

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE  
CF 22-0535-S1**

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2020-6828-GPA-ZC-HD-SPR-MCUP-1A	ENV-2020-6829-MND	14 – de León
<b>PROJECT ADDRESS:</b>		
635 – 657 South Mesquit Street, 632 – 648 South Santa Fe Avenue, and 1585 East Jesse Street		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
655 Mesquit, LLC, Mark Falcone c/o Roger Pecsok 1881 16 <sup>th</sup> Street, Unit 500 Denver, CO 80202 <input type="checkbox"/> New/Changed	(720) 946-4649	<a href="mailto:Roger.pecsok@continuumpartners.com">Roger.pecsok@continuumpartners.com</a>
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Alfred Fraijo, JR., Esq. Sheppard Mullin Richter & Hampton, LLP 333 South Hope Street, 43 <sup>rd</sup> Floor Los Angeles, CA 90017	(213)620-1780	<a href="mailto:afraijo@sheppardmullin.com">afraijo@sheppardmullin.com</a>
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
CREED LA		
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Darien Key 601 Gateway Blvd. Ste. 1000 San Francisco, CA 94080	(650) 589-1660	<a href="mailto:dkey@admasbroadwell.com">dkey@admasbroadwell.com</a>
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Stephanie Escobar	(213) 978-1492	<a href="mailto:stephanie.escobar@lacity.org">stephanie.escobar@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
Site Plan Review (SPR)		

**FINAL ENTITLEMENTS NOT ADVANCING:**

N/A

**ITEMS APPEALED:**

Site Plan Review (SPR)

**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):**

RELATED CASE: VTT-83288-2A

CF 22-0535 Please create S1.

**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>
January 27, 2022	6 – 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
May 2, 2022	Yes, April 22, 2022
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant	August 3, 2022



# 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)

## \*2<sup>ND</sup> CORRECTED\* LETTER OF DETERMINATION

**MAILING DATE: JULY 20, 2022**

**Case No. CPC-2020-6828-GPA-ZC-HD-SPR-MCUP**  
CEQA: ENV-2020-6829-MND  
Plan Area: Central City North  
Related Case: VTT-83288-1A

Council District: 14 - de León

**Project Site:** 635 – 657 Mesquit Street; 1585 East Jesse Street;  
632 – 648 Santa Fe Avenue

**Applicant:** 655 Mesquit, LLC, Mark Falcone c/o Roger Pecsok  
Representative: Alfred Fraijo, Jr., Esq., Sheppard Mullin Richter & Hampton LLP

At its meeting of **January 27, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Construction, use, and maintenance of a 188,954 square-foot, 14-story, commercial office building with 4,325 square feet of commercial ground floor. The Project will provide a total of 397 vehicle parking spaces and 146 bicycle parking spaces within five levels of above grade parking, and two levels of subterranean parking.

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2020-6829-MND, as adopted on December 22, 2021 (Mitigated Negative Declaration”), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; **Found**, the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **Found**, the mitigation measures have been made enforceable conditions on the Project; and **Adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Approved** and **Recommended**, that the Mayor and the City Council **adopt**, pursuant to Section 11.5.6 of the Los Angeles Municipal Code (LAMC), a General Plan Amendment to amend footnotes one and six of the Central City North Community Plan to include the subject property;
3. **Approved** and **Recommended**, that the City Council **adopt**, pursuant to LAMC Section 12.32 F, a Height District change from Height District 1 to Height District 2;
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project that results in an increase of 50,000 square feet or more of non-residential uses;
5. **Approved**, pursuant to LAMC Section 12.24 W.1, a Main Conditional Use permit for the sale and dispensing of a full-line of alcoholic beverages for on-site consumption within four restaurant and bars;
6. **Adopted** the attached Modified Conditions of Approval; and
7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Hornstock  
 Second: Campbell  
 Ayes: Choe, Mack, Perlman, Dake Wilson  
 Absent: Leung, López-Ledesma, Millman

**Vote: 6 – 0**

*Cecilia Lamas* (Electronic Signature due to COVID-19)

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.

**<sup>1</sup>Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission as it relates to the General Plan Amendment is final. The Height District 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 approvals, 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: MAY 2, 2022**

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

c: Heather Bleemers, Senior City Planner  
 Oliver Netburn, City Planner  
 Stephanie Escobar, Planning Assistant

