

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2020-87-GPAJ-VZCJ-HD-SPR-HCA-PHP	ENV-2020-88-SCPE	14 – De Leon
<b>PROJECT ADDRESS:</b>		
412 – 426 Crocker Street; 411 – 425 Towne Avenue		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Erich Nakano, Crocker Street Apartments, LP 231 East Third Street Unit G106 Los Angeles, CA 90013 <input type="checkbox"/> New/Changed	(213) 473 - 1691	<a href="mailto:dchen@LTSC.org">dchen@LTSC.org</a>
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Eric Lieberman, QES Incorporated 14549 Archwood Street Unit 308 Van Nuys, CA 91405	(818) 997 - 8033	<a href="mailto:ericl@gesms.com">ericl@gesms.com</a>
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
TBD	TBD	<a href="#">TBD</a>
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
TBD	TBD	<a href="#">TBD</a>
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Deborah Kahen	(213) 978 - 1202	<a href="mailto:deborah.kahen@lacity.org">deborah.kahen@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
General Plan Amendment (GPA); Vesting Zone Change (VZC); Height District Change (HD)		

**FINAL ENTITLEMENTS NOT ADVANCING:**

TBD

**ITEMS APPEALED:**

TBD

**ATTACHMENTS:****REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other \_\_\_\_\_

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other

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**NOTES / INSTRUCTION(S):**

The environmental document (SCPE) has been transmitted separately.

**FISCAL IMPACT STATEMENT:** Yes No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission
- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
November 19, 2020	8 – 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
January 4, 2021	TBD
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant	December 15, 2020



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: DEC 15 2020

Case No. **CPC-2020-87-GPAJ-VZCJ-HD-SPR-HCA-PHP**  
CEQA: ENV-2020-88-SCPE  
Plan Area: Central City  
Related Case: VTT-82988-HCA

Council District: 14 – De León

**Project Site:** 412 – 426 Crocker Street; 411 – 425 Towne Avenue

**Applicant:** Erick Nakano, Crocker Apartments, LP  
Representative: Eric Lieberman, QES, Inc.

At its meeting of **November 19, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of one existing vacant manufacturing building, and the construction, use and maintenance of a seven story, 178,200 square-foot mixed-use building with 175 dwelling units, including nine units restricted to Extremely Low Income Households, 146 dwelling units restricted to Very Low Income Households, 18 units restricted to Low Income Households and two market rate manager's units, and 8,691 square feet of commercial space on a 35,750 square-foot site. The building will be constructed with ground floor commercial, and six levels of residential units, over one level of subterranean parking for a total building height of 87 feet, and a Floor Area Ratio (FAR) of 4.99:1. The Project includes 86 studio units, 60 one-bedroom units and 29 two-bedroom units. The Project will provide 29 vehicular parking spaces, 125 bicycle parking spaces, and 7,291 square feet of open space.

1. **Determined**, that the Project is exempt from the California Environmental Quality Act (CEQA) as a Sustainable Communities Project (SCP), Case No. ENV-2020-88-SCPE, pursuant to Public Resources Code (PRC) 21155.1. A subsequent public hearing will be held by the City Council on this SCP Exemption determination after completion of the appeal period, if no appeal is filed, or after the appeal is filed and the land use approval is upheld (in whole or in part). The Commission's action will not be final and the Project approval effective until the City Council has held a public hearing and adopted findings pursuant to PRC 21155.1 and approved the SCPE Exemption;
2. **Approved and Recommended**, that the Mayor and City Council **adopt**, pursuant to the Los Angeles City Charter 555 and Section 11.5.6 of the Los Angeles Municipal Code (LAMC), a General Plan Amendment to the Central City Community Plan to re-designate the land use of the Project Site from Light Manufacturing to Regional Commercial;
3. **Approved and Recommended**, that the City Council **adopt**, pursuant to LAMC Sections 12.32 F and 12.32 Q, a Vesting Zone Change and Height District Change on the Project Site from M2-2D to [T][Q]C2-4D, consistent with the recommended General Plan Amendment, and approve three Developer Incentives to permit:
  - a. A 60 percent reduction in the overall required open space;
  - b. A 35 percent interior common open space to be provided toward the total Open Space requirement in lieu of 25 percent; and

- c. No parking space be required for units set aside at the Extremely Low and Very Low Income levels as determined by the California Department of Housing and Community Development (HCD) or the U.S. Department of Housing and Urban Development (HUD);
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project with 175 residential dwelling units and 8,691 square feet of commercial floor area;
  5. **Adopted** the attached Modified Conditions of Approval; and
  6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman  
 Second: Leung  
 Ayes: Ambroz, Choe, Khorsand, López-Ledesma, Mack, Millman

**Vote: 8 – 0**

Cecilia Lamas, Commission Executive Assistant  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission as it relates to the General Plan Amendment is final. The Zone Change and Height District Change is appealable by the Applicant only, if disapproved in whole or in part by the Commission. The decision of the Los Angeles City Planning Commission, regarding the remaining approval, is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE: JAN 04 2021**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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.

Attachments: Zone Change Ordinance, Maps, Modified Conditions of Approval, Findings, Resolution, Interim Appeal Filing Procedures, Appeal Facts Sheet

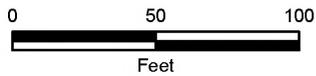
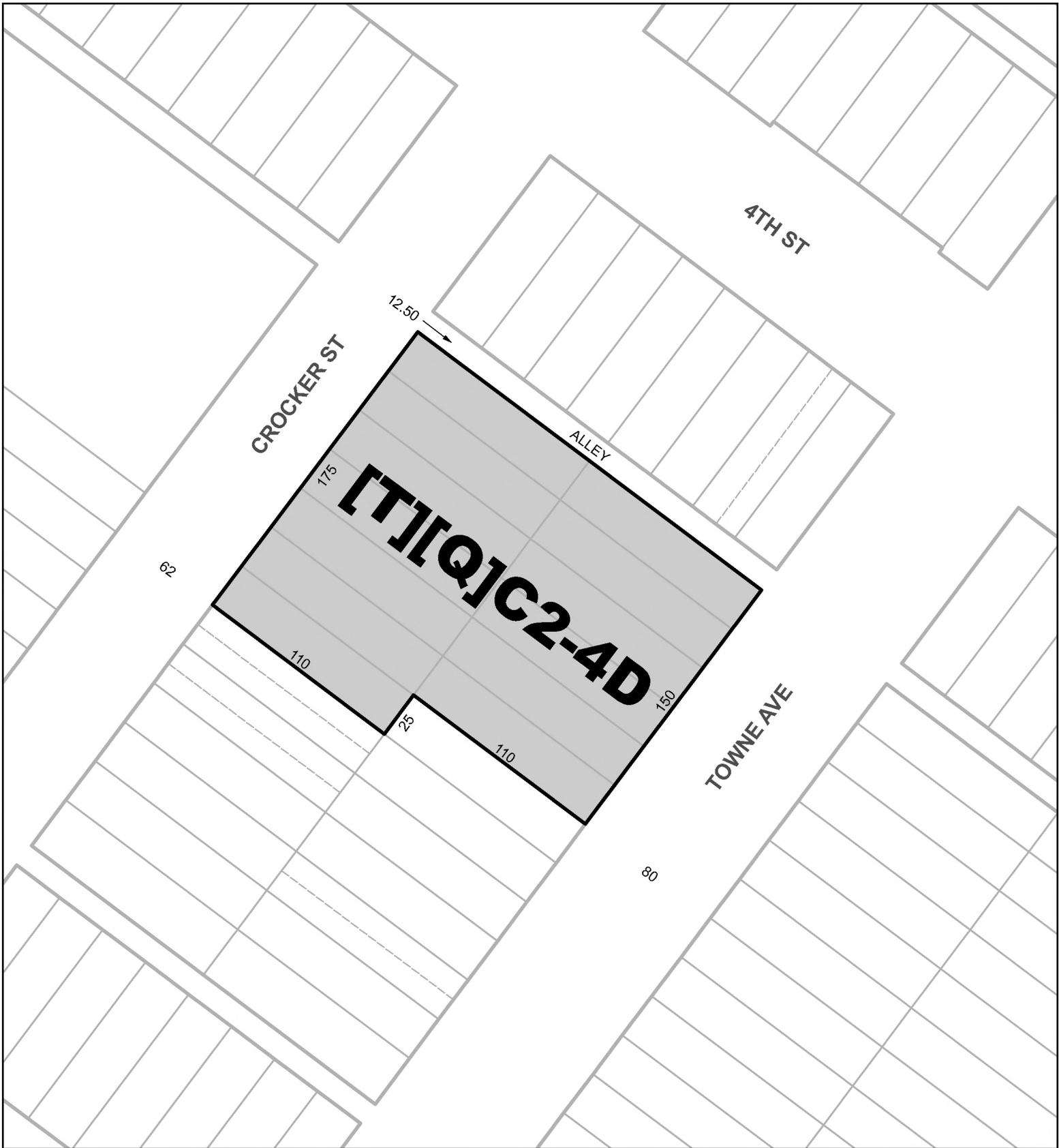
c: Jane Choi, Principal City Planner  
 Deborah Kahen, Senior City Planner

