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August 22, 2017

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CASE NO. ZA-2016-272-ZAA-SPR-CLQ  
ZONING ADMINISTRATOR'S  
ADJUSTMENT, SITE PLAN REVIEW,  
Q CLARIFICATION  
141 West Avenue 34  
Northeast Los Angeles Planning Area  
Zone : [T][Q]CM-2D  
D. M. : 142-5A221, 142-5A223  
C. D. : 1  
CEQA : ENV-2016-273-MND  
Legal Description: Lot A, PM 541 Tract

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

a Zoning Administrator's Adjustment to allow a 0-foot side yard in lieu of 8 feet, as otherwise required by LAMC Section 12.17.1.C, to preserve an existing building with a non-conforming yard in the [T][Q]CM-2D Zone;

Pursuant to LAMC Section 16.05, I hereby APPROVE:

Site Plan Review to allow the construction, use, and maintenance of a project with 50 or more units; and

Pursuant to LAMC Section 12.32 H, I hereby APPROVE:

the requested Clarification of Q Condition A.1.c of Subarea 4 (Ordinance 179,280) to clarify that Neighborhood Services include creative office uses,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
7. Approved herein is the construction, use, and maintenance of a mixed-use development comprised of the following:
  - a. Building A, a five-story with mezzanine, 90,870 square-foot mixed-use residential/commercial building with 67 residential units and 10,000 square feet of Neighborhood Retail or Neighborhood Services uses;
  - b. Building B, a five-story with mezzanine, 186,680 square-foot residential building with 148 units, including an existing one-story building;
  - c. Building C, a five-story with mezzanine, 207,050 square-foot residential building with 157 units;
  - d. Creative Office Building, a three-story, 22,037 square-foot creative office building;
  - e. Creative Office Building II, an existing one-story building having 7,963 square feet of creative office uses; and
  - f. One level of subterranean parking over the entire site.
8. **Floor Area.** The project shall be limited to a maximum floor area of 524,600 square feet for a FAR of 2.6:1.

9. **Height.** The project shall be limited to 75 feet in height and a maximum of five stories with a first floor mezzanine level.
10. **Residential Density and Affordable Units.** The project shall be limited to 372 residential dwelling units. A minimum of 31 units, that is 11 percent of the base dwelling units, shall be reserved as affordable units for Very Low Income households, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2).
11. **Commercial Floor Area.** The project shall provide a minimum 40,000 square feet of commercial floor area, including 30,000 square feet of creative office and 10,000 square feet of Neighborhood Retail or Neighborhood Services uses.
12. **[Q] Conditions.** Prior to the issuance of building permits, the applicant shall submit final construction documents to the Department of City Planning, Central Project Planning Bureau, for the sign-off of [Q] Conditions (Ordinance 179,280). The project shall strictly comply with every [Q] Condition limitation imposed upon the use of the property, except as may be clarified as a result of this action.
13. **Parking.** The project shall provide a minimum of 313 vehicle parking spaces, or as required pursuant to AB 744. Parking provided in excess of the minimum parking requirements pursuant to AB 744 shall be open to the public during business hours. All but three (3) of the parking spaces shall be provided within the subterranean parking level, as shown in Exhibit "A". Bicycle parking shall comply with all applicable provisions of the Bicycle Parking Ordinance as implemented by the Department of Building and Safety.
14. **Open Space.** The project shall provide a minimum of 39,575 square feet of common open space as required by LAMC Section 12.21 G.2(a). The project shall provide a minimum of 64,744 square feet of publicly accessible open space and pedestrian paths that shall be accessible beginning at dawn and ending at dusk or close of on-site businesses, whichever occurs later, as required by Ordinance No. 179,280.
15. **Trees and Landscaping.** A minimum of 241 trees shall be provided on site, including 22 street trees. If the number of street trees is reduced, the landscape plans shall be revised and the trees shall be replaced elsewhere on the site to the satisfaction of the Department of City Planning. Landscaping shall be in substantial conformance with Sheets L100 and L200 (Ground Floor Landscape Plan and Roof Level Landscape Plan), and as required by the landscaping [Q] Conditions established by Ordinance No. 179,280.
16. **Site Planning.** At least seven of the ground floor units in Building B that face Avenue 34 shall include residential entries that are accessible from the public right-of-way, as shown in Sheet A200 (Elevations) of Exhibit "A".
17. **Setbacks.** The project shall observe an 8-foot wide side yard setback, with the exception of the existing non-conforming building on Avenue 34 to remain, which

may have a side yard setback of 0 feet.

18. **Materials.** Building materials and surfaces shall be in substantial conformance with Exhibit "A". Prior to the issuance of building permits, the applicant shall submit final construction documents to the Department of City Planning, Central Project Planning Bureau, to determine compliance with this requirement. The submittal of material samples is recommended beforehand.
19. **Driveways.** There shall be a maximum of two driveways on Avenue 34. There shall be no driveways on Pasadena Avenue. Driveway widths shall be the minimum permitted by the Los Angeles Department of Transportation.
20. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).
21. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 31 units available to Very Low Income Households, for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA.

### **Environmental Conditions**

#### **22. MM-BIO-1 Tree Removal (Non-Protected Trees)**

- Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

#### **23. MM-BIO-2 Habitat Modification (Nesting Native Birds)**

- Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for

raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

- If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
  - Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
  - If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.
  - Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
  - The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

**24. MM-HAZ-1 (Existing Toxic/Hazardous Construction Materials)**

(Lead Paint) Prior to the issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

**25. MM-HAZ-2 Construction Activity Near Schools**

- The Applicant and contractors shall maintain ongoing contact with administrator of Hillside Elementary School, Loretta Street Elementary School, and Los Angeles Leadership Academy Charter School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the

administrators or from the LAUSD's Transportation Branch (323)342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

- The Applicant shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- There shall be no staging or parking of construction vehicles, including vehicles to transport workers on Pasadena Avenue, adjacent to the school.
- Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on Pasadena Avenue, adjacent to the school, during school hours.