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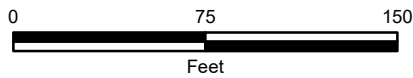
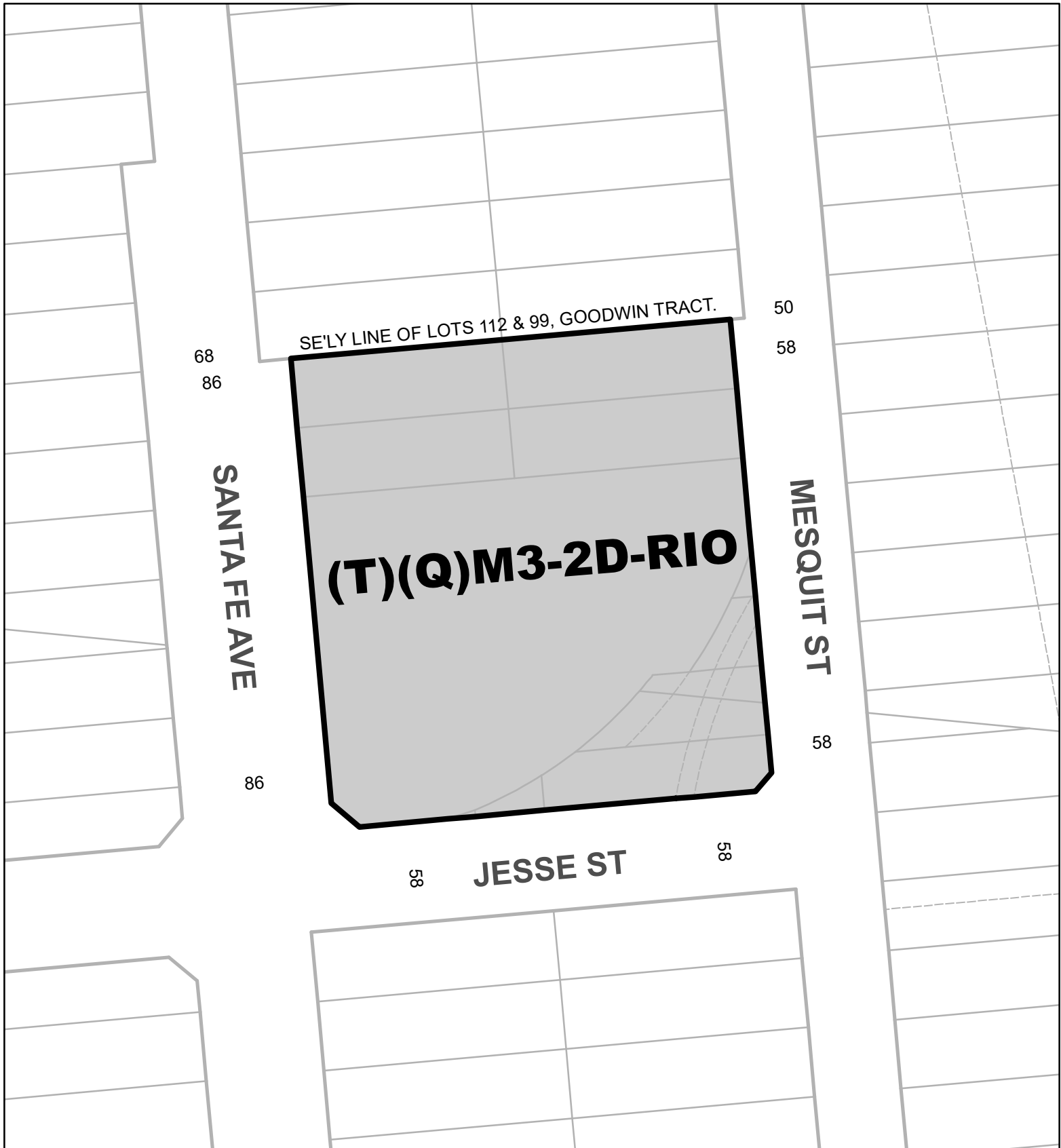
<sup>1</sup> The above-referenced technical correction is not discretionary, therefore, issuance of this corrected letter of determination does not extend or require a new appeal period.

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

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

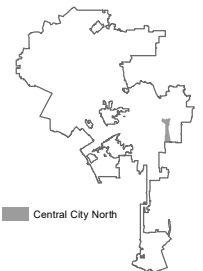
THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

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-2020-6828-GPA-ZC-HD-SPR-MCUP

City of Los Angeles



## (Q) QUALIFIED CLASSIFICATIONS

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. **Use.** The use and area regulations for the new development on-site shall be developed for the commercial uses as permitted in the M3 Zone as defined in LAMC Section 12.20, except as modified by the conditions herein or subsequent action.
2. **Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. **Bicycle Parking.** All bicycle parking required for the office building by the Municipal Code shall be located within the City of Los Angeles.
4. **River Improvement Overlay**
  - a. **Landscaping.** At least 75 percent of any project's newly landscaped area shall be planted with any combination of the following: native trees, plants and shrubs, or species defined as Watershed Wise, or species listed in the Los Angeles County River Master Plan Landscaping Guidelines and Plant Palettes.
  - b. **Screening/Fencing.**
    - i. Loading areas and off-street parking facilities of three spaces or more, either on a surface lot or in a structure, shall be screened from the abutting public right-of-way and the River. However, such screening shall not obstruct the view of a driver entering or leaving the loading area or parking facility, or the view from the street of entrances and exits to a loading area or parking facility, and shall consist of one or a combination of the following:
      1. A strip at least five feet in width of densely planted shrubs or trees which are at least two feet high at the time of planting and are of a type that may be expected to form, within three years after time of planting, a continuous, unbroken, year-round visual screen; or
      2. A wall, barrier or fence of uniform appearance. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open. The wall, barrier or fence shall, when located in either the rear or side yards, be at least four feet and not more than six feet in height.
      3. Electrical transformers, mechanical equipment, water meters and other equipment shall be screened from public view. The screening may be opaque or perforated, provided that not more than 50 percent of the face is open. The screen shall be at least six inches taller than the equipment and not more than two feet taller than the equipment.
      4. Exterior trash enclosures shall:



- a) be designed to complement the primary building with a wall height that exceeds the disposal unit it is designed to contain by at least 18 inches;
- b) have a solid roof to deter birds and block views from adjacent properties;
- c) have solid metal doors that accommodate a lock and remain closed when not in use; and
- d) not be constructed of chain link or wood.

## **“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 permitted on the subject property shall not exceed a Floor Area Ratio of 4.3:1.
2. **Height.** The project shall be limited to 14 stories and 195 feet. Roof structures and equipment found in LAMC Section 12.21.1-B,3 may exceed the height limit by not more than 20 feet.

## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32-G of the Municipal Code, the (T) Tentative Classification shall be removed 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.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, the following 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):

### 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. **Bureau of Engineering.** Prior to 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 project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.
  - a. The applicant/developer shall record the final map of Vesting Tentative Tract No. VTT 83288 or shall provide the necessary dedications and public improvements required under VTT-83288.
3. **Fire Department.** Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for review and approval.
4. **Bureau of Street Lighting.** Construct new street lights: one (1) on Santa Fe Avenue and two (2) on Mesquit Street. If street widening per BOE improvement conditions, relocate and upgrade street lights: three (3) on Jesse Street and one (1) on Mesquit Street.

