

## FINDINGS

### FINDINGS OF FACT (CEQA)

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2020-6829-MND on September 23, 2021. The Department found that potential negative impact could occur from the project's implementation due to:

Tribal Cultural Resources and Transportation; and

The Deputy Advisory Agency certifies that Mitigated Negative Declaration No. ENV-2020-6829-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition No. 27 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by adopting the attached Mitigation Monitoring Program of ENV-2020-6829-MND.

### FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 82388 the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The property is zoned CR-1 and R4P-1 and is consistent with the existing land use designation. The subject property is comprised of five (5) parcels resulting in a through lot with 68,955 square feet of lot area including dedications with a depth of approximately 120 feet and having a frontage of approximately 244 linear feet along Mesquit Street and approximately 104 linear feet along Jesse Street.

The Vesting Tentative Tract Map describes and illustrates a land use consistent with the existing General Plan Land Use Designation of Heavy Manufacturing and M3 zoning of the site. The proposed use is permitted in the designated zones. The proposed project would remove the surface level parking lot pertaining to "Produce LA" on the subject site and would construct a 14-story, approximately 188,954 square foot commercial office building with 4,325 square feet of retail ground floor.

The project will provide a total of 397 parking spaces in five (5) levels of at-grade parking and two (2) levels of subterranean parking. The proposed development has provided an

addition 54 parking spaces to replace the parking spaces that were displaced from the former "Produce LA" surface parking lot. The project will also provide bicycle parking including 95 long term and 51 short-term. The applicant has filed a concurrent request for a Director of Planning Determination (Case No. CPC-2020-6828-GPA-ZC-HD-SPR-MCUP) for the following: (1) City-initiated General Plan Amendment ("GPA") to modify Footnotes 1 and 6 of the Central City North Community Plan to include the boundaries and development standards of the Project, pursuant to LAMC § 11.5.6.9; (2) Height District change from the existing Height District 1 to Height District 2, pursuant to LAMC § 12.32.F.; (3) Master Conditional Use Permit to permit the sale of full line alcoholic beverages within four restaurants and bars, pursuant to LAMC § 12.24 W.1. (4) Site Plan Review for a project that results in an increase of 50,000 gross square feet or more of nonresidential uses, pursuant to LAMC § 16.05.

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the Los Angeles Municipal Code ("LAMC"). The Vesting Tentative Tract Map is for the merger and subdivision of five (5) parcels into one (1) master ground lot and seven (7) airspace lots.

The Los Angeles Municipal Code (LAMC) implements the goals, objectives, and policies of the Community Plan through adopted zoning regulations. The Zoning Code regulates, but is not limited to, the maximum permitted density, height, and the subdivision of land. The Central City North Community Plan does not address subdivision explicitly, however, the plan does provide for land designations with the corresponding zone.

The subject property is M3 corresponding to Heavy Manufacturing land use designation and permits commercial uses on the property. The proposed office/commercial development is contingent upon approval of Case No. CPC-2020-6828-GPA-ZC-HD-SPR-MCUP.

Therefore, the Vesting Tentative Tract Map for the merger and subdivision of land to create an office/commercial development is allowable under the zone and the land use designation and will be consistent with the General and Community Plans and the request is consistent with Article 7 (Division of Land Regulations) of the Los Angeles Municipal Code. The project site is not governed by a specific plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Pursuant to Section 66418 of the Subdivision Map Act, "design" of a map refers to street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and other such specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. In addition, Section 66427 of the Subdivision Map Act expressly states that the "design and location of buildings are not part of the map review process for

condominium, community apartment or stock cooperative projects.” Section 17.05-C of the LAMC enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan.

Section 17.05-C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (“net area”). The requested map meets the required components of a Vesting Tentative Tract Map. The project is located within an Outside Flood Zone, Methane Zone, and Special Grading Area. The project is not located within a Liquefaction area and Landslide area.

The design and layout of the Vesting Tentative Tract Map are consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including Department of Building and Safety, Bureau of Engineering, and the Department of Water and Power) have reviewed the map and found the subdivision design satisfactory. These agencies have imposed improvement requirements and/or conditions of approval. Therefore, as conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General and Specific Plans.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The subject property is comprised of five (5) parcels resulting in a through lot with 68,955 square feet of lot area dedications with a depth of approximately 120 feet and having a frontage of approximately 244 linear feet along Mesquit Street and approximately 104 linear feet along Jesse Street. The subject property is currently developed with a four (4)-story office/commercial building “Produce LA” and a surface level parking lot. The subject property is zoned M3-1-RIO within the Central City North Community Plan Area with a land use designation of Heavy Manufacturing.