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

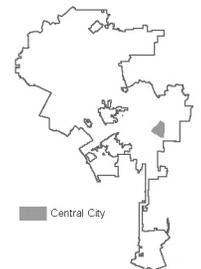


CPC-2020-0087-GPAJ-VZCJ-HD-SPR-HCA

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City of Los Angeles



## [Q] QUALIFIED CONDITIONS

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

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A" dated November 6, 2020. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Central Project Planning Bureau of the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Affordable Housing.** Prior to the issuance of a permit, projects of ten or more dwelling units shall submit proof of compliance with the Affordable Housing provisions of Los Angeles Municipal Code Section 11.5.11.
3. **Use.**
  - a. Residential uses shall be limited to a 100 percent affordable housing building, exclusive of the manager's unit, as defined by the Los Angeles Municipal Code (LAMC) Section 11.5.11(a)(3), with a maximum density of 175 dwelling units..
  - b. A maximum of 8,691 square feet of commercial uses permitted in the C2 Zone may be permitted.
  - c. A maximum of 4,503 square feet of residential floor area may also be utilized for ancillary on-site residential supportive services, subject to the following:
    - i. Supportive services uses shall be ancillary to a 100 percent affordable housing development, excluding the manager units, and shall be limited to use by residents on-site.
4. **Labor Requirement.** Pursuant to Los Angeles Municipal Code Section 11.5.11, certified by City Council on December 13, 2017 and codified as Section 5.522 of the Administrative Code, the applicant shall confer with Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance, and shall provide the following to the Department of City Planning:
  - a. A signed Preconstruction Checklist Agreement between the Applicant and the Bureau of Contract Administration (maintained in the case file), prior to clearing any Building Permit, which covers the following:
    - i. **Licenses.** All building and construction work on the project will be performed at all tiers by contractors that are licensed by the State of California and the City of Los Angeles. The project will employ only construction workers that possess all licenses and certifications required by the State of California and the City of Los Angeles.
    - ii. **Local Hire.** At least 30% of all respective workforces' construction workers' hours of Project Work will be performed by permanent residents of the City of Los Angeles. Of

- these, at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project. If such minimums are not met, evidence of a good faith effort to solicit such local workers shall be evidenced.
- iii. **Wages.** The project will pay construction workers performing Project Work hourly wage rates for those classifications in compliance with the applicable prevailing wage rate determination established pursuant to the California Labor Code.
  - iv. **Training.** At least 60% of construction workforces employed on the project will be:
    - (1) Workers who graduated from a Joint Labor Management apprenticeship training program approved by the State of California.
    - (2) Alternatively, workers employed that have minimum hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program.
    - (3) Workers who are registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program.
  - ii) **Bond.** A Bond may be required to ensure compliance.
- b. After the project has completed construction, and prior to any Certificate of Occupancy, a signed report from the Bureau of Contract Administration that indicates compliance with the above licenses, local hire, wages and training requirements shall be added to the case file.

## **“D” DEVELOPMENT LIMITATIONS**

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “D” Development Limitations.

1. **Floor Area.** The total floor area of all buildings or structures located on the lot shall not exceed a Floor Area Ratio (FAR) of 4.99:1.
2. **Height.** The height of all buildings or structures located on the lot shall not exceed a height of 87 feet. Roof structures and equipment that comply with LAMC Section 12.21.1 B.3 may exceed this height limit.

## **CONDITIONS FOR EFFECTUATING [T] TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32 G of the Municipal Code, the (T) or [T] Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

1. Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

A. Responsibilities/Guarantees.

- (1) As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
- (2) Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

B. Dedication Required.

- (1) That a 3-foot wide strip of land be dedicated along the Crocker Street adjoining the tract to complete a 33-foot wide half public right-of-way in accordance with Collector Street Standards of LA Mobility Plan.
- (2) That a 3.75-foot strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley.

C. Improvement Required.

- (1) Improve Crocker Street being dedicated and adjoining the subdivision by the construction of the following:
  - a. Construct a new full-width concrete sidewalk along Crocker Street covering the newly dedicated area with tree wells including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.
  - b. Improve the alley adjoining the tract and being dedicated by construction of additional alley surfacing to prove a 10-foot wide half alley, reconstruct the alley

intersections with Crocker Street and Towne Avenue, remove the gates on both ends of the alley including any necessary reconstruction of any existing bad order sections all satisfactory to the City Engineer.

2. Street Lighting: No street lighting improvements are required if not street widening per BOE improvement conditions. Otherwise relocate and upgrade streetlights; one (1) on Crocker Street and one (1) on Towne Avenue.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-3 (i) of VTT-82922, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

3. Urban Forestry – Street Trees: Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

Note:

Removal of planting of any tree in the public right-of-way required approval of the Board of Public Works. All protected tree removals must be approved by the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077 for permit information. CEQA document must address parkway tree removal.

4. That the Project pay in-lieu fees in order to fulfill the Project's requirements under provisions of LAMC 12.33.

Notice: If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

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

## CONDITIONS OF APPROVAL

Pursuant to Section 11.5.11(e) and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### A. Development Conditions

1. **Site Development.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A" dated November 6, 2020. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Use.**
  - a. Residential uses shall be limited to a 100 percent affordable housing building, exclusive of the manager's unit, with a maximum density of 175 dwelling units subject to Condition No. 3.
  - b. A maximum of 8,691 square feet of commercial uses permitted in the C2 Zone may be permitted.
  - c. A maximum of 4,503 square feet of residential floor area may also be utilized for ancillary on-site residential supportive services. Supportive services uses shall be ancillary to the 100 percent affordable housing development, excluding the manager units, and shall be limited to residents on-site.
3. **Affordable Units.**
  - a. A minimum of 173 of the 175 residential dwelling units shall be reserved as affordable units as follows:
    - i. A minimum of five (5) percent, or nine (9) units, shall be reserved for Extremely Low Income Households.
    - ii. A minimum of eleven (11) percent, or 20 units, shall be reserved for Very Low Income Households as determined by the California Department of Housing and Community Development (HCD),
    - iii. 126 units shall be reserved for Very Low Income Households as determined by the U.S. Department of Housing and Urban Development (HUD).
    - iv. A minimum of ten (10) percent, or 18 units, shall be reserved for Low Income Households as determined by the U.S. Department of Housing and Urban Development (HUD).

- b. **Changes in Restricted Units.** Deviations that change the composition of units shall be consistent with LAMC Section 11.5.11(a)(1)(iii).
- c. **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). The Covenant shall bind the owner to reserve nine (9) units available to Extremely Low Income Households and 20 units for Very Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Of the remaining 144 affordable units, 126 units shall be reserved for Very Low Income Households and 18 units shall be reserved for Low Income Households as determined by HUD 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 the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.

#### 4. **Developer's Incentives.**

- a. **Open Space.**
  - i. The total required open space required pursuant to LAMC Section 12.21 G may be reduced by a maximum of sixty (60) percent provided that:
    - (1) The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O"; and
    - (2) Except as modified herein, the landscape plan shall comply with the applicable regulations of LAMC Section 12.21 G.
  - ii. The total interior common open space required pursuant to LAMC Section 12.21 G may be increased to thirty-five (35) percent interior common open space in lieu of twenty-five (25) percent.
- b. **Parking.** No parking space shall be required for units set aside at the Extremely Low and Very Low Income levels as determined by the California Department of Housing and Community Development (HCD) or the U.S. Department of Housing and Urban Development (HUD). Residential vehicular parking for all other dwelling units shall be provided pursuant to LAMC Section 12.22 A.29(c).

#### 5. **Parking.**

- a. Commercial vehicular parking shall be provided pursuant to LAMC Section 12.21 A.4.
- b. The project shall provide unbundled parking leases for residential units. Residential tenants shall have the option to lease parking spaces separately from the residential dwelling units or commercial tenant space, or to opt out of leasing parking spaces.

- c. All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

**6. Sustainability.**

- a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
- b. Prior to the issuance of the Certificate of Occupancy for each building, the applicant shall install a minimum of 21,786 square feet of solar panels on the rooftop.
- c. Landscaping. The Project shall demonstrate compliance with the Street Tree Standards in Section 9-H of the Downtown Design Guide.

**7. Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.

**8. Construction.**

- a. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.
- b. Notwithstanding the provisions of LAMC Section 14.4.17, no signs shall be permitted on construction fencing except for those signs required by the Department of Building and Safety or other Department, Bureau, or Agency.

**9. Lighting.**

- a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
- b. Pedestrian lights shall be installed within the public rights-of-way directly adjacent to the Project Site subject to the review, determination, and approval by the Bureau of Street Lighting that it is feasible to accommodate the pedestrian lights in addition to the required street lights. Pedestrian lights shall not be required if the Bureau of Street Lighting determines that the pedestrian lights would not be in compliance with the minimum distance requirements from other infrastructure located within the public rights-of-way.

**B. Environmental Conditions**

10. Prior to issuance of building permits, the applicant shall submit the Council Action and updated Letter of Determination confirming that the SCP Exemption has been adopted by City Council as required per PRC 21155.
11. **Condition Reporting Program (CRP).** The project shall be in substantial conformance with the Condition Reporting Program measures in the attached CRP and stamped "Exhibit C.2" and attached to the subject case file. Pursuant to PRC Section 21155.1(b),

the project is required to incorporate applicable Mitigation Measures, a detailed explanation of these Mitigation Measures and their applicability can be found in Appendix A-3 of the exemption document. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the CRP. If substantial conformance results in effectively deleting or modifying the condition measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the condition measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact. If the Project is not in substantial conformance to the adopted condition measures or CRP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a condition measure shall not require a Tract Map Modification unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.