**\*CORRECTED\* CONDITIONS OF APPROVAL**

(As modified by the City Planning Commission at its meeting on January 27, 2022)

Pursuant to Sections 12.24 and 16.05 of the LAMC, the following conditions are hereby imposed upon the use of the subject property:

**Site Plan Review Conditions**

1. **Driveways.** The proposed driveways shall be reduced to the minimum required widths in conformance with LAMC Section 12.21-A,5(f), unless otherwise required by the Department of Transportation.
2. **Public Paseos.** The paseo shall be landscaped and furnished as shown in Exhibit A. The Paseo shall be open to the public from 8:00 am to 8:00 pm, daily.
3. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
4. **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.
5. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
6. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.
7. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Section 99.05.106 of Article 9, Chapter IX of the LAMC.
8. **Solar Panels.** Prior to the issuance of a certificate of occupancy, a minimum of 15% of the total roof area shall be installed with a solar photovoltaic system to be connected to the building's electrical system, in substantial conformance with the plans stamped "Exhibit A". In addition, the project shall comply with Section 99.05.211.1 of the LAMC.
9. **Event Space.** Prior to the issuance of the Certificate of Occupancy, the owner shall provide proof that the Neighborhood Council has received notice of the Event Space and the owner's obligation of semi-annual reporting and review to the Neighborhood Council of the Event Space. The Event Space shall be a flexible area located on the 6<sup>th</sup> level of the project, as depicted in Exhibit A, and be made available to local community organizations within the Arts District when not required for use by the owner or tenant(s). The owner shall make good faith and reasonable efforts to make the Event Space available for use, and shall not profit from the use of the space by non-profit community organizations. The owner shall provide semi-annual notice to the local Neighborhood Council as to the potential availability of the Event Space, including information for the process by which the community

organization can request use of the space. The owner shall establish a goal of a minimum of 12 community events, annually.

### Conditional Use Conditions

10. Authorized herein is the following:

- a. **MCUP.** The sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with four (4) new restaurants totaling 4,325 square feet of floor area with a total of 126 seats (74 indoor seats and 52 outdoor seats).
  - b. **Hours.** Hours of operation shall be limited from 6:00 a.m. to 2:00 a.m., daily for the entire development.
  - c. **Main Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Main Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Main Conditional Use authorization granted. The purpose of the Main Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. The Zoning Administrator may impose more restrictive or less restrictive conditions on each individual tenant at the time of review of each Plan Approval application.
  - d. **MPA Public Hearing Requirement.** A public hearing for any Main Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.
  - e. Notwithstanding approved Exhibit A, this grant recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger venues than those identified in Exhibit A, different locations, and/or in a reduced number of venues than those originally proposed. Such outcome is permitted provided that the other conditions noted herein, specifically those related to the combined maximum interior and patio floor areas, maximum interior and patio seating, maximum number of venues approved are not exceeded. Also, beer and wine sales may be provided in lieu of a full line of alcoholic beverages at any of the venues approved for a full line of alcoholic beverages.
11. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety.
12. 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 Director to impose additional Corrective Conditions, if, in the Director's or Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
13. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
14. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

15. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
16. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
17. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
18. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
19. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations
  - a. Entry, visible to pedestrians.
  - b. Customer service desk, front desk or near the cash registers.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

20. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days.
21. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
22. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
23. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location.

This device shall be maintained in operational condition and all employees shall be instructed in its use.

24. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
25. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
26. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a city representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
27. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows.
28. Entertainment in conjunction with the restaurant is limited to ambient music to complement the dining experience, shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys are not allowed.
29. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site and no floodlighting shall be located so as to be seen directly by person on adjacent premises.
30. The applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
31. No smoking of tobacco products including cigarettes, cigars, hookah or water pipes either inside the location or on any outdoor patios is permitted.
32. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the city.
  - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a city inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
33. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner

and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.

34. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

### **Environmental Mitigation Measures**

#### **35. Transportation Demand Management (TDM) Strategies.**

The project shall integrate the following additional TDM strategies:

- Parking - Price Workplace Parking (50% of employees assumed eligible, \$6 daily parking charge assumed)
- Education & Encouragement - Promotions and Marketing (100% of employees eligible)
- Commute Trip Reductions - Ride-share program (100% of employees eligible)
- Bicycle Infrastructure - Provide bicycle parking per LAMC

#### **36. Tribal Cultural Resources.**

Prior to commencing any ground disturbance activities at the project site, the applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by a tribal representative of a traditionally and culturally affiliated California Native American tribe that is geographically associated with the project locale; however, after good faith effort to retain a tribal monitor, if the Tribe is unable to provide an on-site monitor at the time of any demolition, grading or excavation activities, the applicant may proceed with construction). Any qualified archeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources ("OHR").

The qualified archeological and tribal monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground



disturbance activities are simultaneously occurring at multiple locations on the project site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archeological monitor and tribal monitor. The applicant shall maintain on the project site, for city inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the applicant, or its successor, shall immediately stop all ground disturbance activities in the vicinity of the find 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 OHR.
- b. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the city shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the applicant, or its successor, and the city regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The applicant, or its successor, shall implement the tribe's recommendations if a qualified archeologist retained by the city and paid for by the applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendations are reasonable and feasible.

In addition to any recommendations from the tribal representative, a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.

- d. If the applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archeologist or qualified tribal monitor, the applicant, or its successor, may request mediation by a mediator agreed to by the applicant, or its successor, and the city. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The city shall make the

determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the city may (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the city, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The applicant, or its successor, shall pay all costs and fees associated with the mediation.

- e. The applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.
- f. The applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs b through d above.
- g. 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 and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
- h. Notwithstanding paragraph g above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the city's AB 52 Confidentiality Protocols.

### **Administrative Conditions**

- 37. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
- 38. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
- 39. 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 Department of City Planning ("DEPARTMENT OF CITY PLANNING") and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
- 40. **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.