**26. MM-HAZ-3 Schools Affected by Grading Activity**

- Scheduling of trucks removing graded material shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

**27. MM-N-1 Increased Noise Levels (Demolition, Grading, and Construction Activities)**

In addition to satisfying the noise-related conditions identified in [Q] Condition 10 of Ordinance 179,280, the project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the Project Site's southerly and easterly property line to minimize construction noise levels at off site properties. The sound wall shall be a minimum of 8 feet in height to block the line of site of construction equipment and off site receptors at the ground level. The sound barrier shall include ¾ inch plywood or other sound absorbing material capable of achieving a 10 dBA reduction in sound level.

**28. MM-N-2 Increased Noise Levels (Parking Structure Ramps)**

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

**29. MM-PS-1 Police**

- **(Police):** The plans shall incorporate the Design Guidelines (defined in the following sentence) relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These

measures shall be approved by the Police Department prior to the issuance of building permits.

**30. MM-T-1 Transportation and Traffic**

- In addition to the TDM measures, all implementing measure(s) detailed in DOT's communication to the Planning Department (DOT Case No. CEN 15-43306 dated January 28, 2016), as provided below, shall be complied with:
  - The applicant shall explore the implementation of an on-demand van, shuttle, or tram service that connects the project employees to off-site transit stops based on the transportation needs of the project's employees. Such a service shall be included as an additional measure in the TDM program if it is deemed feasible and effective by the applicant.

**31. MM-T-2 Transportation Demand Management (TDM) Program**

- A preliminary TDM program shall be prepared and provided for DOT review prior to the issuance of the first building permit for this project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program shall include, but not be limited to, the following strategies:
  - Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
  - Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
  - Provide unbundled parking that separates the cost of obtaining assigned parking spaces from the cost of purchasing or renting residential units;
  - Accommodate flexible/alternative work schedules and telecommuting programs;
  - A provision requiring compliance with the State Parking Cash-out Law in all leases;
  - Coordinate with DOT to determine if the project location is eligible for future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
  - Provide on-site transit routing and schedule information;
  - Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing passes with transit providers;
  - Provide rideshare matching services;
  - Preferential rideshare loading/unloading or parking location;
  - Contribute to a one-time fixed fee contribution of \$75,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.

In addition to these TDM measures, DOT also recommends that the Applicant explore the implementation of an on-demand van, shuttle or tram service that connects the project employees to off-site transit stops based on the transportation needs of the project employees. Such a service can be included as an additional measure in the TDM program if it is deemed feasible and effective by the applicant.

- The Applicant shall implement a TDM/TMP to reduce the project trip generation by

15 percent. Specifically, the project shall not exceed a driveway trip volume count of 179 trips during the a.m. peak hour and 222 trips during the pm peak hour, at full occupancy. To achieve this peak hour driveway trip volume requirement through implementation of an on-site Transportation Demand Management (TDM) Plan the project shall implement a Trip Monitoring Program (TMP).

- The Applicant shall record a covenant and agreement to annually monitor and submit reports on the progress of the driveway trip reduction plan to DOT. Annual reports shall include a report on the observed trip generation and on the project's mode share. The detailed goals, objectives, terms and strategies of the TDM plan and reporting requirements shall be determined during the preparation of the final. The TDM plan is due prior to the issuance of any temporary or final certificate of occupancy permit for the project. The plan should also identify any appropriate penalties, should the project not achieve compliance with the targeted number of driveway trips within a year of exceeding the limits. The TMP shall continue until such time that the project has shown, for five (5) consecutive years, at a minimum of 85% occupancy, accomplishment of the peak hour driveway trip volume requirement as listed.

**32. MM-T-3 Transportation Systems Management (TSM) Improvements**

- The Applicant shall implement the upgrades, detailed below by LADOT's ATSAC Section, through the B-Permit process. LADOT's ATSAC Section has identified the need to update the existing traffic signal system. Specifically, install one CCTV camera, a new type 2070 controller, and the necessary infrastructure (including, but not limited to, fiber optic and interconnect) to activate the new installation, at the Pasadena Avenue / Avenue 26 and Daly Street intersection. The video fiber / fiber optic improvements must be guaranteed prior to the issuance of any building permit and complete prior to the issuance of any certificate of occupancy. Temporary certificates of occupancy may be granted in the event of any delay through no fault of the applicant, provided that, in each case, the applicant has demonstrated reasonable efforts and due diligence to the satisfaction of DOT

**33. MM-T-4 Construction Management Plan**

- A Construction work site traffic control plan shall be submitted to DOT for review and approval prior to the start of any construction work. The plans shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction related traffic shall be restricted to off-peak hours.
- All delivery truck loading and unloading shall take place on site or within the boundaries of an approved traffic control plan.

**34. MM-T-5 Transportation and Traffic (Construction)**

- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety at all times during the construction period.



**35. MM-T-6 Pedestrian Safety During Construction**

- The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic, and overhead protection, due to sidewalk closure or blockage, at all times.
- Should permanent pedestrian routes be unavailable due to construction, safe and accessible temporary pedestrian routes shall be provided adjacent to the project site.
- Covered walkways should be provided where pedestrians are exposed to potential injury from falling objects.
- The Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction and/or construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

**Administrative Conditions**

36. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews 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
37. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
38. **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.
39. **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.
40. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the

approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

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

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

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

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

Section 12.29 of the Los Angeles Municipal Code provides:

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

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### **APPEAL PERIOD – EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public

agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after SEPTEMBER 6, 2017, unless an appeal therefrom is filed with the Department of City Planning. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available online at <http://planning.lacity.org>.**

Public offices are located at:

Figueroa Plaza  
201 North Figueroa Street, 4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

West Los Angeles  
1828 Sawtelle Boulevard, 2nd Floor  
Los Angeles, CA 90025  
(310) 231-2901

