshire Grace Church/Columbia Savings building. As set forth in the EIR, the Columbia Savings building is not historic, and removing the building would not result in a significant impact to historic resources. Therefore, including an alternative to preserve the building is not necessary as such preservation would not substantially lessen or avoid any significant impacts.

Even if the retaining and re-using the Wilshire Grace Church were to substantially lessen construction-related significant air quality and noise impacts, the alternative is not feasible. State CEQA Guidelines Section 15364 defines “feasible” as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Such factors include, among other things, site suitability, economic viability, availability of infrastructure, general plan consistency, jurisdictional boundaries, and the applicant’s access to an alternative site. In terms of site suitability and consistency with the City’s General Plan, retaining the bank building would create significant design constraints and inhibit implementation of the City’s planning goals.

As set forth in the Final EIR and based on the expert analysis of the Project architects and engineers and market analysts, preservation and reuse of the Wilshire Grace Church building is not feasible for a number of reasons. First, residential uses cannot be developed within the bank building due to its open atrium or, central court. Moreover, retaining the bank building would make it infeasible to excavate that portion of the Project Site for subterranean parking. Keeping the bank building would result in the loss of approximately 100 units at the corner of Wilshire and La Brea. Forty units could be relocated to the east side of the Project by extending the building “fingers” to the east where the townhomes are currently located, and by enclosing the courtyard areas, again at the eastern edge. However, this could result in an incompatible height and scale along Sycamore that could have physical land use, cultural resource, and visual character impacts on the homes across Sycamore. The remaining 60 units would be lost unless the building height was raised, which would result in the same potential impacts and significantly increase costs due to a different construction type.

The frontage along Wilshire Boulevard, where the bank building is located, is zoned at the highest density and is more suitable for higher density residential and mixed use commercial development than other portions of the Project Site. Retaining the bank would preclude redevelopment of this portion of the Project Site, in conflict with Objective 1-2 of the Wilshire Community Plan to reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations, and existing bus route stops. In addition, retaining the bank building would result in a loss of approximately 50 percent of the proposed retail uses along Wilshire Boulevard in an area that is underserved by high quality retail. The bank building itself is not viable for retail use, as evidenced by the fact that it has not been used for commercial use since 1994. Thus, retaining the bank would interfere with Objective 2-1 of the Community Plan to preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

Retaining the bank would also interfere with several Project objectives. For example, keeping the building would require residential density to be pushed to the south, adjacent to sensitive residential uses along Sycamore Avenue. This would interfere with the objective to develop the site with structures that are compatible with existing residences to the east in terms of scale, mass, and bulk. As noted above, retaining the bank building would yield fewer units and therefore would not meet the Project object of providing multi-family residential housing in an urban area of the City of Los Angeles. Also, maintaining the bank building and thereby limiting the amount of mixed-use development along Wilshire Boulevard would conflict with the City's
walkability guidelines and would interfere with the Project objective to promote walkability. Also, the current bank building is on a plinth and there would be very little room to add landscaping and other pedestrian friendly elements and still meet the City's sidewalk and setback requirements. This would also interfere with the Project objective to improve and integrate the streetscape along Wilshire Boulevard and La Brea Avenue.

The City hereby finds that the Draft EIR included a reasonable range of alternatives and included adequate analysis of alternatives to the proposed Project.

G. Statement of Overriding Considerations

The Final EIR has identified unavoidable significant air quality impacts associated with construction of the Project and cumulative GHG emission impacts. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allows the occurrence of significant impacts identified in the Final EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City’s CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq. And thereby requires, pursuant to Section 15093 (b) of the CEQA Guidelines, that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a Project if it finds that significant adverse environmental effects identified in the Final EIR cannot be substantially lessened or avoided. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the Final EIR, the source references in the Final EIR, and other documents and material that constitute the record of proceedings.

 Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will 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 hereby finds that the each of the project’s benefits, as listed below, outweighs and overrides the significant unavoidable impacts of the Project.