41. **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.
42. **Notations on Plans.** Plans submitted to the Department of Building and Safety for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
43. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
44. **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.
45. **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.
46. **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.
47. **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.
48. **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.
49. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
50. **Indemnification and Reimbursement of Litigation Costs**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- 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 (Charter Sections 555, 556, and 558)

- 1. Charter Section 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 in the Central City North Community Plan within the Arts District, which is a neighborhood originally planned and zoned for industrial uses but that is now rapidly transforming to include new office, live-work, commercial, and mixed-use developments within converted industrial space. A variety of different kinds of uses surround the subject property within a half mile radius, including but not limited to; art studios, film studios, bars, breweries, restaurants, creative office spaces, retail uses, large produce and food markets, hotel uses, fitness facilities, public facilities, and mixed-use residential uses.

Immediately adjacent to the subject property are diverse uses consisting of a government facility located directly north. To the east, across Santa Fe Avenue is a film production company. To the south, across Jesse Street is a digital entertainment studio, catering company, restaurants, and a multi-story mixed-use residential development. To the west, across Mesquit Street is the Los Angeles River and a large cold storage facility.

The project will redevelop the subject site by removing an existing surface level parking lot and constructing a 14-story office commercial building, with 367 parking spaces, bicycle parking, community event space, commercial ground floor including four (4) different restaurants, pedestrian activated ground floor. Given that the building is located on a street that contains commercial, retail, and live-work uses within converted industrial buildings, where very little manufacturing uses still remain, the removal of a parking lot and the construction of a 14-story commercial office building that will be a community-serving commercial use will contribute to the viability of the live-work and creative office uses near the project site while using the subject sites full potential. If constrained to the limitations of the existing Height District 1 and the Central City North Community Plan footnotes 1 and 6 the subject property would be limited to a 1.5:1 FAR. In adopting the Height District Change and General Plan Amendment to allow for a 4.3:1 FAR, the city finds that based on the above facts, the subject property is a part of the significant economic and physical identity expressed by the development, uses, and land designations in the immediate area and that the building and project site contribute to the physical identity of the Arts District.

Therefore, the proposed Height District change from M3-1-RIO to M3-2D-RIO and General Plan Amendment from to modify footnotes 1 and 6 of the Central City North Community Plan is consistent with City Charter Sections.

- 2. Charter Section 556: The action is in substantial conformance with the purposes, intent, and provisions of the General Plan.**

### General Plan Land Use Designation

When approving any matter listed in Section 558, the City Planning Commission and the City Council shall make findings showing that the action is in substantial conformance with the purposes, intent, and provisions of the General Plan. If the City Council does not adopt the City Planning Commission's findings and recommendations, the Council shall make its own findings.

The project site is located in the Arts District neighborhood within the Central City North Community Plan, which is one of 35 community plans comprising the Land Use Element of the General Plan. The Arts District is a unique community in that it is a mix of industrial, commercial, live-work, retail, dining, media entertainment, and creative office uses. The Community Plan designates the project site for Heavy Manufacturing land uses, corresponding to the M Zone. The site is currently zoned M3-1-RIO.

The initiated General Plan Amendment to re-designate the Height District from Height District 1 to Height District 2 would be consistent with the overarching goals of the Central City North Community Plan in that the project will allow the construction of a 14-story commercial office building that will contribute to facilitating new jobs and work space in the surrounding neighborhood while also providing new community-serving restaurant and creative office uses that will complement similar uses within proximity of the site. As such, the initiated General Plan Amendment and recommended Vesting Zone Change are in substantial conformance with the purpose, intent, and provisions of the General Plan to strengthen the commercial and economic base of the Community Plan Area while preserving its historic resources.

The subject property is located within the Central City North Community Plan which was updated by the City Council on September 7, 2016. The Plan Map designates the entire property for Heavy Manufacturing with corresponding M3 Zone. The property is zoned M3-1-RIO.

The subject property is located one block south of the Artists-in-Residence District also known as the established Arts District neighborhood within the Central City North Community Plan area.

As stated in the Central City North Community Plan, the Artists-in-Residence District is bounded by First Street, the Los Angeles River, Sixth Street, and Alameda Street. This area located just outside Little Tokyo boundaries, is primarily made up of old warehouses now converted to artists' lofts and studios. An MTA Red Line Station is also planned for this area at Santa Fe and Third Street and is part of the Angels Walk Pedestrian District Plan. The Central City North Community plan encourages the continued and expanded development of a thriving artists-in-residence community in the plan and proposed redevelopment areas.

The surrounding area consists of a variety of commercial, residential, industrial, and mixed-use developments. The Arts District neighborhood is known as a commercial neighborhood in the City of Los Angeles. A variety of uses surround the subject property within a half mile radius, including but not limited to; art studios, film studios, bars, breweries, restaurants, creative office spaces, retail uses, large produce and food markets, hotel uses, fitness facilities, public facilities, and mixed-use residential uses.

Over the past recent years there has been an influx of new development in the immediate surrounding area. Within 0.2 miles from the subject site is a recently constructed seven (7)-story development consisting of 320 live/work units located at 695 South Mesquit Street (AMP Lofts). Additionally, there are various large development proposals within proximity to the site, including a 15-story mixed-use hotel with 103 guest rooms approximately 0.2 miles from the subject site located at 2053 East 7<sup>th</sup> Street and a 30-story mixed-use development consisting of 308 residential units, 236 hotel guest rooms, retail, and office space located within 100 feet from the subject site located at 670 Mesquit Street.

Additionally, immediately adjacent to the subject property are diverse uses consisting of a government facility located directly north. To the east, across Santa Fe Avenue is a film production company. To the south, across Jesse Street is a digital entertainment studio,

catering company, restaurants, and a multi-story mixed-use residential development. To the west, across Mesquit Street is the Los Angeles River and a large cold storage facility.

The subject property is located along Mesquit Street, Jesse Street, and Santa Fe Avenue and is currently developed with a surface parking lot. The properties to the north are bounded by Santa Fe Avenue to the west, Mesquit Street to the east, and 6<sup>th</sup> Street to the north are predominately designated for Public Facilities and Heavy Manufacturing and are generally zoned PF-1XL-RIO and M3-1-RIO.