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

#### NOTICE

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

## FINDINGS OF FACT

After thorough consideration of the statements contained in the application and the plans submitted therewith, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a Zoning Administrator's Adjustment, Site Plan Review, and Clarification of Q Conditions under the provisions of Sections 12.28, 16.05, and 12.32 H of the Los Angeles Municipal Code have been established by the following facts:

### BACKGROUND

The subject property is an approximately 219,320 square-foot (5.03 acre) site located in the Northeast Los Angeles Community Plan Area approximately 2.5 miles north of Downtown Los Angeles. The site is located within Subarea 4 of the Northeast Los Angeles Community Plan Ordinance Maps and is designated for Commercial Manufacturing land uses and zoned [T][Q]CM-2D. Pursuant to Ordinance 179280, the project is subject to site-specific "D" Development Limitations, which limit FAR to 3:1, and [Q] Conditions, which relate to site planning, pedestrian access, building design, architectural details, walls and fences, landscaping, and mechanical, security and trash equipment. The site-specific [Q] Conditions also impose Environmental Conditions, which relate to the general aesthetic appearance, upkeep, and character of the site.

The site is located within the East Los Angeles State Enterprise Zone, the Adaptive Reuse Incentive Area, and the Transit Priority Area. The site was initially included within the proposed boundaries of the Cornfield Arroyo Seco Specific Plan (CASP) study area; however, the project site was omitted from the CASP prior to adoption and instead is regulated by a specific set of development standards and guidelines established by Ordinance 179,280 independent from the surrounding Specific Plan Area.

The project site is currently developed with an active warehouse facility comprised of four light manufacturing and warehouse buildings, paved surface parking, and loading areas. The buildings include an 86,712 square-foot warehouse building, a 4,033 square-foot metal building, a 24,018 square-foot building, and a 3,521 square-foot building, constructed circa 1977, 1948, 1967, and 1929 respectively. The Los Angeles Historic Resources Inventory and Survey LA determined that none of the four buildings meet the eligibility standards for historic listing. The perimeter of the project site is lined with a fence. Six driveways off the north side of Avenue 34 and two driveways off the west side of Pasadena Avenue provide access to the site. A total of 39 non-protected trees and shrubs exist throughout the site. The properties surrounding the project site include commercial, multi-family residential, single-family residential, and vacant lots. The site is generally bound by a vacant undeveloped lot to the north, Pasadena Avenue to the east, Avenue 34 to the south, and rail right-of-way to the west:

North: To the north, the project site is bordered by a vacant undeveloped lot zoned Urban Center within the CASP.

East: Properties to the east of the project site along the east side of Pasadena Avenue are zoned [Q]RD2-1D, [Q]RD1.5-1D, [Q]PF-1D, and [T][Q]CM-2D and are developed with commercial, educational, and multi-family residential land uses.

South: The properties along Avenue 34 to the south of the project site are zoned Urban Center within the CASP and are improved with commercial and single-family uses.

West: A railroad right-of-way serving the light-rail Metro Gold Line borders the Project Site along the west side of the site. The property beyond the railroad right-of-way is zoned Urban Innovation within the CASP and is developed with industrial uses.

Pasadena Avenue is a Modified Avenue II with a designated half right-of-way of 38 feet and a current half right-of-way of 38 feet.

Avenue 34 is a Modified Local Street (Standard) with a designated half right-of-way of 30 feet; the current half right-of-way is 25 feet.

The project involves the demolition of an 86,712 square-foot warehouse building, a 4,033 square-foot metal building, and portions of a 24,018 square-foot building and 3,521 square-foot building, and the construction of a mixed-use development with 372 residential dwelling units and 40,000 square feet of commercial floor area (comprised of 30,000 square feet of creative office and 10,000 square feet of retail/neighborhood services space). The project would renovate a portion of the existing floor area for creative office space. The project would also reserve 11% of its base density (31 dwelling units) as Very Low Income housing for a ministerial density bonus of 35 percent. The development would include five buildings with approximately 524,600 square feet of floor area and a Floor Area Ratio (FAR) of 2.6:1. The proposed buildings would range in height from one to five stories, with a maximum building height of approximately 75 feet as measured by the Los Angeles Municipal Code (LAMC). The project would provide a total of 467 on-site parking spaces within one level of subterranean parking and at grade, and a total of 428 on-site bicycle parking stalls. All 39 on-site trees will be removed; a total of 241 trees are proposed, including roof areas and street trees.

Previous related action(s) include:

Case No. CPC-2006-5242-ZC-GPA – On June 14, 2007, the City Planning Commission approved and recommended that the City Council adopt a General Plan Amendment from General Commercial and Low-Medium II Residential to Community Commercial, and from Limited Industrial to Commercial Manufacturing, for locations surrounding the Heritage Square/Arroyo station, generally bounded by Marmion Way to the north, Pasadena Avenue to the east, Avenue 33 to the south and Figueroa Street to the west; approved a zone change from [Q]C2-1 VL and RD2-1 to [T][Q]RAS3-1 VL (Subareas 1 and 2) and, from MI-1 and MR1-1 to [T][Q]CM-2D (Subareas 3,4,5, and 6) and recommended that the City Council adopt the ordinance to effect the change of zone, subject to the conditions of approval attached; and adopted ENV-2006-5243-MND.

Surrounding Properties (500-foot radius):

ZA-2005-4442-ZAA – On October 23, 2005, the Zoning Administrator denied an adjustment from Section 12.17.5-D,1 to permit a reduced front yard of 8 feet in lieu of the required 15-foot front yard along the south side of Avenue 33, in conjunction with a proposed one-story 151,755 square-foot manufacturing/distribution center, located at 3209 Humboldt Street. On December 14, 2005, the East Los Angeles Area Planning Commission denied an appeal and sustained the Zoning Administrator's determination.

DIR-2003-5388-SPR - On November 18, 2003, the Director of Planning conditionally approved a Site Plan Review for the construction of a 151,775 square-foot warehouse/distribution facility on a project site totaling 4.38 acres zoned MR1-1, located at 3209 Humboldt Street.