Summarized below are the benefits, goals and objectives of the Project. These provide the rationale for approval of the proposed Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impacts of the Project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the Project and the certification of the completed Final EIR. Despite the unavoidable albeit short-term construction-related air quality and noise impacts caused by construction of the Project and cumulative GHG emissions, the City approves the Project based on the following contributions of the Project to the community:

- Provide 482 units of needed housing.
- Provide new residential and commercial use consistent with the sites Regional Center designation along existing (Metro Rapid) and future (Redline) transit lines.
- Replace an existing underutilized and deteriorated strip commercial center, vacant former church and surface parking with a well-designed, lushly landscaped and architecturally distinct new mixed use development.
- Enhance walkability by proving wider sidewalks, double rows of street trees on Wilshire and Sycamore, and ground floor neighborhood serving commercial uses to activate the pedestrian experience.
• Provide "eyes on the street" (i.e. Future residents) that will act as a deterrent to crime and graffiti.
• Provide a substantial amount of landscaped open space, including approximately 1800 square feet privately maintained open space accessible to the community at the corner of 8th Street and Sycamore.
• Generate revenues to the City through new sales and increased property taxes.
• Create over 800 full time equivalent construction and 134 permanent jobs.
• Provide neighborhood-serving commercial uses within walking distance of the new and existing residences.

In addition, Project will accomplish the following objectives:

• to provide multi-family residential housing in an urban area of the City of Los Angeles where there is substantial demand for such housing;
• to promote the use of public transportation by providing housing, retail shopping, and dining opportunities adjacent to a major public transit corridor;
• to provide retail shopping and dining opportunities for the local community;
• to promote walkability by providing housing, retail shopping, and dining opportunities in close proximity to adjacent commercial and residential uses;
• to meet the City’s green building ordinance, which will enhance the City’s sustainability goals;
• to develop the site with land uses consistent with the intent of the Wilshire Community Plan and the Miracle Mile Community Design Overlay District Design Guidelines and Standards;
• to improve and integrate the streetscape along Wilshire Boulevard and La Brea Avenue;
• to provide jobs within the Wilshire Community Area of Los Angeles;
• to provide a development in the Miracle Mile District that respects the height of adjacent historic buildings; and
• to develop the site with structures that are compatible with existing residences to the east in terms of scale, mass, and bulk.

H. Mitigation Monitoring Program

In accordance with the Requirements of Public Resources Code § 21081.6, the Advisory Agency hereby adopts the Mitigation Monitoring Program, which is described in full in Section IV of the Final EIR for the Proposed Project, and is incorporated herein by this reference. The City reserves the right to make amendments and/or substitutions of mitigation measures if the City or their designee determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impacts to at least the same degree as the original mitigation measure, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

I. Independent Judgment

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.
J. **Substantial Evidence**

The City finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, Traffic Study, and other related materials, each of which are incorporated herein by this reference. Moreover, the City finds that where more than one reason exists for any finding, the City finds that each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

K. **Relationship of Findings to EIR**

These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control and the Draft EIR and Final EIR or both, as the case may be, are hereby amended as set forth in these Findings.

L. **Project Conditions of Approval**

Each of the Project features and mitigation measures referenced herein shall be conditions of Project approval to be monitored and enforced by the City pursuant to the building permit process and the Mitigation Monitoring Program. To the extent feasible, each of the other findings and conditions of approval made by or adopted by the Advisory Agency, the City Council, or other City agency, department, or body in connection with the Project are also incorporated herein by this reference.

M. **Custodian of Documents**

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.

N. **No Recirculation**

(a) CEQA requires that the lead agency recirculate an EIR when significant new information is added to the EIR after public notice of its availability has previously been given but prior to its certification. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible Project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the Project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
(c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.

(d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.