The properties to the east, across Mesquit Street are designated for predominately designated for Public Facilities and Heavy Manufacturing and are generally zoned PF-1XL-RIO and M3-1-RIO. The properties to the south, across Jesse Street are designated for Heavy Manufacturing and zoned M3-1-RIO. The properties to the west, across Santa Fe Avenue are designated for Heavy Manufacturing and zoned M3-1-RIO.

Surrounding properties with the same and similar designations are observed along Mesquit Street, Jesse Street, and Santa Fe Avenue. Therefore, the subject property and the surrounding properties contain a significant physical identity as an area predominately designated for Heavy Manufacturing land uses as an extension of the Arts District neighborhood.

As such, given that the existing zoning is inconsistent with the development standards of the proposed project, the requested Height District change is consistent with the concurrent General Plan Amendment to modify footnotes 1 and 6 which will allow an FAR of 4.3:1 for the subject property. The requests will result in a site that is consistent with surrounding parcels and is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Framework Element and Community Plan.

#### Land Use Element

Central City North Community Plan. The Community Plan text includes the following relevant land use Goal, Objectives and Policies:

Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Policy 2-1.1: Protect commercially planned/zoned areas from encroachment by residential only development.

Objective 2-2: To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.

Objective 2-4: To enhance the appearance of commercial districts.

Policy 2-4.2: Preserve community character, scale, and architectural diversity.



Objective 3-2: Encourage the continued development and maintenance of the artists-in-residence community in industrial areas of the proposed redevelopment plan areas and of the plan, as appropriate.

The proposed Height District change from M3-1-RIO to M3-2D-RIO and General Plan Amendment from to modify footnotes 1 and 6 of the Central City North Community Plan would allow the project a 4.3:1 FAR. The proposed FAR would result in a site that is consistent with surrounding parcels which are also zoned M3-1-RIO.

The proposed project is located in the Arts District neighborhood within the Central City North Community Plan area. The Arts District neighborhood is known as a commercial neighborhood in the City of Los Angeles. A variety of different kinds of uses surround the subject property within a half mile radius, including but not limited to; art studios, film studios, bars, breweries, restaurants, creative office spaces, retail uses, large produce and food markets, hotel uses, fitness facilities, public facilities, and mixed-use residential uses.

Immediately adjacent to the subject property are diverse uses consisting of: a government facility located directly north. To the east, across Santa Fe Avenue is a film production company. To the south, across Jesse Street is a digital entertainment studio, catering company, restaurants, and a multi-story mixed-use residential development. To the west, across Mesquit Street is the Los Angeles River and a large cold storage facility.

The subject property is located within 1.4 miles from the Little Tokyo Metro Gold Line and approximately 1.8 miles from Union Station which provides transportation routes and services for destinations throughout the entire City of Los Angeles. Additionally, the subject site is located approximately 1.5 miles from the Fashion District, Los Angeles Flower District, Skid Row, and the Toy District which are all major commercial hubs in the City of Los Angeles.

The project is designed with common open space landscaped areas and pedestrian entrances along Mesquit Street and Jesse Street, as well a pedestrian paseo connecting the ground floor. The building facades along Jesse Street have been designed such that these elevations are the front elevations for the project and thus the primary focal point. Furthermore, although the building design of each office floor is similar to one another, the use of articulations breaks up the long flat surfaces where above grade parking and office spaces are situated along the southerly, eastern, and western elevations.

The subject site is currently developed with a surface level parking lot. The development of the proposed project will allow for the construction of a use that will be beneficial and of service to the surrounding community. Additionally, the project will provide office work spaces and retail ground floor which will generate jobs within the buildings. The surrounding area consists of industrial and commercial uses; therefore, the development of the proposed project will be compatible with existing surrounding uses.

Therefore, the project is consistent with the Central City North Community Plan in that the project will implement the abovementioned goals, objectives and policies of the Plan.

### The Framework Element

The Framework Element of 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 Goals, Objectives and Policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram and Table 3-1.

Policy 3.1.5: Identify areas on the Long-Range Land Use Diagram and in the community plans sufficient for the development of a diversity of uses that serve the needs of existing and future residents (housing, employment, retail, entertainment, cultural/institutional, educational, health, services, recreation, and similar uses), provide job opportunities, and support visitors and tourism.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Objective 6.2: Maximize the use of the City's existing open space network and recreation facilities by enhancing those facilities and providing connections, particularly from targeted growth areas, to the existing regional and community open space system.

Policy 6.2.1: Establish, where feasible, the linear open space system represented in the Citywide Greenways Network map, to provide additional open space for active and passive recreational uses and to connect adjoining neighborhoods to one another and to regional open space resources (see Figure 6-1). This Citywide Greenways Network is hierarchical and is composed of three levels: regional, community, and local/ neighborhood. While these levels are of equal importance, they vary in scale and the degree to which they impact the City at large. Additionally, while these

levels overlap one another, they can still be differentiated and broken down as follows:

- a. The regional component of the network is composed of the beaches, the mountains, and the Los Angeles River system - the three most continuous natural features of the urban region and thus the primary elements of the network; river tributaries, arroyos and washes that take storm water to the ocean; rail lines and utility corridors, where feasible without compromising public safety or facility security, that may serve multiple purposes to become connectors to the beaches and the river and link adjacent districts to each other through the network; and all regional parks made accessible from the network. While considering open space improvements of the river and drainages, their primary purpose for flood control shall be considered.
- b. The community component is composed of parks and civic open spaces connected to the network, including elements such as community and neighborhood parks, connected by linear, non-motorized transportation linkages such as walking and hiking trails and local bike paths.
- c. The local/neighborhood components include pedestrian-supporting streets, open space associated with public facilities such as schools, small parks, and community gardens.