**HEARING WAIVER FOR A ZONING ADMINISTRATOR'S ADJUSTMENT**

On May 24, 2017, the applicant's representative submitted a written request to waive the public hearing for the Zoning Administrator's Adjustment. Letters from neighbors and Gilbert Cedillo, Councilmember for the First Council District, were also submitted to the record in support of the hearing waiver. On June 1, 2017, the Chief Zoning Administrator tentatively waived the public hearing for the Zoning Administrator's Adjustment pursuant to LAMC 12.28 C.2(a), which provides in pertinent part:

- (a) *An application for an adjustment shall be set for public hearing unless the Zoning Administrator makes written findings in the record that the requested adjustment:*
- (1) *will not have a significant effect on adjoining properties or on the immediate neighborhood; or*
  - (2) *is not likely to evoke public controversy.*

The requested Zoning Administrator's Adjustment will allow for the preservation of an existing building in conjunction with the proposed project. It is noted that all new construction involved with the project will fully comply with all yard and setback requirements, and that no deviations are proposed or have been granted for the new structures. The existing building to be retained has been in existence for over 80 years without detriment to the surrounding neighborhood. As such, the requested adjustment will not have a significant effect on adjoining properties or on the immediate neighborhood, inasmuch as no physical changes to the setback would occur, and therefore a public hearing is not required pursuant to LAMC 12.28 C.2(a).

The other requested entitlements, a Site Plan Review and Clarification of Q Conditions, do not require a public hearing.

**FINDINGS**

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

- 1. While site characteristics or existing improvements make strict adherence to the zoning regulation impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The project involves the demolition of an 86,712 square-foot warehouse building, a 4,033 square-foot metal building, and portions of a 24,018 square-foot building and 3,521 square-foot building, and the construction of a mixed-use development with 372 residential dwelling units and 40,000 square feet of commercial floor area (comprised of 30,000 square feet of creative office and 10,000 square feet of retail/neighborhood services space). The project would renovate a portion of the existing floor area for creative office space. The project would also reserve 11% of its base density (31 dwelling units) as Very Low Income housing for a ministerial density bonus of 35 percent. The development would include five buildings with approximately 524,600 square feet of floor area and a Floor Area Ratio (FAR) of 2.6:1. The proposed buildings would range in height from one to five stories, with a maximum building height of approximately 75 feet as measured by the Los Angeles Municipal Code (LAMC). The project would provide a total of 467 on-site parking spaces within one level of subterranean parking and at grade, and a total of 428 on-site bicycle parking stalls. All 39 on-site trees will be removed; a total of 241 trees are proposed, including roof areas and street trees.

As part of the project, the applicant is requesting a Zoning Administrator's Adjustment to allow a 0-foot side yard in lieu of the 8-foot side yard required by LAMC Section 12.17.1.C, in order to preserve an existing building with a non-conforming yard. Specifically, the project will involve the rehabilitation and adaptive reuse of an existing 3,521 square-foot light manufacturing building (153 West Avenue 34), which has been built to the property line and would result in a non-conforming 0-foot side yard if retained. The non-conforming building would be repurposed as a leasing center and spa for the proposed development.

The intent of the side yard regulations is to provide adequate separation between buildings so as to provide reasonable privacy and access to sunlight and air for building occupants. In this instance, the presence of an existing non-conforming structure makes strict adherence to the regulations impractical as compliance with the side yard requirement would require partial or full demolition of a circa 1929 building and the loss of its unique brick façade, which the applicant seeks to retain for architectural and urban design reasons. Nonetheless, the project is consistent with the intent of the side yard regulations: the subject site is over 5 acres in area, and the nearest structure on a neighboring property is at least 100 feet from the subject non-conforming building. Furthermore, all new construction involved with the



property will comply with setback requirements, and no deviations are requested for new structures. The project will be required to comply with all building separation and minimum passageway requirements, and no such deviations have been requested or granted herein. A total of 39,575 square feet of open space is proposed. As such, the project conforms with the intent of the side yard regulations by providing adequate separation between buildings, and occupants and neighbors alike will have reasonable privacy and access to sunlight and air.

2. **In light of the project as a whole include any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject property is an approximately 219,320 square-foot (5.03 acre) site in the Northeast Los Angeles Community Plan approximately 2.5 miles north of Downtown Los Angeles. The site is located within Subarea 4 of the Northeast Los Angeles Community Plan Ordinance Maps and is designated for Commercial Manufacturing land uses and zoned [T][Q]CM-2D. The site is located within the East Los Angeles State Enterprise Zone, the Adaptive Reuse Incentive Area, and the Transit Priority Area. The site is not subject to the Cornfield Arroyo Seco Specific Plan (CASP) and is regulated by a specific set of development standards and guidelines established by Ordinance 179,280 independent from the surrounding Specific Plan Area.

The properties surrounding the project site include commercial, multi-family residential, single-family residential, and vacant lots. The site is generally bound by a vacant undeveloped lot to the north, Pasadena Avenue to the east, Avenue 34 to the south, and rail right-of-way to the west.

The project involves the construction of a mixed-use development with 372 residential dwelling units and 40,000 square feet of commercial floor area (comprised of 30,000 square feet of creative office and 10,000 square feet of retail/neighborhood services space). The development would include five buildings with approximately 524,600 square feet of floor area and a Floor Area Ratio (FAR) of 2.6:1. The proposed buildings would range in height from one to five stories, with a maximum building height of approximately 75 feet as measured by the Los Angeles Municipal Code (LAMC). The project would provide a total of 467 on-site parking spaces within one level of subterranean parking and at grade, and a total of 428 on-site bicycle parking stalls. All 39 on-site trees will be removed; a total of 241 trees are proposed, including roof areas and street trees.