(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

The Final EIR documents changes to the Draft EIR. The Final EIR provides additional analysis that was not included in the Draft EIR. Furthermore, the Final EIR Responses To Comments fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and includes substantial evidence that none of these comments provided substantial evidence that Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

The City staff and the City Planning Commission have thoroughly reviewed the public comments received regarding the Project and the Final EIR to determine whether any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption.

The minor changes to the Project since completion of the Final EIR (a reduction in dwelling units and commercial square footage and an increase in the size of the publicly accessible open space at 8th Street and Sycamore) would result in reduced or the same impacts as set forth in the EIR. The reduction in overall building height, massing and density will reduce the project’s potential visual character, view blockage impacts and shade/shadow impacts as compared to those described in the Final EIR.

The reductions of the height and mass of the Project since completion of the Final EIR will result in less overall building construction. However, the type and amount of construction equipment operating on any given day will be the same as analyzed in the EIR, so impacts from construction noise and air quality impacts will be the same as set forth in the EIR.

The reduction in the number of dwelling units and commercial space will result in fewer vehicle trips and a corresponding reduction in mobile source criteria pollutant, mobile noise and GHG emissions during operation. Therefore, the Project’s operational noise and air quality impacts would be less than set forth in the EIR.

The reduction in the number of dwelling units and commercial space will result in a corresponding reduction in energy and water consumption, sewer and solid waste generation, and demand for schools, parks, and fire and police protection as compared to the EIR. It will also reduce to total population and housing onsite and thus potential population and housing impacts will be less than set forth in the EIR.

The current Project would also result in demolition of all existing on-site structures. Therefore impacts to potential onsite historic resources would be the same as set forth in the EIR and less than significant. The Project has reduced height and massing and larger open space buffer at Sycamore and 8th Street as compared to the design analyzed in the EIR. The architectural style and design will be similar. Therefore, the currently proposed Project would be more compatible with off-site historic resources than set forth in the EIR and impacts would be less than the less than significant impacts set forth in the EIR.
The current Project would also include the temporary relocation of the existing wireless telecommunication facility on the rooftop of the Wilshire Grace church building to the ground of the project site during construction of the Project to allow for continued operation and service. Upon completion of the Project, the wireless facility would be permanently located on the rooftop in compliance with City standards for such facilities. The temporary relocation would result in a less than significant impact.

The changes to the Project will not affect other impacts analyzed in the EIR, including geology, hazards and hazardous materials, and land use and the Project characteristics with respect to these areas have not changed.

Finding. The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including the changes in the Project in response to input from the community and the Council Office, include or constitute substantial evidence that would require recirculation of the Final EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the Final EIR prior to its certification, and that the Final EIR need not be recirculated prior to its certification.
PUBLIC HEARING AND COMMUNICATIONS

Summary of Public Hearing Testimony and Communications Received

The Public Hearing on this matter was held at Los Angeles City Hall, 200 North Spring Street, 10th Floor, Room 1020, Los Angeles, CA 90012 on Wednesday, May 27, 2009 at 9:00 AM.

1. Present: Approximately 23 people attended: The applicant and team members, a representative from the Miracle Mile Chamber of Commerce, the Sycamore Square Residential Association, a neighboring property owner, a representative from Council Office 4, and representatives from the Sycamore Square Neighborhood Association, the Miracle Mile Chamber of Commerce, and the Miracle Mile Residential Association.

2. Public Speakers: 3 in support; 6 in opposition.

3. The Applicant’s Representative and other team members spoke at the hearing and made the following statements:

   a. The project has changed significantly over time. The project was introduced as an 18-story mixed use development with 645 units, 45000 sf in a high rise configuration. The applicant worked closely with the Council Office, and listened to them to result in a reduced project consisting of 482 residential units and 40,000 square feet of commercial use. The EIR analyzed the impacts for a project consisting of 562 apartment units and 45000 square feet of commercial use.

   b. The applicant responded to the public’s comments on the project height, and reduced the height from 7 stories to 6 stories, as well as project’s bulk and scale.

