



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 4, 2010

TO: Wayne Rew, Chair
Pat Modugno, Vice-Chair
Esther Valadez, Commissioner
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner

FROM: Mi Kim 
Principal Regional Planning Assistant
Zoning Permits I Section

**SUBJECT: NOVEMBER 10, 2010 RPC PUBLIC HEARING
AGENDA ITEM NO. 6
PROJECT NO. R2009-02015-(2)
RPA200900013/RZC200900013/RCUP200900150/RPKD201000005/
RENV 200600147
MILLENNIUM-PLAYA DEL MAR APARTMENTS**

Please see the updated conditions of approval reviewed by County Counsel.

If you have any questions, please do not hesitate to contact me via email at mkim@planning.lacounty.gov or at (213) 974-6443.

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This grant authorizes the construction of a 196-unit apartment complex on 4.93 acres with 353 parking spaces, called the Millennium-Playa Del Mar Project. The project consists of apartment units wrapped around a parking structure with 329 parking spaces, and includes six, two-story carriage units on the northern property boundary with additional parking in private garages. The project has a maximum height of 51 feet. Height graduates from two to three story elements on the north and south to four stories towards the center of the property, concentrating height towards the middle and away from adjacent properties. An eight-foot high block wall, 10-foot wide landscaped setback, carriage units, and driveway buffer single-family residences on the north from the apartment as depicted on the approved Exhibit "A." This grant is subject to all of the following conditions of approval.

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant authorizes the construction of a 196-unit apartment with 353 parking spaces with north and south elevations and setback as depicted on the approved Exhibit "A."
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition 7, and until all required monies have been paid pursuant to Condition 9 and Condition 10. Further, this grant shall not become effective unless and until the County of Los Angeles Board of Supervisors has adopted General Plan Amendment Case No. 200900013 and Zone Change Case No. 200900013, and an ordinance effecting such change of zone has become effective. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 4, 5, 8, and 10 shall be effective immediately upon final approval of this grant by the County.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the

County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to; depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted.
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by the court of competent jurisdiction the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee or the owner of the subject property if other than the permittees shall **record the terms and conditions** of the grant in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee or the property owner or shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two years from the date of final approval of this grant by the County. The date of final approval is the date the County's action becomes effective pursuant to Section 22.60.260 of the Los

Angeles County Code. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County of Los Angeles the sum of **\$600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **three (3) annual** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Within 3 days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently, **\$2,867.25** (\$2,792.25 for an Environmental Impact Report plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
11. Within 30 days of the date of final approval of this grant by the County, the permittee shall record a covenant and agreement, which attaches the Mitigation

Monitoring Program ("MMP") and agrees to comply with the mitigation measures imposed by the Environmental Impact Report for this project, in the office of the Los Angeles County Recorder. Prior to recordation, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for review and approval. The reports shall describe the status of the permittee's compliance with the required mitigation measures.

12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
13. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
15. All structures shall conform with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
16. All structures, walls and fences open to public view shall remain free of graffiti or extraneous markings, drawings or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

18. Prior to issuance of a certificate of occupancy for the project, the permittee shall submit to the Director of Planning for approval three copies of sign elevations depicting any proposed permanent signs on the subject property. Signs shall be in conformance with Part 10 of Section 22.52 of the County Code.
19. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.
20. Three copies of a landscape plan shall be submitted to and approved by the Director of Planning before issuance of a building permit. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The landscape plan may be incorporated into the revised site plan required in condition 16. All required landscaping shall be continuously maintained in good condition, including proper pruning, weeding, removal or litter, fertilizing and replacement of plants when necessary.
21. Pursuant to Chapter 22.72 of the County Code, a Library Facilities Mitigation Fee in the amount of \$172,152 (\$797 per dwelling unit) or the amount required by Chapter 22.72 at the time of payment, if different, shall be paid to the County of Los Angeles Public Library. The fee must be paid prior to the issuance of the building permit and proof of payment shall be provided to the Department of Regional Planning. Contact the County Librarian at (562) 940-8430 regarding payment of fees.
22. The construction, operation and maintenance of the apartment complex is subject to all of the following conditions:
 - a. The permittee shall maintain all areas of the premises in a neat and orderly fashion, free of litter and debris.
 - b. Roof-top mechanical equipment such as air conditioning units shall be screened from pedestrian view.
 - c. A minimum of 353 automobile parking spaces , which include spaces for guests, shall be provided and maintained pursuant to County Code Section 22.52.1180. The required parking shall be continuously available

for vehicular parking only and shall not be used for storage, vehicle repair, or any other unauthorized use.