As noted, the project is subject to site-specific "D" Development Limitations, which limit FAR to 3:1, and [Q] Conditions, which relate to site planning (including location, size, and height), pedestrian access, building design, architectural details, walls and fences, landscaping, and mechanical, security and trash equipment. The site-specific [Q] Conditions also impose Environmental Conditions, which relate to the general aesthetic appearance, upkeep, and character of the site. As clarified herein,

the project complies fully with these "D" Development Limitations and [Q] Conditions, which were adopted in 2007 by the City Council (Ordinance 179,280) specifically to enable mixed-use, transit-oriented projects of this nature on the subject property. Because the project has been designed in careful consideration of the site-specific land use regulations of the Ordinance, and no deviations are proposed with respect to these requirements, the project's location, size, height, operations, and other significant features will be compatible with the surrounding neighborhood.

**3. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The General Plan designates the subject site for Commercial Manufacturing land uses with the corresponding zones of CM and P. The site's [T][Q]CM-2D zoning permits residential uses (equivalent to R3 Zone density of 1 dwelling unit per 800 square feet of land area), with the D limitation allowing a maximum floor area ratio (FAR) of 3:1. The net gain of 372 new dwelling units, which is allowed through a ministerial density bonus pursuant to LAMC 12.22 A.25 for a 35% increase in density for a development setting aside 11 percent of its base density for Very Low Income households, is consistent with the General Plan Land Use Designation. Regulations implemented through zoning designations are intended to prevent developments from overloading the City's transportation network and other public facilities. Projects that comply with their underlying zoning density restrictions, such as the proposed project, are therefore compatible with the nearby transportation infrastructure.

Land Use Element – Northeast Los Angeles Community Plan

The Northeast Los Angeles Community Plan was updated and adopted by the Los Angeles City Council on June 15, 1999. The project, as a mixed-use development, advances a number of specific goals and objectives in the Northeast Los Angeles Community Plan. These include:

*Objective 1-2: To allocate land for new housing to accommodate a growth of population that is consistent with and promotes the health, safety, welfare, convenience, and pleasant environment of those who live and work in the community based on adequate infrastructure and government services, especially schools.*

*Policy 1-2.1: Designate specific areas to provide for adequate residential development to accommodate anticipated increases in population while maintaining a balance between single-family and multiple-family uses.*

*Policy 1-2.2: Locate higher residential densities near commercial and institutional centers, light rail transit stations, and major bus routes to encourage pedestrian activity and use of public transportation, provided that*

*infrastructure, public service facilities, utilities, and topography will fully accommodate this development.*

*Policy 1-2.3: Encourage mixed-use development in selected commercially-zoned areas.*

Located near the Heritage Square Gold Line Metro station, the proposed project exemplifies the transit-oriented, mixed-use development described in Policies 1-2.2 and 1-2.3 above. The project locates higher residential densities near light rail transit stations to encourage pedestrian activity and use of public transportation, and the project is located within a Commercial Manufacturing parcel with site-specific conditions, which were established by Ordinance to implement the Community Plan.

### Housing Element

The Housing Element 2013-2021 was adopted on December 3, 2013 and identifies the City's housing conditions and needs, and establishes the goals, objectives and policies that are the foundation of the City's housing and growth strategy. The mixed-use project is consistent with several objectives and policies of the Housing Element. The plan text includes the following relevant housing objectives and policies:

*Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.*

*Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.*

*Policy 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.*

*Objective 1.3: Forecast and plan for changing housing needs over time in relation to production and preservation needs.*

*Policy 1.3.5: Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within the City to meet the projections of housing needs, according to the policies and objectives of the City's Framework Element of the General Plan.*

The proposed project would result in the production of housing near jobs-rich Downtown (2.5 miles to the south). The project would provide new housing stock, contributing towards the Mayor's Initiative to provide 100,000 housing units by 2020, while also retaining a focus on jobs producing uses, by providing 30,000 square feet of creative office uses. The proposed project would provide 372 units, including affordable units, without displacing any existing housing or residents.

*Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.*

*Policy 2.2.3: Promote and facilitate a jobs/housing balance at a citywide level.*

*Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.*

*Policy 2.5.2: Foster the development of new affordable housing units citywide and within each Community Plan area.*

The project is adjacent to transit and will also provide creative office space. The mix of uses and affordability levels will contribute towards a sustainable neighborhood and a jobs/housing balance. The project will provide much needed affordable housing and a unique opportunity for affordable live/work residential units.

#### Mobility Plan 2035

The Mobility Plan was adopted on August 11, 2015 and last amended on September 7, 2016.

*Policy 2.3 Pedestrian Infrastructure: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.*

*Policy 3.3 Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

*Policy 3.8 Bicycle Parking: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*

The proposed project will greatly improve the pedestrian experience along Pasadena Avenue and Avenue 34. The existing site conditions include blank walls, wrought iron fences, and a lack of landscaping. Pedestrian activity will also be improved with the incorporation of street trees, and the addition of public open space, including a paseo ("souk") and additional flexible open spaces. Pasadena Avenue and Avenue 34 would be lined with active uses including creative office, retail/neighborhood services, and leasing/amenity areas.

#### Residential Citywide Design Guidelines

The project also substantially complies with the objectives and principles of urban design identified in the Residential Citywide Design Guidelines, including the following:

*Creates a strong street wall by locating building frontages at the front property line where no setback requirement exists, or at the required setback.*

*Promote pedestrian activity by placing entrances at grade level or slightly above, and unobstructed from view from the public right-of-way. Entryways below street level should be avoided.*

*Maintain an active street presence for ground floor retail establishments in mixed-use projects by incorporating at least one usable street-facing entrance with doors unlocked during regular business hours.*

*In mixed-use projects, ensure that ground floor uses maintain a high degree of transparency and maximize a visual connection to the street by providing clear and unobstructed windows, free of reflective glass coatings, exterior mounted gates, or security grills.*

*Add architectural details to enhance scale and interest on the building façade by breaking it up into distinct planes that are offset from the main building façade.*

*Design multi-family buildings to convey individual residential uses, even when applying a modern aesthetic. Modulated facades can prevent residential buildings from appearing commercial.*