   c. The project’s frontage along Sycamore Avenue has been designed to provide an appropriate buffer from the homes on Sycamore Avenue. The project provides ten townhomes and ten flats three-stories tall, and lushly landscaped setbacks that exceed those required under existing zoning regulations.

   e. The project incorporates publicly accessible open space at 8th Street and Sycamore Avenue. The size of this space was refined and increased based on council office and community input.

   f. Voluntary “Q” Conditions were submitted to run with the land. Such include conditions to limit the height, commercial floor area, residential density, townhomes on Sycamore Avenue, setbacks, open space, and prohibition on certain noxious uses.

   g. Currently, zoning on the Wilshire portion of the site allows a 6:1 floor area ratio with a density of one residential unit for every 200 square feet. The project proposes to spread this density across the site resulting in project of a lower scale that would respect and buffer the residential units on Sycamore Avenue by including lower scaled townhomes and flats setback a minimum 23 feet from the curb space. This space will be landscaped to soften the buffer. Also, the project will introduce a scale that is compatible with existing uses and the spirit of the existing Q Condition on that portion of the site.
h. The applicant will work with the community to come up with a Neighborhood Protection Plan to address existing traffic concerns.

i. The project has maintained five values since the beginning of the project. The five values are 1) introduce great sidewalks, 2) be contextually relevant to the neighborhood, 3) provide meaningful open space, 4) provide courtyards and views towards the downtown skyline, and 5) provide separate components of the building. (architect)

j. The subject building (Columbia Savings) is not an important example of its type or style or period of construction and doesn’t meet the eligibility criteria, opinion has not changed with what information the LA Conservancy has provided. By comparison with other bank buildings with integrated art, this building pales by comparison and does not exemplify the post-war savings and loan bank context, or late mid century modern architectural aesthetic. (preservation architect)

k. The timeline for the State Office of Historic Preservation is the following: once the State Office of Historic Preservation has determined the application is complete, there is a 30 day notice period to the property owner. Then the item is placed on the commission agenda, which meets each quarter. By the most aggressive timeframe, the earliest this would be heard would be six months from the date of the hearing. For difficult matters, the commission would ask for more information and could take longer from 9 months to a year. For resources less than 50 years old, a high showing of exceptional significance must be shown. One of the most important factors is full documentation through scholarly evaluation of the role of the resource in the historic context.

l. The historic significance is not truly an issue. The attempt to for State nomination is an attempt to circumvent the City process. The City’s EIR concludes the building is not significant, and that’s the correct conclusion.

4. Nine people spoke at the public hearing portion the hearing.

a. The first speaker, president of the Sycamore Square Neighborhood Association, stated the following:

- The association’s desire to see the block revitalized, and would welcome new businesses proposed in area to enhance and protect community.
- Opposition to the applicant’s requested entitlements. She stated the association’s desire to preserve the historic density and scale of residential and commercial areas, to honor careful community planning of the Wilshire Community Plan and the historic areas and buffer zones created to protect residential areas. She stated there is a clear pattern for this site and for other areas near the site, and the blanket request would create an anomaly to the community by creating an out-of-scale development that sets a precedent of loss of other C2 lots. This would jeopardize the interwoven fabric of the community. She also stated that the Association has not had a chance to review the voluntary conditions submitted by the applicant.
- Concern for the project’s proposed density. The local neighborhood has a population of 1200 residents. The project would bring another 1,200 people to the area, and would bring a development that would be out of scale with the immediate area. She stated the association’s opposition to any plan that would bring in more units than what would be allowed under the current zone.
• Opposition to adoption of the EIR for an inadequate traffic study, the project parking, green space, infrastructure, density, and the cumulative effects of piecemeal zoning changes in neighborhood.
• A petition of 100 signatures from residents of the area was provided.

b. The second speaker, president of the Miracle Mile Residential Association, stated the following:

• The Wilshire Community Plan Update should be looked into carefully when considering the site and the requested plan amendment. The staff report for the plan update showed a lot of zones were that were up-zoned and down-zoned.
• The subject lot was kept at the C2 zone to make it consistent with the units across the street.
• There is nothing binding when it comes to conditions on Q conditions in planning code. The project on 5600 Wilshire went through four plan changes, and what it is now was not what was presented. The 5600 Wilshire project is only 85 percent of the lot size of subject project (2.66 acres vs. 3.2 acres). The 5600 Wilshire project proposed 288 units, while the subject project nearly doubles it while being only 15 percent larger. The subject project will be a massive structure.
• When working on Community Design Overly, there was no thought of vacating this alley. People do use alley to have cars come in and out of project
• Opposition to the zone change. The two parcels should remain C2.

c. The third speaker, a member of the Sycamore Square Neighborhood Association, stated the following:

• Approval of the zone change to the C4 zone would lead to a loss in buffer zones for residences.
• There is not enough green space. Other projects along Wilshire have included green belts. This project should do the same. The closest playground is 10 blocks away. The project needs large green space to serve as buffer zone and to provide neighborhood with park

4. The fourth speaker, a resident of Sycamore Square, stated the following:

• The project would impact her and her family by bringing in 1,200 more residents. The project will double the population in the neighborhood.
• There are almost 3,600 new units less than a mile away, and a new BMW dealership proposed on Wilshire. The project would significantly increase traffic.
• She disagrees with the EIR, which states there will be no impact on the neighborhood.
• There needs to be more traffic mitigation measures. She had received document from Overland Traffic Consultants. The document included potential neighborhood calming measures, of which many cannot be applied to this type of urban setting.
• She is not entirely opposed to the project. The project would definitely impact quality of life of family, and residents will have to bear burden of reduced city services, increased class sizes, pay more for water and city services, and seen increase in rise of crime in neighborhood.
5. The fifth speaker, a resident of the area, stated the following:

- Neighborhood feels like community, this is community focused neighborhood, concerned about neighborhood and traffic, represent four dozen neighborhood, not typical LA Community, concerned that people will leave, then crime goes up

More green space, more traffic, and water issues

6. The sixth speaker, president of the Miracle Mile Chamber of Commerce, stated the following:

- The site is a hodgepodge of zones and uses.
- The alley is not used because it leads to nowhere.
- The project brings much-needed housing, and housing on that corridor is what it should be planned for.
- The alternative to housing would be an office building, which would pale in comparison to the impacts of proposed project.
- The community is not totally opposed to the project.

7. The seventh speaker, a resident of the area, stated the following:

- Support for project with some mitigation measures. The project brings a mix of single, low, and high residential uses, and is a transit oriented development.
- There are many residents in the area, and Wilshire Boulevard and La Brea Avenue are two of the highest traveled streets in Los Angeles. There isn’t a better place to this high density development.
- The developer was responsive and sensitive to the context of the area. The developer looked at the perimeters, larger setback along Sycamore and kept height much lower than what they could build.
- The pocket park would be a delightful space provided by the developer.
- He would like to see plans that show sightlines looking from the residences on Sycamore towards the development to the west.
- The project will bring in much Quimby fees. He hoped the City and the Council Office will be wise in how to use and develop the necessary park space in the area.
- The project is an example of the elegant density that needs to occur in a highly trafficked area.
- Preserving the existing hodgepodge of zones and uses results in nothing but a hodgepodge.
- Preserving alley and zoning makes the project unbuildable and will leave the site as a hodgepodge of uses.
- Q Conditions would run with the land, so in the future, if developer should drop out, they would have to go through this process all over again.