- d. The permittee shall provide a "hotline" number onsite during construction of a responsible person to take inquiries and complaints during construction hours regarding construction activities and construction personnel, if any. A log shall be kept of all inquiries and complaints and the resolution of any complaints.
- e. During construction, the permittee and its contractor shall comply with section 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise, to the extent feasible.
- f. To reduce construction traffic, grading and construction equipment shall be stored on the project site while in use and construction employee shall park on the project site if feasible.
- g. The permittee shall provide flagmen or other personnel to direct traffic entering or existing Grosvenor Blvd during construction to give priority to residents, visitors, and other passenger vehicles.
- h. The project site shall be fenced during construction to reduce wind-blown dust. Construction materials shall be covered. All storage soil and sand shall be covered. All debris shall be cleaned up daily and put in a dumpster which shall be covered at the end of each day.
- i. All clearing, grading, earth moving, and excavation activities shall cease during periods of high winds (e.g. greater than 15 miles per hour).
- j. If the site is graded and left undeveloped for over three weeks, the permittee shall employ various methods to inhibit dust generation including seeding, watering, spreading soil binders, and other dust suppression methods to the satisfaction of the Director of Regional Planning.
- k. Dust and mud generated by project construction shall be kept on-site through the use of dust and mud control measures, including watering or sprinkling the site at least twice daily or more frequently as necessary, covering or watering exposed pits, erecting dust fences, tarping debris transport trucks, washing the tires of any vehicles leaving the construction

site, and/or other measures as appropriate.

- l. Streets and driveways immediately adjacent to the site shall be swept at least once a day during excavation and grading and more frequently if needed to remove dust and silt that may accumulate from earth work activities.
- m. Demolition and excavation operations shall be suspended during second stage smog alerts in the area. All materials used on-site shall be controlled in accordance with SCAQMD.
- n. The permittee shall comply with Drought Tolerant Landscaping Ordinance requirements, including, but not limited to the following:
 - 1) Minimum 75 percent of all landscaping must be drought-tolerant.
 - 2) Grass or turf must be maximum of 25 percent of all landscaping, 5,000 square feet, water efficient, and at least five feet in width.
 - 3) Plants with similar water needs are to be grouped together.
- o. The permittee shall comply with Green Building Ordinance, including, but not limited to the following:
 - 1) Plant one 15-gallon tree per 5,000 square feet of developed area, at least 65 percent of which trees must be from the Drought Tolerant Plant List. Existing trees (any species) greater than or equal to six inches in diameter may count towards required tree planting.
 - 2) Project must comply with Green Building requirements unless waived or modified by Los Angeles County Department of Public Works.
 - 3) Three copies of a landscape plan shall be submitted to and approved by the Director of Planning before issuance of a building permit. The landscaping may be incorporated into the revised Exhibit "A" described above, showing the size, number, type, and location of all plants, trees, and watering facilities to be installed at the site. The permittee shall maintain all landscaping in a neat,

PROJECT NO. R2009-02015-(2)
GENERAL PLAN AMENDMENT NO. 200900013
ZONE CHANGE NO. 200900013
CONDITIONAL USE PERMIT NO. 200900150
PARKING DEVIATION NO. 201000005

DRAFT CONDITIONS
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clean, and healthy condition, and shall properly prune, weed, remove litter, fertilize, and replace plants when necessary. Landscape watering facilities, if any, shall consist of a permanent water-efficient irrigation system, such as "bubbler" or drip irrigation, to irrigate all landscaped areas, except for turf or other ground cover.

- p. The permittee shall comply with Low Impact Development Ordinance requirements unless waived or modified by Public Works.
- q. The permittee shall comply with the conditions of the County of Los Angeles Fire Department as outlined in their letter dated October 27, 2010, attached hereto and incorporated herein by this reference, except as otherwise required by said department.
- r. The permittee shall comply with the conditions of the County of Los Angeles Department of Public Works conditions as outlined in their letter dated June 29, 2010, attached hereto and incorporated herein by this reference, except as otherwise required by the said department.
- s. The permittee shall comply with the conditions of the County of Los Angeles Department of Public Health conditions as outlined in their letter dated April 22, 2010, attached hereto and incorporated herein by this reference, except as otherwise required by the said department.
- t. Prior to issuance of building permits the applicant shall pay all required fees, including library and school mitigation fees.

Attachment:

Letter from Department of Public Works dated June 28, 2010
Letter from Fire Department dated October 27, 2010
Letter from Department of Public Health dated April 22, 2010

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