*Layer building architectural features to emphasize certain features of the building such as entries, corners, and organization of units.*

*Alternate different textures, colors, materials, and distinctive architectural treatments to add visual interest while avoiding dull and repetitive facades.*

*Orient windows on street facing units toward public streets, rather than inward, to contribute to neighborhood safety and provide design interest.*

The proposed project features an articulated façade with a strong street wall. The proposed building features creative office uses as well as entrances at grade level that are unobstructed from view. The project features a high level of transparency and incorporates other design cues that convey a creative campus aesthetic. All parking is located within a subterranean level. Furthermore, the Residential Citywide Design Guidelines states: "Design small lot subdivisions, low-rise townhomes, and apartment buildings to ensure that all street-fronting units have a primary entrance facing the street." Condition No. 12 requires that seven of the ground floor units in Building B that face Avenue 34 include residential entries that are accessible from the public right-of-way, as shown in Sheet A200 (Elevations) of Exhibit "A". As proposed, the project is in substantial conformance with the Citywide Design Guidelines.

**Site Plan Review Findings**

4. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

See identical Finding No. 3 above.

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

As noted, the project is subject to site-specific "D" Development Limitations, which limit FAR to 3:1, and [Q] Conditions, which relate to site planning (including location, size, and height), pedestrian access, building design, architectural details, walls and fences, landscaping, and mechanical, security and trash equipment. The site's site-specific [Q] Conditions also impose Environmental Conditions, which relate to the general aesthetic appearance, upkeep, and character of the site. As conditioned, the project must comply fully with these "D" Development Limitations and [Q] Conditions, which were adopted in 2007 by the City Council (Ordinance 179,280) specifically to enable mixed-use, transit-oriented projects of this nature on the subject property. Because the project has been designed with careful consideration of the site-specific land use regulations of the Ordinance, and no deviations are proposed with respect to these requirements, the project will be compatible with existing and future development on adjacent properties and neighboring properties.

**Height and Density**

The proposed project has a total maximum building height of 75 feet, with five stories and a mezzanine level on the first floor, with one level of subterranean parking. The [T][Q]CM-2D zone does not have a height limit; however a FAR limitation of 3:1 applies. With a FAR of 2.6:1, the proposed project is within the allowed FAR of 3:1. The project has a base density of 275 units (R3 density). By setting aside 11 percent of the base units for Very Low Income households, a total of 372 units are permitted through a ministerial density bonus (35% increase).

**Bulk, Massing, Setbacks, and Entrances**

The project complies with the following site-specific Q conditions pertaining to site planning:

- All new buildings fronting Figueroa Street or Pasadena Avenue shall provide a pedestrian entrance for each business along Figueroa Street or Pasadena Avenue.
- Ground floor commercial uses shall be built to the front lot line except where publicly accessible open spaces are provided, such as plazas and outdoor dining areas, and have been incorporated into the site design.
- All new buildings that abut Pasadena Avenue shall provide a pedestrian entrance for each business along Pasadena Avenue.
- A minimum of 75 percent of all usable outdoor public space shall be located at ground level and shall be directly accessible to the general public from Pasadena Avenue and/or Avenue 34.
- All ground floor storefronts in new buildings that are greater than 30 feet in length shall provide architectural features on the building façade that will help to create a pattern along the street frontage and avoid the presence of a monotonous façade through the use of vertical elements, such as columns, placed in a pattern, or recesses in the façade, at minimum intervals of 20 feet.
- All facades on new buildings shall be designed with articulation that provides relief for every 20 horizontal feet and 15 vertical feet.
- The front elevation of all new structures shall be stepped back a minimum of five (5) feet from the front property line at the third story and again at the fifth story.
- Wall openings, such as windows and doors, shall occupy at least 70 percent of the ground floor street façade along Pasadena Avenue.
- Articulation and architectural detail shall be applied equally on all building elevations.
- All projects shall provide a prominent residential entry that is accessible from the public right-of-way abutting the front yard.
- Each commercial premise shall provide a front door that is accessible from the public right-of-way abutting the front yard.

### Parking

The proposed project will provide a total of 467 automobile parking spaces, in excess of the 313 vehicle parking spaces required by the Code (AB 744 parking reductions). As conditioned, bicycle parking shall comply with all applicable provisions of the Bicycle Parking Ordinance as implemented by the Department of Building and Safety.

### Landscaping

Various types of vegetation and trees are integrated into the design of this mixed-use project, including street trees, to minimize the visual impact and to create a more pedestrian-friendly ground floor. As conditioned, a minimum of 241 trees shall be provided on site, including 22 street trees. If the number of street trees is reduced, the landscape plans shall be revised and the trees shall be replaced

elsewhere on the site to the satisfaction of the Department of City Planning. Landscaping shall be in substantial conformance with Sheets L100 and L200 (Ground Floor Landscape Plan and Roof Level Landscape Plan), and as required by the landscaping [Q] Conditions established by Ordinance No. 179,280.

#### Trash Collection

The project shall be required to comply with the Mechanical, Security & Trash Equipment conditions established by Ordinance No. 179,280, including the requirement that all service areas and loading docks be located at the rear of structures.

**6. The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The proposed residential project incorporates a total of 64,744 square feet of publicly accessible open space and pedestrian paths, in excess of the requirements of Section 12.21 G.2 of the Los Angeles Municipal Code. The project features a network of connecting paseos, plazas, and gardens. Two indoor community rooms will be provided. Multiple roof decks are included (see Roof Level Landscape Plan, Sheet L200 of Exhibit "A"). An outdoor pool is proposed along with on-site fitness facilities. Additionally, the project features 30,000 square feet of neighborhood-serving creative office and 10,000 square feet of retail/neighborhood services.

#### Q Clarification Findings

**7. The request is consistent with the City Planning Commission Guidelines.**

The City Planning Commission's guidelines provide that an Amendment of the "T" Classification and Clarifications of the Q Classification or D Limitation may take place under certain circumstances, including:

"g. Clarification of any word or term used in a condition, when such term is not defined in the Municipal Code or the clarification of the intent of any condition that is ambiguous."