The project will provide approximately 15,547 square feet of open space, including a 3,685 square foot roof deck with garden that will overlook the outdoor courtyard located on the ground floor, 12,261 square feet of ground floor hardscape areas, and 3,286 square feet of ground floor landscaped areas. Both the outdoor courtyard and the roof deck with garden will be equipped with landscaping in the form of planters, benches, shrubbery, flowering plants, other forms of fixed seating, and trees along the perimeter of the building. The paseo courtyard will also incorporate hanging plants, shrubs, and grasses. The project will provide a total of 20 new trees with nine (9) planted along Mesquit Street and Jesse Street.

The project will provide a total of 146 bicycle parking spaces including 95 long-term and 51 short-term , which, along with its proximity to the Los Angeles River and the under construction Sixth Street Viaduct Replacement Project that will connect the Arts District neighborhood with Boyle Heights and is located less than 700 feet from the subject property will provide pedestrian and bicycle access, thereby incentivizing accessible pedestrian routes to the LA River while supporting the city's long-term goal of restoring the LA River. The project is located approximately 400 feet from the Los Angeles River and within the River Improvement Overlay District (RIO) which supports the goals of the Los Angeles River Revitalization Master Plan and providing an aesthetically pleasing environment for pedestrians and bicyclists accessing the river area.

The proposed Height District change through a Zone Change is consistent with the concurrent General Plan Amendment to modify footnotes 1 and 6 which will allow for the development of a commercial office building that will provide creative office and ground floor retail/restaurant uses. The project will also generate jobs and subsequently, attract an influx of employees and

customers to an in-demand area. The project will also enhance the pedestrian experience with its modern industrial design and ample landscaping.

The proposed project is located in the Arts District neighborhood within the Central City North Community Plan area. The Arts District neighborhood is known as a commercial neighborhood in the City of Los Angeles. A variety of different kinds of uses surround the subject property within a half mile radius, including but not limited to; art studios, film studios, bars, breweries, restaurants, creative office spaces, retail uses, large produce and food markets, hotel uses, fitness facilities, public facilities, and mixed-use residential uses.

Immediately adjacent to the subject property are diverse uses consisting of a government facility located directly north. To the east, across Santa Fe Avenue is a film production company. To the south, across Jesse Street is a digital entertainment studio, catering company, restaurants, and a multi-story mixed-use residential development. To the west, across Mesquit Street is the Los Angeles River and a large cold storage facility.

Additionally, the Arts District neighborhood is a part of the Downtown Los Angeles Community Plan (DTLA 2040) update. The City Planning Commission recommended approval of the plan on September 9, 2021. The DTLA2040 plan will redesignate the subject site from Heavy Manufacturing to Hybrid Industrial. Hybrid Industrial areas are intended to, "preserve productive activity and prioritize employment uses, but may accommodate live/work uses or limited residential uses. The building form ranges from Low-Rise to Mid-Rise. Uses include light industrial, commercial, and office, with selective live/work uses. The residential density generally is limited by floor area. In the Downtown Plan this land use designation has a max FAR range of 3.0-6.0. (DTLA2040)."

The subject property is located within 1.4 miles from the Little Tokyo Metro Gold Line and approximately 1.8 miles from Union Station which provides transportation routes and services for destinations throughout the entire City of Los Angeles. Additionally, the subject site is located approximately 1.5 miles from the Fashion District, Los Angeles Flower District, Skid Row, and the Toy District which are all major commercial hubs in the City of Los Angeles.

Therefore, the requested a Height District change from M3-1-RIO to M3-2D-RIO, as well as a Zone Change to allow the Height District change as required by footnote 6 of the Central City North Community Plan and the requested General Plan Amendment (GPA) would allow the construction of a commercial office building that would be compatible with the existing area as well as the future plans and developments proposed for the immediate surrounding area. Therefore, the Height District change and General Plan Amendment are consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

Goal 3J: Industrial growth that provides job opportunities for the City's residents and maintains the City's fiscal viability.

Objective 3.14: Provide land and supporting services for the retention of existing and attraction of new industries.

Policy 3.14.1: Accommodate the development of industrial uses in areas designated as "Industrial-Light," "Industrial-Heavy," and "Industrial-Transit" in accordance with Tables 3-1 and 3-9. The range and intensities of uses permitted in any area shall be determined by the community plans.

Policy 3.14.4: Limit the introduction of new commercial and other non-industrial uses in existing commercial manufacturing zones

to uses which support the primary industrial function of the location in which they are located.

The proposed Height District change from M3-1-RIO to M3-2D-RIO and General Plan Amendment from to modify footnotes 1 and 6 of the Central City North Community Plan would allow the project a 4.3:1 FAR will enhance the surrounding neighborhood and allow for growth where there is sufficient public infrastructure and services that will be beneficial to nearby residents and employees who will utilize the services provided such as the retail ground floor open courtyard area. The subject property is proximate to transit services, commercial uses for shopping and dining, entertainment industry businesses, businesses in the arts, as well as industrial uses.

The requested Height District change through a Zone Change is consistent with the concurrent General Plan Amendment to modify footnotes 1 and 6 which is consistent with the Heavy Manufacturing land use designation.

Therefore, the Height District change, Zone Change, and General Plan Amendment are consistent with the Multi-Family Residential goals, objectives and policies of the General Plan Framework Element.

#### Air Quality

The Air Quality Element of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the city in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the city's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5: Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, project shall reserve a minimum 15 percent of the roof area for the installation of a solar photovoltaic system, to be installed prior to the issuance of a certificate of occupancy.