12. **Condition Monitor (Construction).** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant, the election of which is in the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning which approval shall not be reasonably withheld, who shall be responsible for monitoring implementation of project design features and condition measures during construction activities consistent with the monitoring phase and frequency set forth in this CRP. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and condition measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to report to the Enforcement Agency any non-compliance with condition measures and project design features within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of written notification to the Applicant by the monitor or if the noncompliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.
13. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
  - (1) Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1202.
  - (2) If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any

- effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- (3) The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
  - (4) The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
  - (5) If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
  - (6) The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
  - (7) Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

### **C. Administrative Conditions**

14. **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.
15. **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.
16. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a

copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

17. **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.
18. **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.
19. **Building Plans.** 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.
20. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

#### 21. 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 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 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 (ii).

- 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 in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, 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, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include 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.

## FINDINGS

### General Plan/Charter Findings

1. **General Plan Land Use Designation.** The Project Site, located generally at 412-426 Crocker Street and 411-425 Towne Avenue, is within the Central City Community Plan, which was last updated by the City Council on January 8, 2003. The site is irregularly-shaped, comprised of multiple parcels and 35,767 gross square feet of lot area. The Community Plan designates the site with a land use designation of Light Manufacturing, which lists the MR2 and M2 Zones as corresponding zones.

As recommended, the amendment would re-designate the Project Site to the Regional Commercial land use designation, which lists the following corresponding zones: CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. Footnote No. 3 of the Community Plan indicates that the corresponding Height Districts for the Regional Commercial land use designation are Height Districts 3D and 4D, with Development "D" Limitations limiting the floor area ratio (FAR) to 6:1, except for those projects which are approved a transfer of floor area. Those projects which are approved a transfer of floor area are permitted to have a maximum 10:1 or 13:1 FAR, respectively. The recommended change to the Zone and Height District to [T][Q]C2-4D for the site would be consistent with the adoption of the recommended Plan Amendment and would be in substantial conformance with the purpose, intent, and provisions of the General Plan as it is reflected within the Central City Community Plan.

2. **Charter Finding – City Charter Finding 555.** The General Plan may be amended in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic or physical identity.

The Project Site is located within the Central City Community Plan area, located mid-block to the south of 4th Street with approximately 175 feet of street frontage on Crocker Street and approximately 150 feet of street frontage on Towne Avenue. There are seven (7) parcels that front Crocker Street and six (6) parcels that front Towne Avenue. The Project Site is improved with a one-story food processing plant building constructed in 1978 and was used as the Umeya Inc. factory until 2017.

The site is located within the Central City East district, as identified by the Central City Community Plan text. The Community Plan describes the district as being developed with general commercial uses, and manufacturing uses such as wholesale, warehouses, and food processing. Within the Central City East district, the project site is within the Skid Row neighborhood. The area is developed with approximately 6,500 SRO hotels units, which have been identified as the primary source of housing for the area. In addition to the light manufacturing and SRO hotels, the area is a center of social services that provides supportive services such as: transitional housing, homeless outreach, family and children's services, aging programs, job training programs, as well as mental health services. The Central City East district is comprised of buildings that range in height from one- to six-story buildings that are utilized for supportive services, residential, commercial or light manufacturing uses. The unique development of the residential, commercial, and manufacturing uses interspersed with one another has established a social, economic, and physical identity for this portion of the Central City East district.

The site is within the Skid Row portion of the Central City East district and has a significant social, economic, and physical identity in the City. It is a unique residential neighborhood that has long served people in need. The community is home to family and social services, permanent supportive housing, single room occupancy hotels, as well as homeless community members, in addition to commercial and industrial uses. While the land use designation for the area is Light Manufacturing, the actual uses present in the area include a mix of commercial, industrial, and residential uses mainly comprised of single room occupancy residential uses. Most of the existing housing is legal nonconforming. Thus, while the land use designation and zoning denote light manufacturing uses in this area, there are still many residential uses in operation. The recommended change in land use would allow for the introduction of additional residential uses in the form of covenanted restricted affordable housing units in an area that already supports legal non-conforming residential uses for the area's vulnerable and unhoused populations. The change in the land use designation will further the social and physical identity of Skid Row as a residential neighborhood supporting vulnerable populations along with a mix of commercial and industrial uses already present.

The amendment to re-designate the site to Regional Commercial would allow it to be redeveloped with a new mixed-use development that would consist primarily of Restricted Affordable housing. As the surrounding area is developed with a mixture of residential, commercial, and light manufacturing uses, the amendment would not be introducing an incompatible use to the area. Properties to the west are improved with the 145 unit live-work Little Tokyo Lofts (420-426 San Pedro Street). Properties to the southwest, west of San Pedro Street and south of 5<sup>th</sup> Street have a land use designation of High Medium Residential and are zoned [Q]R5-2D, which would permit residential uses by-right. These properties are developed with the Midnight Mission (601 San Pedro Street), a homeless services organization, and a 115-unit affordable housing project (625 San Pedro Street). To the south, between 5<sup>th</sup> and 6<sup>th</sup> Streets is the Weingart Center (600 San Pedro Street), which was approved for a general plan amendment to the Regional Commercial land use designation and the [T][Q]C2-2D Zone, similar to what is proposed on the subject site. That project will introduce 382 units as a 100 percent affordable housing project, along with another 302 restricted affordable housing project on San Pedro Street, south of 6<sup>th</sup> Street.

The Project proposes to redevelop the site which is presently a vacant food processing facility with 175-residential dwelling units, 8,691 square feet of commercial floor area, and proposes to provide on-site residential supportive services. The building will include 8,691 square feet of commercial office space, as well as residential supportive services such as intensive case management, life and job skills training, workforce development, and housing retention training. The Project would provide improvements along the public right-of-way, as well as allow for the new construction of housing in an area where housing has primarily been located in buildings constructed in the early 1900s. The recommended General Plan Amendment to re-designate the Project Site from Light Manufacturing to Regional Commercial would allow the site to be developed as a mixed-use development, with Restricted Affordable Units, that is consistent with the development and furthers the social, economic, and physical identity of the Skid Row area and a number of objectives and policies of the General Plan.

- 3. Charter Finding – City Charter Finding 556.** The proposed Amendment is in substantial conformance with the purposes, intent and provisions of the General Plan.

The Project Site is located within the Central City Community Plan area, which is one of 35 community plans that the Land Use Element of the General Plan is comprised of. The Community Plan designates the site with a land use designation of Light Manufacturing, which lists the following corresponding zones: MR2 and M2. The site is presently zoned M2-2D, which is consistent with the existing land use designation.

As recommended, the amendment would re-designate the Project Site from Light Manufacturing to Regional Commercial. The amendment of the land use designation, in conjunction with the recommended zone and height district change to [T][Q]C2-4D, would allow the redevelopment of the site with a new affordable housing project and commercial floor area. The site is located within an area that is designated and zoned for manufacturing uses, but has been developed and continually utilized with a mixture of residential, commercial, and light manufacturing uses. The ability to rehabilitate or redevelop the existing residential development in the area is limited, as residential uses are not permitted by-right in the existing land use designation and zone. The amendment, zone change, and height district change would allow the redevelopment of the site with 175 Restrict Affordable dwelling units for Extremely Low Income and Very Low Income households, with supportive services. As further discussed in Finding Nos. 5 through 10, the amendment of the land use designation would be consistent with the purpose, intent and provisions of the General Plan.

In January 2008, the Department of City Planning (DCP) and CRA/LA issued a memorandum referred to as the Industrial Land Use Policy Project (ILUP). The ILUP studied land within different parts of the City and categorized them into one of four typologies: Employment Protection Districts, Industrial Mixed Use Districts, Transitional Districts, and Correction Areas. The ILUP provides short- and long- term direction related to the preservation of industrial land uses for the City as a whole, with consideration of the existing conditions of the geographic area and the objectives and policies of the applicable Community Plan area. The Project Site was categorized as being part of the Employment Protection District within the Central City – Downtown: Analysis Area 10. The boundaries of Analysis Area 10 generally coincide with the Central City East District, as identified in the Community Plan, which is described as being interspersed with residential, supportive services, commercial, and light industrial uses. The Community Plan identifies a need to not only preserve existing industrial uses, but to preserve existing affordable housing options and to allow for the development of new affordable housing. Specifically, the Community Plan identifies a need to provide “affordable infill housing east of San Pedro Street, in areas of existing housing clusters.”<sup>1</sup>

While the requested amendment to the land use designation would re-designate the site from Light Manufacturing to a Regional Commercial land use designation, and the Project is not one called out in the ILUP to be converted for residential use, the Project would be consistent with the overall direction provided by the ILUP for this specific geographic area to allow permanent supportive housing and assure no net loss of affordable housing, and would be consistent with the Community Plan’s objectives for affordable housing.

- 4. Charter Finding – City Charter Finding 558.** The proposed Amendment to the Central City Community Plan will be in conformance with public necessity, convenience, general welfare and good zoning practice.

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<sup>1</sup> Page III-15 of the Central City Community Plan

The recommended amendment to the Central City Community Plan would re-designate the land use designation of the Project Site from Light Manufacturing to Regional Commercial. In conjunction with the recommended amendment, the recommended Vesting Zone Change and Height District Change from M2-2D to [T][Q]C2-4D would permit the development of the Project Site a 175-unit affordable housing project to 8,691 square feet of commercial/office floor area, and up to 4,503 square feet of residential supportive services and community space for project tenants.