8. The eighth speaker, a resident of the area, stated the following:

- The reason he and his family chose live and work in the area is because of the complex nature of this urban core of the area. The area includes museums, cultural life, retail, and restaurants, as well as different intensities of housing.
- The developer is doing a wonderful job in building a cohesive project.
- He hopes the developer will meet the neighbors’ needs.
9. The ninth speaker, a member of the Sycamore Square Neighborhood Association, stated the following:

- She attended many meetings. There have been request to present a project that falls within the current zoning parameters, but nothing has been provided.
- This project violates all of the points in DO REAL PLANNING, and is an excellent example of what not to do.
- The plans and renderings don’t show the perspective and sightlines from the residences on Sycamore Avenue to the development to see scale of project.
- The pocket park is insufficient for recreation use since the project brings in 1,200 more residents.
- A shade and shadow study should be submitted.
- She stated opposition to the project and requested the EIR be rejected.

10. The tenth speaker, a preservation advocate for the Los Angeles Conservancy, stated the following:

- The Conservancy’s views of project and Columbia Savings are well known. The Responses in EIR continue to deny the significance of the Columbia Savings Building. To resolve historic status of the Columbia Savings Building under CEQA, the Conservancy submitted a nomination to the California Register of Historic Resources to the State Office of Historic Preservation last week. The nomination has also been mailed to the City of Los Angeles Office of Historic Resources, for review and comment.
- There are creative options exist to use Columbia Savings while meeting project objectives. Stained glass ceiling, expansive ground floor, and marquee location, Columbia Savings is ideal for conversion to a high-end restaurant indoor recreation and fitness areas, and or ground floor retail.
- Any action on final EIR be deferred until nomination has been voted on by state historic resources commission, if successful, there are thorough alternatives in the EIR.

11. The final speaker was Renee Weitzer of Council Office 5, who stated the following:

- The project came into the office for review in 2006. The Council Office works with the community to discuss projects. There were quite a few meetings, with the last meeting held on May 14, 2009. The turnout at these meetings was disappointing.
- There were lots of discussions regarding the pocket park. Council Office worked on project for two years and worked to reduce project. The Council Office worked closely with the community, especially the Miracle Mile Community, on several of the projects in the past years.
- Wilshire and La Brea is a major intersection where there will be a subway. The Councilman is supportive of subway, and would like to see a knockout panel for subway. There are many ways to develop site. Because site has so many zones, you can do a 30-story building, squeeze it all in, or spread project out so you don’t have all density on one corner. Community members didn’t like height originally proposed. As a result, the project was significantly reduced from 18 to 6 stories.
Site is well planned. There are reductions in scale and large setbacks. The developer will provide only 20 townhomes on Sycamore Avenue, which would be in sync with other development on Sycamore. The setbacks on Wilshire and La Brea make this a pedestrian friendly development.

She was surprised that after working on this project for two years, at the very last minute, there is no consensus.

She mentioned various projects in the area that have greenbelts. These were the result of development agreements, and the city giving them the public rights-of-way. These spaces were also given through zone variances and zone changes.

Quimby funds have to be used within 2 miles of site. State law. There is a need for a real park in the community. The pocket park is at the corner of Sycamore and 8th Street so that the building would not be set at that corner. The open space area is not meant to be a real park.

The developer has large Quimby fees on site. The Council Office would work with community to find a site to build a park. She stated the Council Office will work with community and reminded the public that the $2.5 million plus would will stay in the area as State law mandates.

Council Office suggested that BRE work with a group would be put together to work on mitigation of traffic, speed humps, or whatever, the group knows the community best, and ask the developer to set aside a certain amount of funds to do whatever it is the community feels would help them (stop signs, signals, etc).

Council Office states this is a good project. It is well-designed, tried to work with everybody. She is disappointed that the community came at the last hour in opposition when they did not show up fully to all meetings. Council Office would work with community to continue on discussions.

5. Organizations testifying in SUPPORT: Miracle Mile Chamber of Commerce

Organizations testifying in OPPOSITION: Sycamore Square Neighborhood Association, Greater Wilshire Neighborhood Council, Miracle Mile Residential Association

6. Communications Received

a. Petitions – Support: 0.
   Petitions – Opposition: Sycamore Square Neighborhood Association (94 names).