#### Mobility Element

The Mobility Element of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Mesquit Street, adjoining the property to the east, is designated as an Avenue II dedicated to a width of 86 feet and is improved with asphalt roadway, curb, gutter, concrete sidewalks, and street trees. Jesse Street, adjoining the property to the west, is a Local Street – Standard dedicated to a width of 60 feet and is improved with asphalt roadway, curb, gutter, concrete sidewalks, and street trees. Santa Fe Avenue, adjoining the property to the west, is an Avenue II dedicated to a width of 86 feet and is improved with asphalt roadway, curb, gutter, concrete sidewalks, and street trees.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

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

The project will provide a total of 146 bicycle parking spaces including 95 long-term and 51 short-term, which, along with its proximity to the Los Angeles River and the under construction Sixth Street Viaduct Replacement Project that will connect the Arts District neighborhood with Boyle Heights and is located less than 700 feet from the subject property will provide pedestrian and bicycle access, thereby incentivizing accessible pedestrian routes to the LA River while supporting the city's long-term goal of restoring the LA River. The project is located approximately 400 feet from the Los Angeles River and within the River Improvement Overlay District (RIO) which supports the goals of the Los Angeles River Revitalization Master Plan and providing an aesthetically pleasing environment for pedestrians and bicyclists accessing the river area.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As conditioned, a minimum of the 30% EV Ready parking, 10% of the new parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas.

The site is within walking distance of multiple transit bus stops along Santa Fe Avenue and 7th Street, including, Metro Rapid (Line 720 and 760) and other Metro Bus Lines (Lines 18, 60, 62). The site is also within 500 feet of the proposed location for a stop on Metro Rail Purple and/or Red lines. The subject property is located within 1.4 miles from the Little Tokyo Metro Gold Line and approximately 1.8 miles from Union Station which provides transportation routes and services for destinations throughout the entire City of Los Angeles.

Lastly, the Department of Transportation submitted a Traffic Impact Assessment of the proposed project, dated January 29, 2021, and that determined that traffic impacts from trips generated from the project will be less than significant.

Therefore, the Height District Change, Zone Change, and General Plan Amendment are consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

### Sewerage Facilities Element

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.

3. **Charter Finding – City Charter Finding 558. The initiated General Plan Amendment to the Central City North Community Plan will be in conformance with public necessity, convenience, general welfare, and good zoning practice, as described below.**

Public necessity, convenience, and general welfare of the Central City North Community Plan will be better served by adopting the initiated Height District Change through a Zone Change to change from M3-1-RIO to M3-2D-RIO and General Plan Amendment from to modify footnotes 1 and 6 of the Central City North Community Plan would allow for the replacement of a surface level parking lot with a 14-story commercial office building that would complement existing surrounding neighborhood and future job-creating office space in an area that is a primarily industrial community.

Currently there are a variety of different kinds of uses surround the subject property within a half mile radius, including but not limited to; art studios, film studios, bars, breweries, restaurants, creative office spaces, retail uses, large produce and food markets, hotel uses, fitness facilities, public facilities, and mixed-use residential uses. The proposed office commercial building with restaurants at the ground level, will better serve the needs of the current and future community by conveniently offering a variety of uses in close proximity to transit and creating employment opportunities.

The western half of the project site that fronts Santa Fe Avenue is developed with the recently constructed 640 S. Santa Fe Avenue building, which is a four-story, 107,224 square-foot office and ground floor commercial building with two levels of subterranean parking Produce LA that was recently approved on May 6, 2019 under Case No. DIR-2016-3858-SPR will remain on the subject site and a surface level parking on the eastern portion of the site fronting Mesquit Street is currently developed with a surface level parking lot that serves the adjoining Produce LA building that is proposed to be demolished.

As such, the project is in conformity with public necessity, convenience, general welfare and good zoning practice given that removing an existing surface level parking lot with a commercial office building that is consistent with the Heavy Manufacturing land use designation and complementary to the uses surrounding the project site.

### **Height District Change Findings**

1. **Pursuant to LAMC Section 12.32.F, the height district change and classifications are necessary because:**

- a. **Public Necessity and Convenience:** The requested Height District Change for the project is in conformance with public necessity and convenience. The Height District Change would allow an underutilized industrial site to be redeveloped with a commercial office building within the Arts District neighborhood.

If constrained to the limitations of the existing Height District 1 and the Central City North Community Plan footnotes 1 and 6 the subject property would be limited to a 1.5:1 FAR. In adopting the Height District Change, Zone Change, and General Plan Amendment to allow for a 4.3:1 FAR. In order to maximize the utility of the project site within an in-demand area, a Height District change is necessary to allow a maximum FAR of 4.3:1. The additional floor area will promote healthy economic growth and additional creative office space that is much needed in the community.

Additionally, the project will include 397 parking spaces and 146 (95 long-term and 51 short-term) bicycle parking spaces, conveniently located on-site for employees and

visitors. This will discourage visitors from parking offsite in the immediate vicinity and surrounding neighborhood. The project will enhance the pedestrian experience by integrating a paseo walkway on the ground floor which will connect sidewalks along Mesquit Street and Santa Fe Avenue. The proposed paseo will also serve as an outdoor courtyard area for visitors and tenants to the building, as it will be generously landscaped, shaded, and equipped with outdoor seating areas. The ground floor open courtyard is intended to be shared and connected with the adjoining four (4)-story Produce LA building to promote a pedestrian friendly experience creating a pedestrian-friendly environment and improved paths of travel. Therefore, granting a Height District Change for the project will provide for the public necessity and convenience by permitting greater utilization of the project site.

- b. General Welfare: The proposed project will benefit the general welfare with the development of a commercial office building that will help activate the subject site as the site is currently developed with uses that are not pedestrian friendly. The proposed project will be high quality, aesthetically appealing, and it will provide creative office and ground floor retail/restaurant uses that are in-demand in the surrounding community. The project will help generate jobs and subsequently, attracting an influx of employees and customers. The project will also enhance the pedestrian experience with its modern industrial design and ample landscaping.

The project will include 146 bicycle parking spaces that will encourage employees and visitors to use alternative modes of transportation and decrease the use of vehicles. These accommodations are specifically made possible through the requested Height District Change allowing the development an FAR of 4.3:1. Therefore, the project is in conformity with the general welfare.