#### Public Necessity, Convenience, and General Welfare

The Project Site has a land use designation of Light Manufacturing and is zoned M2-2D, which would prohibit the development of new residential uses on the site. The Project proposes to redevelop the site which is presently a vacant food processing facility with 175-residential dwelling units, 8,691 square feet of commercial floor area, and proposes to provide on-site residential supportive services. As the existing land use designation and zone would not permit new residential development, the amendment is necessary to permit the redevelopment of an underdeveloped and underutilized site with a residential use.

On April 8, 2015, Mayor Eric Garcetti released the Sustainable City pLAN, a roadmap to achieve short-term results while setting the path to strengthen the transformation of the City in the decades to come. As part of the plan, the Mayor set forth a goal of creating 100,000 new housing units by 2021. The plan highlights the need to minimize the loss of affordable housing and the need to increase the production of affordable housing. The amendment would allow the site to be redeveloped and to provide 175 additional units to the housing market, including 173 affordable units. The Project would be an infill development within an area of the City that is developed with a mixture of residential, commercial, and light manufacturing uses. As described by the Community Plan, existing SRO units provide the primary source of housing for the area. The amendment would not only introduce new housing, but would also allow for housing to be provided in new construction, which has been limited in the area. Additionally, due to the unique nature of the surrounding area, the Project would place housing within close proximity to commercial and light manufacturing jobs, as well as near public transit. Additionally, the Project has been designed with a ground floor outdoor courtyard, providing connectivity from Crocker Street, to the west, to Towne Avenue, to the east through a lobby. Amenity spaces, such as a food court and community center are proposed. In total, the proposed project would provide 7,291 square feet of open space, which would include new landscaping and planting of trees on-site, as well as a kid's play area. As proposed, the Project would improve the livability and general welfare of the future residents of the development.

#### Good Zoning Practice

The Project Site is designated by the Community Plan for Light Manufacturing land uses and is zoned M2-2D. As zoned, it is consistent with the existing land use designation. The properties to the north, south, and east are designated and zoned for light manufacturing uses; however, many of the properties in the area have remained developed with SRO buildings and utilized for residential purposes. Presently, the existing residential use in the surrounding area to the south are non-conforming and would not be permitted within the existing land use designation and zone. The properties to the west and north have a Light Manufacturing Land Use designation. The land use designation one block north beyond Third Street and one block west beyond San Pedro Street are Regional Commercial and Community Commercial and High Medium Residential, with zoning designations of R5-4D-

CDO, C2-2D and [Q]R5-2D, all which would permit residential uses by-right. Properties directly to the west are improved with the 145 unit live-work Little Tokyo Lofts (420-426 San Pedro Street). Properties to the southwest, west of San Pedro Street and south of 5<sup>th</sup> Street have a land use designation of High Medium Residential and are zoned [Q]R5-2D, which would permit residential uses by-right. These properties are developed with the Midnight Mission (601 San Pedro Street), a homeless services organization, and a 115-unit affordable housing project (625 San Pedro Street). To the south, between 5<sup>th</sup> and 6<sup>th</sup> Streets is the Weingart Center (600 San Pedro Street), which was approved for a general plan amendment to the Regional Commercial land use designation and the [T][Q]C2-2D Zone, similar to what is proposed on the subject site. That project will introduce 382 units as a 100 percent affordable housing project, along with another 302 restricted affordable housing project on San Pedro Street, south of 6<sup>th</sup> Street. The amendment to re-designate the site to Regional Commercial would allow it to be redeveloped with a new mixed-use development that would consist primarily of Restricted Affordable housing. As the surrounding area is developed with a mixture of residential, commercial, and light manufacturing uses, the amendment would not be introducing an incompatible use to the area. As described in Finding No. 5, the amendment would allow the development of the site with residential and commercial uses that are consistent with the objectives and policies of the Community Plan and would be mutually compatible and supportive of one another.

5. **General Plan Text.** The Central City Community Plan text includes the following relevant objectives, policies, and programs:

*Objective 9-1:* To address the problems of the homeless population by creating a mix of policies, services and facilities that better serve their needs.

*Policy 9.1-1:* Preserve the existing affordable housing stock through rehabilitation and develop new affordable housing options.

Program: Retain and develop new supported housing opportunities for homeless people.

Program: Continue the rehabilitation of existing housing under nonprofit ownership and management. In the area west of San Pedro Street, allow new housing which is affordable to neighborhood residents. Provide affordable infill housing east of San Pedro Street, in areas of existing housing clusters.

In addition to the above referenced objectives, policies, and programs, one of the residential issues identified by the Community Plan is the lack of affordable housing to support those employed in the industrial sector.

The Project Site is located within the Central City East district of the City, as described in the Community Plan text. As described by the Community Plan, the district is characterized by manufacturing uses such as wholesale and warehousing uses, and a mixture of other commercial uses. Additionally, the district is developed with approximately 6,500 SRO hotel units which “are the primary source of housing for the area.”<sup>2</sup> In addition to the manufacturing, commercial, and residential uses in the area, the area is developed with a number of social services which include job training programs, transitional housing,

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<sup>2</sup> Page I-10 of the Central City Community Plan

homeless outreach, and various other services and programs to assist those in need of employment and housing assistances.

The site is located along the eastern side of Crocker Street, in an area where SRO developments are interspersed with the existing commercial and manufacturing uses in the M2 Zone. The Project Site is currently developed with a vacant food processing. The redevelopment of the site would not remove any existing SRO units and would develop the site with a Project containing 175 residential dwelling units and 8,691 square feet of commercial floor area development. Of the 175 units, 9 units will be set aside for Extremely Low Income Households and 1464 units for Very Low and 18 units for Low Income Households. The remaining two (2) units would be utilized as manager units. In addition to providing additional affordable housing opportunities, the Project would include on-site residential supportive services for future residents. Approximately 5,000 square feet of floor area would be utilized to provide on-site residential support services. Additionally, the Project would place new housing within close proximity to commercial and light manufacturing jobs, as well as near public transit. The existing land use designation and M2-2D Zone limits the ability to redevelop the site with a use that would be consistent with the above referenced objectives and policies of the Community Plan.

The recommended amendment to re-designate the site to the Regional Commercial land use designation and recommended zone and height district change to [T][Q]C2-4D would allow the site to be redeveloped with the Project as proposed. The project would not remove any existing SRO or affordable units from the market and would add 175 units (173 restricted units) to the market. The Project is proposed as a 100 percent affordable housing project which will set aside units for three (3) different income levels, with two (2) of the units being utilized as manager units. By setting aside units for Extremely Low, Very Low and Low Income households, the Project would be able to provide housing for individuals that are in different stages of their livelihoods, potentially also allowing individuals to grow in place as they transition from one income level to the next. As previously described, the site is located within an area which is developed with residential, commercial, and light manufacturing uses. The redevelopment of the site with additional affordable housing units would place future residents within proximity to employment opportunities, including those within the industrial sector. As recommended, the General Plan Amendment to the land use designation from Light Manufacturing to Regional Commercial, and the Vesting Zone Change and Height District Change to [T][Q]C2-4D would be consistent with the above referenced objectives, policies, and programs of the Central City Community Plan.

6. **Framework Element.** The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following provisions, objectives and policies relevant to the instant request:

#### Land Use

**GOAL 3C:** Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

**Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.**

### Economic Development

**GOAL 7G:** A range of housing opportunities in the City.

**Objective 7.9: Ensure that the available range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent range, access to local services and access to transportation, to accommodate future population growth and to enable a reasonable portion of the City's work force to both live and work in the City.**

***Policy 7.9.1:*** Promote the provision of affordable housing through means which require minimal subsidy levels and which, therefore, are less detrimental to the City's fiscal structure.

As described in Finding No. 5, the Central City East district was developed with a number of SRO buildings constructed in the early 1900s and represents the main type of housing in the area. Despite the designation for light manufacturing land uses, the area has continued to maintain the existing residential uses alongside the warehouse and commercial uses. While the M2 Zone would permit the rehabilitation or new construction of light manufacturing and commercial uses, the ability to rehabilitate existing residential buildings is limited and new construction of housing would not be permitted on the site. As recommended, the Regional Commercial land use designation and C2 Zone would enable the redevelopment of the underutilized site with a residential development that would provide Restricted Affordable dwelling units, as well as providing a new general commercial space. Additionally, the applicant proposes to provide on-site residential supportive services which would include intensive case management, life and job skills training, workforce development, and housing retention training for future residents of the Project. Although the Project Site is not located within the "traditional" multi-family neighborhood, the site is located within an area that is developed with live work housing to the west and multi-family housing in the area generally, known as SRO units, which have served to provide affordable housing. The redevelopment of the site would introduce new Restricted Affordable Units, along with on-site supportive services, while also improving the livability of its future residents by providing on-site open space and landscaping. As recommended, the use would be compatible with existing development in the area which consists of residential, commercial, and light manufacturing uses, and would be consistent with the above referenced goals, objectives, and policies, of the Framework Element.

- 7. Housing Element.** The Housing Element of the General Plan contains the following relevant goals, objectives, and policies:

**GOAL 1:** Housing production and preservation.

**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.

GOAL 4: Ending and Preventing Homelessness.

Objective 4.1: Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the specific needs of all persons who are homeless or at risk of homelessness.