   Letters – Opposition: 11.
   Letters – Public Comment: 1

Letters of support
- Stephen W. Kramer, Miracle Mile Chamber of Commerce
- Joyce Kleifield, Director of Development, Fairfax Parents and Friends Foundation, Fairfax High School
- Jonathan Hodge, resident
- Charles S. Cordero, AIA

Letters of opposition:
- Elizabeth Fuller, President, Sycamore Square Neighborhood Association
- Charles Dougherty, President, Greater Wilshire Neighborhood Council
- Fredeick H. Pickel, President, The La Brea – Hancock Homeowners’ Association
7. Hearing Officer Comments

The project makes attempts to respect the neighboring uses. The project’s design includes elements that reflect buildings surrounding the site, and meets guidelines of the Miracle Mile CDO. The requested General Plan Amendment and Zone Change raise the issue of the loss of the C2 lots that serve as transitions to residential neighborhoods. The east façade after the project is complete, will average 23 feet from the public right-of-way, while the end of the ‘finger’ portions of the building will be 47 feet 6 inches from Sycamore Avenue. The project proposes large setbacks from Sycamore Avenue, a publicly accessible open space, lush landscaping and 10 townhomes and 10 flats along the east portion of the site. This portion of the site will reach a maximum height of 54 feet to bring this portion of the site to scale with the 12-unit apartment building and duplexes to the east.

Staff did consider other ways to address concerns of the loss C2 lots. The first possibility is to allow for anywhere from 10 to 16 townhomes/flats along Sycamore Avenue. Proposing 10 townhomes could reduce the height of the units along Sycamore Avenue to 33 feet, and be consistent with the residential structures to the east. The reduction from 20 townhomes/flats to 16 would likely maintain the building height for that portion of the building to 54 feet and maintain the two dwelling units per lot appearance since there are eight lots zoned [Q]C2-1 within the project site. Project alternatives analyzed in the EIR include 21 townhomes built at a maximum height of 33 feet. Both scenarios would serve as additional ways to respect the neighborhood along Sycamore, but do not address the loss of C2 lots.

Other scenarios would be to implement transitional height or apply the concept as described in Section 12.21.1-A,10 of the LAMC. This section of the code would apply to lots in the C or M zone that abuts an RW1 or more restrictive zone. The project site is across the street from R2 lots and would not be applicable. Nevertheless, applying transitional height would lead a complete redesign of the project, loss of a significant number of units and levels, and would dismiss the efforts made by the developer, community and the council office to work on a design that fits the context of the neighborhood. One other possibility would be to remove a few of the units (6 units) near the ‘fingertips’ of the ‘finger’ building to provide for more of a transition of height.

The project site is a collection of lots under single ownership. At the time of the Wilshire Community Plan Update, the site was owned by separate owners, and there was no contemplation of a single development over the entire site in the update. On top of the project’s design, the applicant has made efforts to achieve compatibility and sensitivity to its neighbors by proposing volunteered “Q” Conditions, and volunteering to work on a neighborhood protection plan with the community. Furthermore, it should be noted that the C4 zone is more restrictive than the C2 zone. The C4 zone allows C2 uses but prohibits specific uses allowed in the C2 zone. It is unlikely this project would establish a precedent for the loss of C2 lots that serve as transitions for residential neighborhoods. The site is a collection of 21 lots under single ownership that covers the entire city block, bounded by commercial uses on three of its side, at
a major intersection. It would be unusual to find a project site is similar to size and location within the Wilshire Community Plan area.

According to the applicant’s representative, the project could build a maximum 455 residential dwelling units. The project proposes 482 units with several features that address the community’s concern and bring much benefit to the area. The project has responded to the community and the Council Office by revising the project three times, reducing the number of units as well as its scale, while continuing to meet the goals of the Wilshire Community Plan.

Description of Exhibits

Exhibit E-1  Maps
Exhibit A  Plans
Exhibit B  Plans – Building Height
Exhibit E-3  Environmental Clearance
Exhibit E-4  Reports Received
Exhibit E-5  Communication to City Planning Commission