The request for a Clarification of Q Condition A.1.c of Subarea 4 in Ordinance 179,280 conforms to Guideline "g" above. Condition A.1.c reads as follows:

"A minimum of 50% of the [project's] non-residential floor area shall be limited to Neighborhood Retail and Neighborhood Services as permitted by LAMC 13.07C."

Neighborhood Retail and Neighborhood Services uses are defined in LAMC 13.07C as follows:



**Neighborhood Retail.** *Neighborhood retail uses shall be limited to retail sale of goods needed by residents and patrons of a Pedestrian Oriented District, including:*

*Art galleries;  
Art supplies;  
Athletic/sporting goods;  
Bakeries;  
Books or cards;  
Bicycle sales and repairs;  
Clock or watch sales and/or repair;  
Clothing  
Computer sales and repair;  
Drug stores;  
Fabrics or dry goods;  
Florists,  
Food/grocery stores, including supermarkets, produce, cheese and meat markets and delicatessens;  
Hardware;  
Household goods and small appliances;  
Newsstands;  
Photographic equipment and repair;  
Sit Down Restaurants, excluding drive-through service  
Stationery;  
Toys; and  
Other similar retail goods as determined by the Zoning Administrator.*

**Neighborhood Services.** *Neighborhood services are those services used by residents and patrons on a regular basis, including:*

*Barber shop or beauty parlor;  
Blueprinting;  
Child care facility;  
Club or lodge, bridge club, fraternal or religious associations;  
Copying services;  
Custom dressmaking;  
Dry cleaner;  
Financial services;  
Laundry or self-service laundromat;  
Locksmith;  
Optician;  
Photographer;  
Shoe repair;  
Tailor; and  
Other similar services as determined by the Zoning Administrator.*

In this instance, there is ambiguity as to whether creative offices, as proposed for the project, are considered Neighborhood Services. Consistent with the City Planning Commission Guidelines, the request is to clarify the intent of this ambiguous condition, and thereby determine whether the proposed creative office use is permitted on the subject site.

**8. The amendment or clarification is necessary in order to carry out the intent of the City Council in adopting the T or Q Classification or D Limitation.**

The intent of the City Council adopting "Q" Condition A.1.c of Subarea 4 in Ordinance 179,280 was to include conditions that the Council finds appropriate in consideration of a proposed project. Such limitations are necessary to protect the best interests of and to ensure 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 recommended action. The intent of the Neighborhood Retail and Neighborhood Services requirement for non-residential uses is to create a pedestrian-oriented district. However, creative office uses were not included in the list of Neighborhood Services examples, likely because creative office uses are a term of art to describe open format offices, business incubators, artist spaces, and entrepreneurial business spaces and was a relatively unknown and uncommon use in 2007. It is noted that the world of creative office has expanded significantly to accommodate smaller, entrepreneurial businesses and neighborhood incubator uses, which comply with CM Zone commercial/manufacturing uses. Compared to conventional Class "A" office space, creative offices are more neighborhood-serving in nature and allow for flexible workspaces. As such, the requested clarification carries out the intent of the City Council in adopting the Q Condition by updating it to reflect current trends.

**9. The amendment or clarification would have only a minimal effect on adjacent property and would not result in a significant or substantial deprivation of the property rights of other property owners.**

Approval of the "Q" Clarification of Condition A.1.c of Subarea 4 in Ordinance 179,280 would not result in a significant or substantial deprivation of the property rights of the other property owners. The proposed request has been proposed to clarify the intent of an original condition in Ordinance 179,280, in an effort to support pedestrian-oriented districts while also reflecting current trends for neighborhood-serving uses.

**ADDITIONAL MANDATORY FINDINGS**

**10. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.**

11. On February 16, 2017, the Department of City Planning issued Mitigated Negative Declaration No. ENV-2016-273-MND. Subsequent to the MND publication comments were received from Caltrans and the Golden State Environmental Justice Alliance. The comments are summarized thematically here followed by a response.

#### Air Quality

The commenter asserts that the Project is over-parked, and, as a result will generate additional vehicle miles traveled (VMT) throughout the region that is beyond what is anticipated by the regional growth projections for the Los Angeles subregion. The commenter incorrectly asserts that the number of parking spaces proposed will result in additional air quality impacts beyond what was analyzed in the IS/MND. The air quality analysis and the estimate of vehicle trips to be generated by the project are based on standard trip generation rates published by the Institute of Transportation Engineers (ITE) Trip Generation Manual (9th Edition, 2012), which is based on the number of dwelling units and square feet of commercial space proposed – not the amount of parking that is proposed. It should further be noted that the traffic and air quality impacts of the Proposed Project were conservatively based on 410 dwelling units, which overstates the anticipated impacts. In consultation with LADOT, the Proposed Project's vehicle trip generation was reduced by 15 percent for transit/walk-in, 10 percent for internal trips, and 50 percent for commercial pass-by trips for each applicable land use. This supports the argument within Section II, Air Quality, that the Proposed Project's mixed-use nature and close proximity to neighborhood-serving commercial/retail and regional transit would reduce automobile trips and reduce the Proposed Project's VMTs.

The commenter asserts that the Air Quality Assessment (AQA) has not presented the worst-case scenario of construction impacts. The analytical assumptions presented in the air quality analysis were based on a reasonable set of assumptions pertaining to the construction timeline, the equipment fleet for each phase of construction, and daily operating characteristics and usage factors for each piece of equipment. The commenter's argument that the analysis should be revised to include the most conservative scenario possible is not supported by substantial evidence. Pursuant to Section 15204 of the State CEQA Guidelines, "CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." Furthermore, the analytical assumptions presented in the MND are reasonable and conservative with respect to utilization of construction equipment and the length of construction phases. Although the permissible construction hours include 11 hours Monday through Friday and 10 hours on Saturday, the level of activity in which equipment will be operated would be constrained by a typical 8 hour work day and factors in non-operating time where construction personnel would be on site but not operating machinery. Further, there may be some overlap where some trades begin and end earlier, and some trades start and end later in any given day, thus not all of the

equipment listed would be operating concurrently. It should also be noted that contractors would be required to comply with regulatory compliance measures that would further control the length of time equipment can be used and reduce construction impacts to air quality. For example, diesel-powered equipment and vehicles may not idle for more than 5 minutes in one location. Also, all clearing, earth moving, or excavation activities shall be discontinued during periods of high winds greater than 15 mph to prevent excessive dust. Based on these factors, it would be unusual for all equipment to be operating beyond the assumptions provided for in the air quality model.