*Policy 4.1.3:* Provide permanent supportive housing options with services for homeless persons and person/families at risk of homelessness to ensure that they remain housed and get the individualized help they may need.

As previously discussed, the site is designated for light manufacturing uses and would no longer permit the development of new residential uses. The existing SRO residential buildings in the surrounding areas would no longer be permitted and the ability to rehabilitate or convert buildings are limited. The recommended Regional Commercial land use designation and the recommended [T][Q]C2-4D Zone would allow for the Project Site to be redeveloped with a new 100 percent affordable housing project. The Project proposes to designate two (2) units as manager units and the remaining 173 of the proposed 175 dwelling units to be set aside as Restricted Affordable units for Extremely Low, Very Low, and Low Income households. The redevelopment of the site with affordable rental units would introduce a new housing opportunity within a newly constructed building to individuals of different income levels. As such, the recommended amendment, and zone and height district change would be consistent with Goals No. 1 and 4 of the Housing Element, as well as the objectives and policies.

GOAL 2: Safe, Livable, and Sustainable Neighborhoods.

Objective 2.1: Promote safety and health within neighborhoods.

Objective 2.3: Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.

*Policy 2.3.3:* Promote and facilitate the reduction of energy consumption in new and existing housing.

The Project Site has frontage along the eastern side of Crocker Street and the western side of Towne Avenue. The proposed Project would be one of the first new major developments in the area, which has seen very little new development to the east of San Pedro Street. The Project would remove a vacant food processing building and construct a new building which would meet current building code requirements for safety. Although the Project is primarily a residential building, the ground floor will include approximately 8,691 square feet of commercial floor area accessible from Crocker Street and Towne Avenue. The ground floor has been designed to create an active ground floor presence with the use of

transparent materials and clerestory windows along both street frontages. As recommended, the Project would be consistent with the above referenced goals, objectives, and policies.

8. **Mobility Element.** The Mobility Element of the General Plan is not likely to be affected by the recommended action herein. The proposed project, with the requested General Plan Amendment and Vesting Zone Change, proposes to construct a new mixed-use building consisting of 175 residential dwelling units and 8,691 square feet of commercial floor area. Crocker Street is a designated Collector Street with a varying width of 60 to 62 feet at the project site's street frontage, and is improved with sidewalks, curb and gutter, and street trees. Towne Avenue is a designated Collector Street with a half right of way of 30 feet and is fully improved with a 9-foot sidewalk. The project will be required to dedicate and improve the public right-of-way to the satisfaction of the Bureau of Engineering. The Bureau of Engineering recommended that the dedication and improvement of Crocker Street be completed along Crocker Street and the alley north of the project site. In addition, the Mobility Element encourages "the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure" (Policy 5.4). The Project has been conditioned to comply with Building Code requirements for EV parking spaces.
9. **The Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity, then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.
10. **Health and Wellness Element and Air Quality Element.** Policy 5.1 and 5.7 of the Plan for a Healthy LA, the Health and Wellness Element, and Policy 4.2.3 of the Air Quality Element are policy initiatives related to the reduction of air pollution and greenhouse gases. As conditioned herein, the Project would be required to provide parking spaces which would be equipped for the immediate installation and use of EV Charging Stations, as well as for future use. The Project has also been conditioned to install solar panels to an operating photovoltaic system. The installation and operation of the solar panels would help to reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, the conditions would provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and the City. As conditioned, the Project would be consistent with the aforementioned policies, as well as Policy 5.1.2 of the Air Quality Element, by ensuring that future developments are compatible with alternative fuel vehicles and shift to non-polluting sources of energy. The solar and EV conditions are also good zoning practices because they provide a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on site for other functions. As such, the Project provides service amenities to improve habitability for future residents of the Project and to minimize impacts on neighboring properties.

### **Entitlement Findings**

11. **Vesting Zone Change and Height District Change Findings.**

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

Public Necessity, Convenience, and General Welfare

The Project Site is located within the Central City East district of the Central City Community Plan area. The district, as described by the Community Plan, consists of a mixture of residential, commercial, and light manufacturing uses. In addition to the mix of uses, the area is a center for social services, providing access to transitional housing and other supportive services for the homeless. The land use designation of the surrounding properties is Light Manufacturing and they are zoned for light manufacturing uses; however, a number of lots have remained developed with SRO buildings. The properties to the west and north have a Light Manufacturing Land Use designation. The land use designation one block north beyond Third Street and one block west beyond San Pedro Street are Regional Commercial and Community Commercial and High Medium Residential, with zoning designations of R5-4D-CDO, C2-2D and [Q]R5-2D, all which would permit residential uses by-right. The properties located directly across from the site, on the western side of Crocker Street, are developed with the Little Tokyo Lofts, a 145 unit live-work loft development with 28,000 square feet of commercial space on the first floor, approved in 2001, the Mutual Trading Company and the Fred Jordan Missions to the south and a boutique clothing company to the east. One block south and to the west is the Weingart Center, which was approved for a General Plan Amendment and Zone Change similar to that proposed on the subject property. The existing M2-2D Zone would prohibit the redevelopment of the Project Site with a new Project containing 175 residential dwelling units and 8,691 square feet of commercial floor area. In addition to the setting aside 173 dwelling units as Restricted Affordable Units for Extremely Low, Very-Low and Low Income households, the applicant proposes to provide on-site residential supportive services for the future tenants. As discussed in Finding No. 4, the Sustainable City pLAn issued by the Mayor establishes a goal to create 100,000 dwelling units by the year 2021. Additionally, the plan indicates a need to not only enable the production of additional housing, but to encourage the production of affordable housing. The Zone Change and Height District Change would permit the redevelopment of the site with a 100 percent, 175-unit affordable housing project.

The Project Site is located within a Transit Priority Area, as defined by Senate Bill (SB 743). The Metro Purple/Red Line station is at Pershing Square station, which is located 0.7 miles west of the Project Site, while the nearest Metro Gold Line Little Tokyo/Arts District station is located 0.45 miles northeast of the Project Site. The eastbound bus stop for Metro Bus Lines 18, 53, 62, and Metro Rapid Line 720 is located one and a half blocks south and west of the site at the southeast corner of San Pedro Street and 6<sup>th</sup> Street. The westbound bus stop is located one block south and west at the northeast corner of San Pedro Street and 5<sup>th</sup> Street. The bus lines would be able to provide connections to other public transit lines such as the Metro Red, Purple, and Gold lines, and a number of other bus lines located at Union Station. The Project would place additional housing within proximity to public transit, and employment centers, as such requiring zero (0) parking spaces for dwelling units that are set aside as Restricted Affordable units would reduce reliance on the use of individual vehicles and encourage the use of public transit, thereby supporting the policies and objectives of the General Plan as discussed in Findings No. 5 through 10.

As the Project proposes more than six (6) dwelling units, it is required to provide open space for the future residents. In lieu of providing a combination of common and private open space, the applicant has chosen to provide all of the required open space as common open space. Approximately 5,000 square feet of ground floor courtyards will be provided on the eastern and southern portions. The courtyard opening to Crocker Street will include a variety of landscaping and trees. A children's play area will be located near the southeast corner of the property on the ground floor. A community room and residence lounge will be located on the second floor, and a learning center is located on each floor on Floors 3 through 7. Although the dedicated area of indoor common open space would exceed the minimum 25 percent permitted by the LAMC, providing the additional area for shared common open space would support and encourage social activities for the future residents. While the Project provides a reduce amount of open space than stated in the LAMC, it would provide on-site outdoor and indoor open space which existing SRO buildings in the area lack. As proposed, the Project would be consistent with the public necessity, convenience, and general welfare of the surrounding area.

### Good Zoning Practice

As recommended, the Vesting Zone Change and Height District Change to [T][Q]C2-4D would permit the redevelopment of the Project Site with new affordable housing. As discussed in Finding No. 5, and above, the site is located within an area of the City which is developed with a mixture of residential, commercial, and light manufacturing uses. A number of properties in the area have been utilized for residential purposes since the early 1900s when they were developed with residential hotels for transient workers in the industrial field. The recommended Zone Change and Height District Change would enable the development of Restricted Affordable housing which would include on-site supportive services for future residents, consistent with Objective 9-1, Policy 9.1-1, and identified programs of the Community Plan, as referenced in Finding No. 5.

In conjunction with the redevelopment of the site, the proposed building would be required to comply with the current open space requirements of the LAMC. The Project would be required to provide 18,225 square feet of open space; however, the Applicant has requested two Developer Incentives to reduce the required open space by 60 percent, as well as to provide all of the open space as common open space. Existing SRO buildings have minimal landscaping or open space areas as they were constructed in the early 1900s. The Project would provide a total of 7,291 square feet of open space. The Project proposes to provide a 3,354 square foot outdoor courtyard that would be located primarily on the western side of the site as well as a children's play area on the ground floor. The ground floor courtyard along Crocker Street will be landscaped and planted with the trees. Although the Project proposes to reduce the amount of open space located on-site, the site is located 0.25 miles north of a public park, Gladys Park, located on 6<sup>th</sup> Street. The site is also located .2 miles northeast of San Julian Park, which is located at the southwest corner of San Julian Street and 5<sup>th</sup> Street. Facilities at the parks include landscaped play areas, seating areas, outdoor exercise equipment, and a half-court basketball court.