Surrounding properties are developed with a mix of residential, commercial retail/restaurant and commercial office uses. Properties to the north adjoining the subject property are zoned PF-1XL-RIO with a land use designation of Public Facilities and developed with a Los Angeles Department of Water and Power substation facility. Properties to the east across Mesquit Street are zoned M3-1-RIO and OS-1XL-RIO with land use designations Heavy Manufacturing and Open Space and developed with warehouse uses, a railyard and Los Angeles River located behind the warehouses. Properties to the south across Jesse Street are zoned M3-1-RIO with a land use designation of Heavy Manufacturing and developed with live/work and community serving multi-story developments. Properties to the west across Santa Fe Avenue are zoned M3-1-RIO with a land use designation of Heavy Manufacturing and developed with multi-story office commercial uses with surface level parking lots.

Removal of trees on-site and street trees through the development of the proposed project will be replaced as per the requirements of the Bureau of Street Services, Urban Forestry Division. The proposed development is an allowable use under the M3 Zone and the pending a City-initiated General Plan Amendment (“GPA”) to modify Footnotes 1 and 6 of the Central City North Community Plan to include the boundaries and development standards of the Project. The proposed 14-story, approximately 188,954 square foot

commercial office building with 4,325 square feet of retail ground floor, including a total of 397 parking spaces in five (5) levels of at-grade parking and two (2) levels of subterranean parking is contingent upon approval of Case No. CPC-2020-6828-GPA-ZC-HD-SPR-MCUP. In addition, the site is not located within an Alquist-Priolo Fault Zone, however it is located within an Outside Flood Zone. The Department of Building and Safety, Grading Division, will require that the project satisfy the requirement of the City's Grading Regulations as enumerated in Section 91.3000 of the Los Angeles Municipal Code. Therefore, material evidence supports that the site will be physically suitable for the proposed type of development.

- (d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies geographic locations where planned and anticipated densities are permitted through its Community Plans and Specific Plans. Zoning relating to the sites throughout the city, are allocated based on the type of land use, physical suitability and future population growth expected to occur. The Central City North Community Plan designates the site for Heavy Manufacturing land uses. The site is zoned M3 and is consistent with the range of zones under the corresponding land use designation. The proposed commercial/office development is contingent upon approval of Case No. CPC-2020-6828-GPA-ZC-HD-SPR-MCUP. As such, the construction of the proposed uses on the project site would be consistent with the land use designation of the site and the applicable zoning of the site.

Surrounding properties are developed with a mix of residential, commercial retail/restaurant and commercial office uses. Properties to the north adjoining the subject property are zoned PF-1XL-RIO with a land use designation of Public Facilities and developed with a Los Angeles Department of Water and Power substation facility. Properties to the east across Mesquit Street are zoned M3-1-RIO and OS-1XL-RIO with land use designations Heavy Manufacturing and Open Space and developed with warehouse uses, a railyard and Los Angeles River located behind the warehouses. Properties to the south across Jesse Street are zoned M3-1-RIO with a land use designation of Heavy Manufacturing and developed with live/work and community serving multi-story developments. Properties to the west across Santa Fe Avenue are zoned M3-1-RIO with a land use designation of Heavy Manufacturing and developed with multi-story office commercial uses with surface level parking lots.

Based on the density calculation and land uses in the vicinity, this subdivision involves a density consistent with the General Plan and Zoning affecting the site, as approved by Case No. CPC-2020-6828-GPA-ZC-HD-SPR-MCUP. There are no known physical impediments or hazards that would be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located as a result of the project's proposed density. Therefore, the site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area, is developed with structures and no identified fish, wildlife, or established habitat is located on-site. As such, the proposed

design of the subdivision and the proposed improvements are not anticipated to cause any substantial damage or substantially and avoidably injure fish or wildlife or their habitat.

The subject site is located in a developed area of the City of Los Angeles and therefore, the design of the subdivision and the proposed improvements will not cause substantial environmental damage or avoidably injury to fish or wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision, and subsequent improvements, are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements, as mandated by law, would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The project is not located on a hazardous materials site and/or on a site having unsuitable soil conditions, however the project is located within an Outside Flood Zone. The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances.

The area surrounding the property is fully developed with similar uses indicating that sewers and other services are available. Additionally, the project has been determined to be statutorily exemption from CEQA which indicates that no adverse impacts to the public health or safety would occur as a result of the design and improvements are not likely to cause serious public health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are no recorded instruments identifying easements encumbering the project site for the purpose of providing public access. The project site contains legally recorded lots identified by the Assessor Parcel Map No. 5164015022. The site is surrounded by private properties that adjoin improved public streets and sidewalks designed and improved to the specific requirements of the Los Angeles Municipal Code for providing public access throughout the area. The project site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. Needed public access for roads and utilities will be acquired by the City prior to the recordation of the proposed tract map.

Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at-large for access through or use of the property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcels to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 83288-1A