The commenter is correct in that the Project Description incorrectly states that the paving would occur during the final month of construction. As noted in the air quality modeling worksheets, the paving phase was assumed to occur after the final month of building construction, but before the architectural coating and finishing phase. This correction is noted for the record.

The commenter asserts that the operational emissions analysis of the AQA does not indicate if the increased number of parking spaces was part of the trip summary analysis. The parking garage would not generate operational vehicle trips because it does not, in and of itself, generate vehicle trips to the Project Site. Rather the parking garage supports the vehicles trips generated by the residential and commercial uses on-site. The Proposed Project's operational air quality is based on the proposed land uses and size of each land use. As shown in Appendix A, Air Quality Modeling Worksheets, the "enclosed parking with elevator" component (which includes 467 parking spaces) would not generate any vehicle trips, as the capacity of the proposed garage is intended to meet the demand of the proposed uses.

The commenter states that the MND does not address impacts to sensitive receptors during the construction phase of the Project and asserts that an EIR must be prepared to address impacts to nearby residents and Hillside Elementary School. The analysis of the Proposed Project's air quality impacts upon sensitive receptors during construction is discussed on page III-11 of the IS/MND under the subheading Localized Construction Emissions. As shown in Table III-4, Localized On-Site Peak Daily Construction Emissions, located on page III-12, the Proposed Project would not exceed any localized significance thresholds for NOX, CO, PM10 or PM2.5. Moreover, the Proposed Project would be required to implement regulatory compliance measures such as AQMD Rule 403 (Fugitive Dust Suppression) and Environmental [Q] Condition C.10 (Erosion/Grading/Short-term Construction Impacts). The localized air quality emissions were calculated for any sensitive receptors occurring within 82 feet (25 meters) of the Project Site. The nearest building and/or outdoor play area on the Hillside Elementary School property is located over 82 feet from the Project Site. As such, construction of the Proposed Project would result in a less than significant air quality impact to the Hillside Elementary School.

### Land Use and Planning

The commenter states that the site plan provided does not depict any parking spaces at grade even though it is stated that there will be an unspecified amount of spaces provided at grade. As shown in Figure II-6, Conceptual Site Diagram, Figure II-7, First Level Floor Plan, and Figure II-18, Conceptual Landscape Plan, the Proposed Project would include surface parking at the southwest corner of the Project Site along Avenue 34 away from Pasadena Avenue. As such, the Proposed Project is consistent with the [Q] condition on the Project Site, which states that "parking for the commercial uses or guests may be located at grade, but shall not be adjacent to Pasadena Avenue; parking for residences shall be located below grade".

### Noise

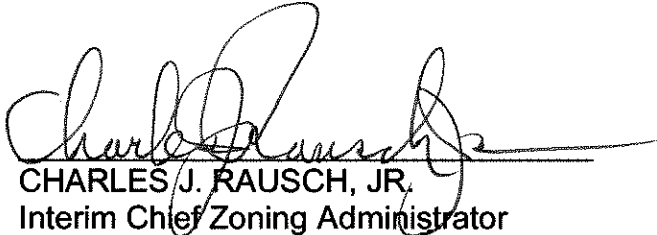
The commenter states that MND does not indicate if the sensitive receptors were placed at their property lines nearest the project site for the noise analysis and modeling. The commenter asserts that these sensitive receptors should have been modeled for exposure at their property lines. A discussion on the Proposed Project's anticipated construction noise is provided starting on page III-82 of the Environmental Analysis section. The distances between the Project Site and each sensitive receptor (presented in Table III-12, located on page III-85 of the Environmental Impact Analysis section) are based on the approximate distance from where construction would occur on the Project Site and the distance of the closest classroom and/or outdoor play area. Table III-12 also shows the estimated exterior construction noise for each identified sensitive receptor. As discussed within the section, "typical construction noise levels associated with the Proposed Project would exceed the existing ambient noise levels at all of the identified off-site sensitive receptors by more than 5 dBA threshold established by the L.A. CEQA Thresholds Guide during all construction phases." (page III-84). The Proposed Project would incorporate noise control measures such as temporary noise barriers or sound blankets, implement [Q] Condition 10, and Mitigation Measure MM-N-1 to ensure construction noise impacts are mitigated to the maximum extent feasible. As concluded in the IS/MND, construction noise impacts would be considered less than significant with mitigation.

### Transportation

Caltrans recommends that the project take better advantage of the City's Bicycle Parking Ordinance to reduce the amount of car parking supplied to further assist with the desire to promote other modes of travel and reduce single occupancy vehicles. The comment is noted. As conditioned, the project is only required to provide 313 parking spaces, or the minimum number of spaces pursuant to AB 744. Further, as required by Condition No. 13, any automotive parking provided in excess of that number shall be open to the public during business hours, which could serve to provide overflow parking for the adjacent Metro Heritage Square/Arroyo Park and Ride lot.

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department 200 North Spring Street, Room 750, Los Angeles, California 90012.

Inquiries regarding this matter shall be directed to Michael Sin, Planning Staff for the Office of Zoning Administration at (213) 978-1345 or [michael.sin@lacity.org](mailto:michael.sin@lacity.org).



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Interim Chief Zoning Administrator

CJR:MS

cc: Councilmember Gil Cedillo  
First District  
Adjacent Property Owners  
Interested Parties