In addition to the requested two open space-related Developer Incentives, a third Developer Incentive allows for no parking spaces to be required for units set aside at the Extremely Low and Very Low Income levels as determined by the California Department of Housing and Community Development (HCD) or the U.S. Department of

Housing and Urban Development (HUD). The project qualifies for the by-right parking incentives offered by the Greater Downtown Housing Incentive Area. However, due to the project's Very Low Income set aside units being provided at both the HCD and HUD levels, the third Developer Incentive will allow for all units set aside at the Extremely Low or Very Low Income levels to have zero parking required. This is good zoning practice as it is consistent with the intent of the Greater Downtown Housing Incentive Area Ordinance to allow for reduced parking for units set aside at the most affordable levels. The granting of the incentive will ensure that parking for the Extremely Low and Very Low set aside units will benefit from the parking reduction at either the HCD or HUD rent levels.

As recommended, the Zone Change and Height District Change would permit the development of the site with a use that is compatible with the surrounding area and would support the goals, objectives, and policies of the General Plan, as discussed in Finding Nos. 5 through 10.

- b. **Pursuant to Section 12.32 G and Q of the Municipal Code "T" and "Q" Classification Findings.** The current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. As recommended, the Zone Change has been placed in permanent "T" and "Q" Classification in order to ensure consistency with the amendment to the land use designation from Light Manufacturing to Regional Commercial. The "T" Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The "Q" Conditions that limits the scale and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.
- c. **Pursuant to Section 12.32-G and Q of the Municipal Code "D" Limitation Findings.** **The Council shall find that any or all the limitations are necessary: (1) to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood, and (2) to secure an appropriate development in harmony with the objectives of the General Plan, or (3) to prevent or mitigate potentially adverse environmental effects of the Height District establishment or change.**

The Project Site is located within an area which is developed with one- to six-story buildings and is limited to a maximum FAR of 3:1 unless the additional floor area is consistent with the rehabilitation provisions of the Redevelopment Plan. Height Districts 3 and 4 correspond to the Regional Commercial land use designation, as indicated in Footnote No. 3 of the Community Plan. The Footnote indicates that FARs within Height District 3 and 4 would be subject to a Development "D" Limitation, which would permit a maximum FAR of 6:1, unless a transfer of floor area is approved. The recommended change from Height District 2 to 4 would provide consistency with Footnote No. 3, which states either Height District 4 is a corresponding Height District for the Regional Commercial land use designation. The adoption of the "D" Limitation would limits the

maximum FAR to 4.99:1, which would permit floor area that is greater than what is currently permitted by-right on the surrounding properties. However, it would be less than the maximum FAR permitted by the existing "D" Limitation and Footnote. Additionally, the proposed 4.99:1 FAR would be consistent with the FAR that is permitted for the lots in the vicinity that are zoned for residential uses. The zoning designation one block north beyond Third Street and one block west beyond San Pedro Street are R5-4D-CDO, C2-2D and [Q]R5-2D, all which would permit residential uses by-right. Those properties are limited to FARs that range from 3:1 to 6:1, similar to the subject site. However, these lots would be able to apply the by-right FAR incentive of the Greater Downtown Incentive Area and receive a 35 percent increase in the permitted FAR for a 4.05:1 to 8:1 FAR. The proposed height of the building is consistent with the heights of the existing and proposed buildings in the vicinity.

The recommended FAR would be consistent with the anticipated development of Regional Centers as described within the Framework Element. The proposed setbacks, as well as building design, would make the buildings compatible with the surrounding area and would be consistent with the corresponding Height Districts of the recommended Regional Commercial Land Use Designation. As recommended, the "D" Limitation would limit the development of the site to a 4.99:1 FAR and a maximum height of 87 feet, ensuring that the future development would maintain compatibility with the surrounding area and any future development. As discussed in Finding Nos. 5 through 10, the "D" Limitation would secure an appropriate development in harmony with the objectives of the General Plan.

## 12. Site Plan Review Findings.

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

As discussed in Finding No. 1, the recommended Zone and Height District changes for the Project Site would be consistent with the recommended land use designation. As the Project Site is located within the Greater Downtown Housing Incentive Area, the Project would not be subject to the minimum lot area per dwelling unit calculations of the recommended C2 Zone. The density would be limited by the proposed 4.99:1 FAR and a minimum habitable size from the Building Code. As proposed, the Project would be a 100 percent affordable housing project which would provide two (2) manager units and 173 dwelling units set aside for Extremely Low, Very-Low and Low Income households. In conjunction with the requested Zone Change, the applicant has requested Developer Incentives to reduce the required open space and to reduce the amount of required parking. As discussed in Finding No. 5 through 10, the Project would meet the goals, objectives, and policies of the General Plan and the Central City Community Plan area. As such, the project is in substantial conformance with the General Plan and Community Plan. The project site is not located within a specific plan area.

- b. **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.**

The Project Site is located within the Central City Community Plan area, located mid-block to the south of 4th Street with approximately 175 feet of street frontage on Crocker Street and approximately 150 feet of street frontage on Towne Avenue. The surrounding properties are developed with a mixture of residential, commercial, and light manufacturing uses. Along Crocker Street, manufacturing uses include a wholesale distributor of food and clothing. Properties to the south are developed wholesale and religious and homeless services uses. The Little Tokyo Lofts, with 145 live-work units, is located to the west of the project site. The surrounding properties are developed primarily with one- to six-story buildings. As the Project Site is located within the Greater Downtown Housing Incentive area, the Project has been designed in accordance with the Downtown Design Guide and as described below, and would be compatible with the existing and future development on adjacent and neighboring properties. As identified in the Downtown Design Guide, the Project Site is located within the Central Industrial District.

#### Building Arrangement (height, bulk and setbacks)

As indicated in Figure 3-1 of the Downtown Design Guide, Towne Avenue and Crocker Street are not designated as Retail Streets. Along both frontages, the building would provide a zero-foot setback along Crocker Street, after the required dedication, and a varying setback along Towne Avenue, providing for articulation in the building façade. As proposed, the building would be consistent with Section 3.B of the Guide as it relates to building setbacks. The ground floor on each side of the building will utilize clerestory windows and glass storefronts and is designed to accommodate clear access to and from the uses in the building. Along Crocker Street would be commercial office space and access to the service provider office spaces. Access to the Food Court, community center and the residential lobby is through Towne Avenue. The building features a courtyard that opens to Crocker Street, with an articulated “V” shape to the building massing, which provides visual interest.

#### Off-Street Parking Facilities and Loading Areas

The Project proposes to provide 29 automobile parking spaces, which would be located within one subterranean level, along with short and long term bicycle parking. Although the Project does not propose parking spaces for a majority of the residential units, the Project has been conditioned to require that parking spaces are sold or rented separately from the residential dwelling units. A loading area is provided for the commercial uses off-street along the alley where it meets Crocker Street. As proposed, the Project would be consistent with the Section 5 of the Guide as it relates to the Parking and Access.

#### Lighting

The proposed plans do not indicate a lighting plan; however, Condition No. 9 of the Conditions of Approval would ensure that the installation of lights would not result in a substantial amount of light that would adversely affect the day or night time views in the project vicinity.

#### Landscaping

The Project proposes to provide 7,291 square feet of open space, which will be provided either as covered or uncovered outdoor open space or indoor community rooms or

learning centers. The Project has been conditioned to meet the planting standards of the Guide, as found in Section 9-H, unless otherwise prohibited by the Urban Forestry Division, Bureau of Public Works.

### Trash Collection

The Project proposes to provide a trash and recycling area within the building. The common area for the collection would be located within the parking area.

### Sustainability

The Project has been conditioned to meet the building code standards for the installation of wiring for current and future installation of electric vehicle charging stations, as well as the installation of an operational photovoltaic system (solar) that would offset the electrical demand of the EV chargers and other on-site electrical uses. The electric vehicle charging spaces and solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site, in spite of increased parking capacity, through encouraging the use of low or zero emission vehicles.

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

The Project proposes to provide 175 units. Pursuant to LAMC Section 12.21 G, the Project would be required to provide 18,225 square feet of open space. In conjunction with the recommended zone change, it is recommended that the required open space be reduced. The Project proposes to provide 7,291 square feet of open space. Although the Project would provide less open space than required pursuant to LAMC Section 12.21 G, the proposed open space areas has been thoughtfully designed and it is anticipated that it would be sufficient to improve the habitability of its future residents. The Project proposes to provide a 3,354 square-foot ground floor courtyard which would be landscaped and accessible from Crocker Street. The balance of the open space will be provided through a children's play area and community rooms throughout the building. Landscaping would include a total of 44 24-inch box trees and 8 street trees, to be planted on-site and within the adjacent right-of-way. In addition to recreational amenities, the Project provides a dedicated space intended to provide residents with on-site social services related to mental, physical, social, and job training. As proposed, the project would provide recreational and service amenities which would improve habitability for its residents and minimize impacts on neighboring properties.

### Environmental Findings

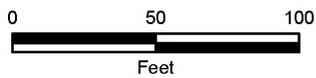
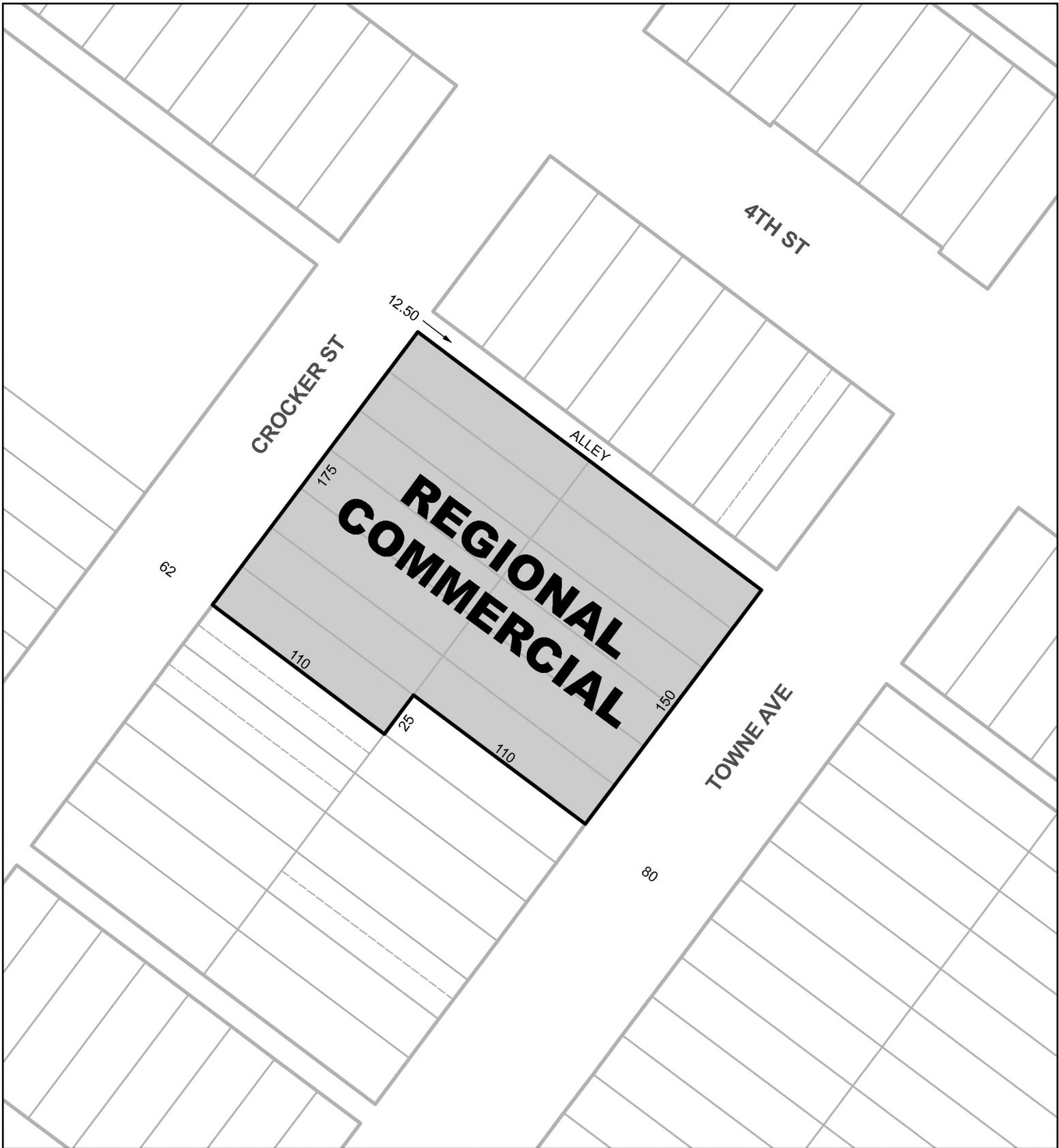
- 13. Environmental Finding.** Pursuant to Senate Bill (SB) 375 and Public Resources Code (PRC) Section 21155.1, a project that qualifies as a Transit Priority Project and is declared by a legislative body to be a Sustainable Communities Project is statutorily exempt from the California Environmental Quality Act (CEQA). These SB 375 clearances are intended to meet the goals of the Sustainable Communities Strategy to encourage higher density, infill development located near transit.

In order to qualify as a Transit Priority Project, the project must be consistent with general land use policies of an adopted Sustainable Communities Strategy per PRC Section

21155(a) and meet the criteria in PRC Section 21155(b) related to minimum density, residential uses, and distance from a major transit stop or high-quality transit corridor. In order to qualify as a Sustainable Communities Project, the project must meet all environmental criteria in PRC Section 21155.1(a), all land use criteria in PRC Section 21155.1(b), and one public benefit criteria in PRC Section 21155.1(c). A public hearing must be held by City Council prior to declaring a project to be a Sustainable Communities Project and the City Council is required to find the necessary criteria are met in Subsections (a), (b) and (c) of PRC Section 21155.1. Unlike other CEQA clearances, the SCP Exemption must be approved by the City Council, even if the initial decisionmaker or appellate body is a lower decision-making body or officer.

The Department of City Planning has determined and will recommend to the City Council that the project is exempt from CEQA pursuant to PRC 21155.1 as a Transit Priority Project and Sustainable Communities Project. A public hearing will be held by the City Council on the SCP Exemption after completion of the appeal period, if no appeal is filed, or after the appeal is filed and the land use approval upheld (in whole or in part). The project approvals will not be final until the City Council has approved the SCP Exemption unless another CEQA clearance is approved.

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



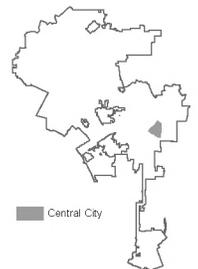
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CENTRAL CITY

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City of Los Angeles



RESOLUTION

**WHEREAS**, the subject project is located within the area covered by the Central City Community Plan, updated by the City Council on January 8, 2003; and

**WHEREAS**, the City Planning Commission recommended approval of a General Plan Amendment from Light Manufacturing to Regional Commercial for the subject property; and recommended adoption of a Zone Change and Height District Change from M2-2D to [T][Q]C2-4D with a 4.99:1 FAR limitation on the site; and

**WHEREAS**, the approved project is for the construction, use, and maintenance of a 175 residential dwelling units, with 173 units set aside for Extremely Low, Very-Low, and Low Income Households and two manager units, 8,691 square feet of commercial/office floor area, and up to 4,503 square feet of residential supportive services such as counseling, career center, and training rooms for the Project's tenants with a maximum 4.99:1 Floor Area Ratio; and

**WHEREAS**, the City Planning Commission at its meeting on November 19, 2020 approved the General Plan Amendment and recommended adoption by the City Council of a General Plan Amendment over the subject property; and

**WHEREAS**, pursuant to the provisions of the Los Angeles City Charter, the Mayor and City Planning Commission have transmitted their recommendations; and

**WHEREAS**, the requested General Plan Amendment is consistent with the intent and purpose of the adopted Central City Community Plan to designate land use in an orderly and unified manner; and

**WHEREAS**, the Regional Commercial land use designation and the [T][Q]C2-4D Zone and Height District will allow the project as described above which is consistent with the Plan and Zone; and

**WHEREAS**, a Sustainable Communities Project Exemption, Case No. ENV-2020-88-SCPE been prepared for the subject proposal in accordance with the State's Guidelines for implementation of the California Environmental Quality Act (CEQA);

**NOW, THEREFORE, BE IT RESOLVED** that the Central City Community Plan be amended as shown on the attached General Plan Amendment map.

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

March 27, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

### OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

#### STEP 1:

Email [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org) with the subject line: "**Request to File Appeal.**" In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

#### STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)

#### Mail the appeal application to:

Department City Planning - Metro DSC  
201 N. Figueroa St., 4th Floor  
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

### OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment

# FACT SHEET

## Planning Entitlement Appeals

### Summary

Discretionary planning decisions in Los Angeles can be appealed, at times, to one of the eight City Commissions that oversee planning-related issues and, in some instances, directly to the City Council. These appeals provide members of the public with an opportunity to challenge certain planning decisions, exercising their rights in accordance with the Los Angeles Municipal Code (LAMC). City Planning has developed an informational fact sheet, complete with frequently asked questions, to inform the public of their rights and opportunities for filing project appeals.

### Background

The LAMC outlines a process to allow members of the public to appeal land use decisions that are issued by the City. Appeals are intended to challenge the merits of the decision, specifically to contend that a decision maker erred or abused their discretion. To allow community members the ability to appeal qualifying planning decisions at a minimal personal cost, City Planning has consistently (and significantly) subsidized non-applicant appeal fees. This has allowed individuals to be part of a fair and equitable process, one which has provided the public with the opportunity to question certain decisions.

The Department has developed a fact sheet to further clarify the process for filing project-related appeals. This document will be updated periodically, as needed. For additional information, please contact the planning staff located at the Figueroa Plaza (Downtown), Marvin Braude (Van Nuys), or West Los Angeles Development Services Centers preferably via email at [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org).

## Frequently Asked Questions

### Where are project appeals filed?

Appeals can be filed at any of the three Development Services Centers (DSCs)—[Downtown, Van Nuys, and West Los Angeles](#)—where planning staff is located. A physical drop off area has been set up at each location to allow applicants to submit their applications, without having to file an initial appointment or enter the premises. As an additional option, the Department has also created an online portal for electronic appeal applications. Click this [link](#) to access the online forms and submit the relevant information electronically.

### How long do applicants have to submit a project-related appeal?

An appeal must be filed within a specified period of time as established by the LAMC—varying in length from 10 to 15 days of the issuance of the Letter of Determination (LOD), depending on the planning entitlements being appealed. As a point of reference, deadlines for filing appeals are noted in the [Los Angeles Municipal Code](#) (LAMC) and typically also identified within the LOD.

### Where can applicants access the appeal form and corresponding instructions?

The appeal form and instructions can be found [here](#). Both an applicant and “aggrieved party” (a community member opposing the decision) may choose to file an appeal. All appeals will be processed at the same time. Each appeal form represents one appeal, regardless of the number of individuals who have signed the appeal form. For certain planning entitlements, such as determinations for projects that file under the Density Bonus and [Transit Oriented Communities Incentive](#) Programs, appeals are limited to adjacent and abutting owners of property or occupants, as specified in the implementing State and/or local statute. Neighborhood Councils and/or City-appointed decision-making bodies may not file an appeal.

### Who decides the outcome of project appeals?

Letters of Determination are issued by the Director of Planning (DIR), Associate Zoning Administrator (AZA), Deputy Advisory Agency (DAA), Area Planning Commission

(APC), or City Planning Commission (CPC). Depending on the initial decision-maker, there are three appellate bodies for planning cases in Los Angeles: the Area Planning Commissions, the City Planning Commission, and the City Council. The LAMC establishes appeal procedures including which types of decisions are eligible for a first- and second-level appeal (meaning that in some cases, the project can be appealed again to a higher decision maker).

### **How long does the City have to consider the appeal of a land use decision?**

According to the LAMC, the City must process appeals under strict time limits. Depending on the planning entitlements, the date that an appeal hearing must be scheduled varies between 30 days from appeal submittal up to 75 days from the last day of the appeal period. These time periods may be extended if there is mutual agreement between the applicant and the City. The LAMC does not, however, allow a non-applicant to request an extension beyond this allotted time period for project appeals.

### **How (and when) are notifications sent notifying the appellant of their hearing date?**

The LAMC specifies the timelines by which appeal hearings must be held. In general, appellants receive notice of their upcoming hearing at least 10 days prior to the hearing date. Notices for some appeal hearings may be published in a local newspaper. If unavailable to attend the date of the hearing, the appellant can submit written comments to the decision-maker or appoint a representative to provide public testimony on their behalf at the public hearing.

### **Who from City Planning can provide assistance, should there be any questions?**

Planning staff at the DSCs serve as a main point of contact for [general inquiries](#). Once a project appeal has been submitted, questions can be directed to the assigned planner, who will process the appeal and take it to the hearing. The contact information for the assigned planner may be found on the Department's [Planning Case Tracking System \(PCTS\)](#).

## When can documents be sent to the appellate decision maker who will hear the appeal?

In addition to the appeal application, the appellant may submit documents for the official public record at the time the appeal is filed. If there is a need to provide additional documents after the appeal has been filed, the appellant can send them to the planner assigned to the appeal. Information submitted after a staff recommendation report has been drafted will be included in the public record, but it will not have been considered at the time of the writing of the staff report.

City Planning's Commission Office requires that supplemental information be provided more than 48 hours in advance of the hearing, and meet the criteria as outlined below.

### *REQUIREMENTS FOR COMMISSION SUBMISSION OF MATERIALS*

*Regular Submissions: Initial Submissions, not limited as to volume must be received no later than by 4:00 pm on the Monday of the week prior to the week of the Commission meeting. Materials must be emailed to the assigned staff and Commission identified on the project's public hearing notice.*

*Rebuttal Submissions: Secondary Submissions in response to a Staff Recommendation Report and/or additional comments must be received electronically no later than 48 hours prior to the Commission meeting. For the Central, South Los Angeles and Harbor Area Planning Commissions, materials must be received no later than by 3:00 pm, Thursday of the week prior to the Commission meeting. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on this announcement.*

*Day of Hearing Submissions: Submissions less than 48 hours prior to, and including the day of the hearing, must not exceed two (2) written pages, including exhibits, and must be submitted electronically to the staff and Commission identified on the project's public hearing notice. Photographs do not count toward the page limitation.*

*Non-Complying Submissions: Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission." Non-complying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission and will not be included in the official administrative record for the item at issue.*

### **Commission email addresses:**

City Planning Commission: [cpc@lacity.org](mailto:cpc@lacity.org)

Central Los Angeles Area Planning Commission: [apccentral@lacity.org](mailto:apccentral@lacity.org)

East Los Angeles Area Planning Commission: [apceastla@lacity.org](mailto:apceastla@lacity.org)

Harbor Area Planning Commission: [apcharbor@lacity.org](mailto:apcharbor@lacity.org)

North Valley Area Planning Commission: [apcnorthvalley@lacity.org](mailto:apcnorthvalley@lacity.org)

South Valley Area Planning Commission: [apcsouthvalley@lacity.org](mailto:apcsouthvalley@lacity.org)

South Los Angeles Area Planning Commission: [apcsouthla@lacity.org](mailto:apcsouthla@lacity.org)

West Los Angeles Area Planning Commission: [apcwestla@lacity.org](mailto:apcwestla@lacity.org)

### **Are appellants required to sit through the entire meeting when there are multiple items on the agenda?**

The answer is no; however, the agenda items can be taken out of order. Therefore, it is in the interest of each appellant to attend the full meeting at the scheduled start time, until their item is taken up for consideration. Depending on how many items are on the agenda, and the agenda order, your item could be heard very quickly or you may have to wait through several items which could take a few hours. As a point of reference, commission meetings for Area Planning Commissions and City Planning Commission generally start at 4:30 PM and 8:30 AM, respectively. For additional details, please consult the "[Events Calendar](#)" on City Planning's website. For City Council and Council Committee meetings, please consult the Meeting Calendar page for [City Council](#) and [Committees](#).

### **Will the appellant have an opportunity to speak during the hearing?**

Following the presentation by the planner assigned to the appeal case, the appellant can present their case. After the appellant's presentation, the project applicant will be given an equal amount of time to provide a rebuttal to the appellant's presentation. There is often time for an additional rebuttal by the applicant or appellant. While there are exceptions to the rule, the appellate body may invite the appellant to respond to



questions. It is important to note that the appellate body will not engage in a back and forth conversation with either the applicant or appellant. This is done to be both fair and consistent in the amount of time allocated to each party.

### **What is the format and structure of a typical hearing for a project appeal?**

Each appellate body follows a slightly different set of procedures when hearing project appeals. That said, there are a number of common features that apply regardless of whether the appellate body is the Area Planning Commission, Cultural Heritage Commission, City Planning Commission, or City Council. A formal public meeting structure is always maintained in order to ensure a fair and predictable process—one where all sides are heard, and the meeting is conducted in an orderly manner. In the case when a planning commission is the appellate body, there are additional steps, such as: a presentation from the Department, an opportunity for the appellant to testify, a forum for the applicant to offer their rebuttal, and time reserved for public testimony. This would take place leading up to any formal action on the part of the commissioners, as it relates to a project appeal.

To slow the spread of COVID-19, City Planning has implemented new procedures for public hearings and outreach meetings in order to practice proper physical distancing protocols. Until notified otherwise, commission meetings will be conducted virtually to allow applicants and the public to participate using a webcam or by telephone. For more information, consult the City Planning's [website](#) with detailed instructions.

### **How much time does the appellant have to present their argument?**

The time allocated to the appellant for the purposes of their presentation varies. It is ultimately determined by the appellate body and communicated at the start of the meeting. More often than not, appellants are allocated five to 10 minutes to make their presentation. Project appeals that are heard by City Council follow slightly different procedures, which the assigned planner can explain.

### **Is there a need for the appellant to submit a PowerPoint presentation?**

Appellants can prepare a PowerPoint presentation, in addition to making verbal remarks when it is their turn to speak. If a PowerPoint is being prepared, the appellant should



submit the document to City Planning no less than 72 hours in advance of the meeting. The assigned planner will coordinate the submission for the appellant.

### **What role does the planner assigned to this project play during the appeal process?**

The role of the assigned planner is to ensure that an appellant is notified of the appeal hearing as an interested party, to provide them with a courtesy copy of the staff report if prepared, and to make sure that all parties are informed of the outcome or final decision of the appeal. The assigned planner will analyze the appeal points and prepare a staff recommendation report responding to each of the points raised by the appellant. At the hearing, the assigned planner will make a presentation to the decision maker. All information about the case is available for public view in the case file, and the Planner can assist in making an appointment to review it. The planner can also ensure that translation and special accommodations for individuals with disabilities can be provided at the public hearing, if requested.

### **What happens after the Appellate Body issues a formal decision, one way or another?**

After the Commission takes a vote, a formal Letter of Determination is issued. If the decision is not further appealable, this concludes the appeal process. Under the LAMC and City Charter, only certain Commission-level appellate decisions are further appealable to City Council.

### **When can a CEQA appeal be filed?**

Generally, a standalone CEQA appeal to the City Council may only be filed if a project's land use determination is not further appealable to the City Council (with some exceptions). If a determination made by an Area Planning Commission or City Planning Commission is further appealable to the City Council, the City Council will consider CEQA related appeal points made by an appellant when considering the entire appeal of the project.

## **When should appellants fill out the CEQA Appeal Form?**

The CEQA Appeal form shall only be used if the Area Planning Commission or City Planning Commission issues a determination for a project that is not further appealable. In these situations, an individual may file an appeal of a project's CEQA clearance to the City Council. Forms and procedures for the appeal of CEQA documents can be found here listed under "CEQA Appeal Application."