- c. Good Zoning Practices: The project conforms with good planning practices by replacing an existing surface level parking lot with a commercial office building that is consistent with the Heavy Manufacturing land use designation and the surrounding community. The proposed project involves 184,629 square feet of office space and 4,325 square feet of retail ground floor including four (4) restaurants with indoor and outdoor seating. The services provided by the project add to the utilization of the site as it is currently underused as a parking lot. The proposed commercial office building will also be a beneficial service to the existing neighborhood by encouraging pedestrian activity at the street level and attracting employees to an in-demand area in the City of Los Angeles.

#### **SITE PLAN REVIEW FINDINGS**

4. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

As discussed in finding 1 above, the project is in substantial conformance with the general plan and applicable community plan policies and does not conflict with any applicable standards, regulations, or specific plans. The findings from finding #1 are incorporated by reference here.



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

The arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Central City North Community Plan along Mesquit Street, Santa Fe Avenue, and Jesse Street. The immediate surrounding properties consist of multi-story commercial and industrial uses.

The proposed project will include the removal of a surface level parking lot and the construction, use, and maintenance of a 188,954 square-foot, 14-story, commercial office building with 4,325 square feet of retail ground floor. The project will provide a total of 397 vehicle parking spaces and 146 bicycle parking spaces within five (5) levels of above grade parking, and two (2) levels of subterranean parking.

#### Height, Bulk and Setbacks

The proposed project has been designed to maintain visual compatibility with the surrounding properties. The project site is located in Height District 1, which allows for unlimited height with a maximum FAR of up to 1.5:1. The change to Height District 2 would allow the development of the underutilized site with uses that are reflective of and complimentary to the ongoing redevelopment of the Arts District. The proposed building is 14-stories tall with a height of 195 feet is compatible with other existing and proposed buildings in the vicinity (such as the proposed adjacent development at 670 Mesquit Street, which would reach a maximum height of 384 feet). Additionally, the project is located approximately 400 feet from the Los Angeles River and within the River Improvement Overlay District (RIO) which supports the goals of the Los Angeles River Revitalization Master Plan and providing an aesthetically pleasing environment for pedestrians and bicyclists accessing the river area.

While the existing and unchanged M3 zone has no setback requirements, the proposed building is set back approximately eight feet, six inches from the property line along Mesquit Street and approximately 16 feet, two inches from the property line along Jesse Street, in accordance with potential right-of-way dedication requirements.

The project's ground floor has been designed to encourage pedestrian activity along Mesquit Street and Jesse Street by providing street level pedestrian uses such as outdoor seating and restaurants where it currently does not exist. The ground floor of the project also includes the integration of a paseo walkway which will connect sidewalks along Mesquit Street and Santa Fe Avenue. The proposed paseo will also serve as an outdoor courtyard area for visitors and tenants to the building, as it will be generously landscaped, shaded, and equipped with outdoor seating areas. The ground floor open courtyard is intended to be shared and connected with the adjoining four (4)-story Produce LA building to promote a pedestrian friendly experience. The design of the building's ground floor frontage, using floor-to-ceiling glass storefronts, creates inviting spaces that activate the pedestrian experience along Mesquit and Jesse Streets. Pedestrian entrances will be provided from Mesquit and Jesse Streets to the individual ground floor retail/restaurant spaces.

Additionally, the Arts District neighborhood is a part of the Downtown Los Angeles Community Plan (DTLA 2040) update. The City Planning Commission recommended approval of the plan on September 9, 2021. The DTLA2040 plan will redesignate the subject site from Heavy Manufacturing to Hybrid Industrial. Hybrid Industrial areas are intended to, "preserve productive activity and prioritize employment uses, but may accommodate live/work uses or limited residential uses. The building form ranges from Low-Rise to Mid-Rise. Uses include

light industrial, commercial, and office, with selective live/work uses. The residential density generally is limited by floor area. In the Downtown Plan this land use designation has a max FAR range of 3.0-6.0. (DTLA2040).”

As proposed, the height, bulk, and setbacks of the building will be compatible with the existing and future developments in the neighborhood

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

Parking is provided within two levels of subterranean parking, at ground level and on five levels of above grade parking above the ground level. The project’s loading and back-of-house areas are also located on the northern end of the ground level and accessed via a driveway with entrances and exits at both Mesquit Street and Santa Fe Avenue. The project provides the required minimum of 397 vehicle parking spaces and an additional 54 parking spaces serving ProduceLA that will be removed when redeveloping the surface parking lot.

Additionally, the project proposes 146 bicycle parking spaces, 95 spaces of which are designated for long-term parking and 51 of which are for short-term parking. Vehicle parking will be replaced with the provided bicycle parking at a ratio of 4:1 to reduce the maximum required vehicle parking from 433 spaces to 397 spaces.

#### Lighting

Lighting for the proposed project has been conditioned to 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. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

#### On-Site Landscaping.

The project will provide approximately 15,547 square feet of open space, including a 3,685 square foot roof deck with garden that will overlook the outdoor courtyard located on the ground floor, 12,261 square feet of ground floor hardscape areas, and 3,286 square feet of ground floor landscaped areas. Both the outdoor courtyard and the roof deck with garden will be equipped with landscaping in the form of planters, benches, shrubbery, flowering plants, other forms of fixed seating, and trees along the perimeter of the building. The paseo courtyard will also incorporate hanging plants, shrubs, and grasses. The project will provide a total of 20 new trees with nine (9) planted along Mesquit Street and Jesse Street.

#### Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within a loading zone. The trash room is not visible from the public right-of-way. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above, 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 will be compatible with existing and future development on adjacent and neighboring properties.

**6. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.**

The proposed project is for the construction, use, and maintenance of a new commercial office building that will be used for office and retail uses. The project does not have a proposed residential component; therefore, it is not required to provide recreational and service amenities.

**Conditional Use Findings - Alcohol**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

**7. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

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 proposed project involves 184,629 square feet of office space and 4,325 square feet of retail ground floor including four (4) different vendor establishments that will provide 74 indoor seats and 52 outdoor seats for a total of 126 patron seats

The applicant is requesting a Main Conditional Use permit to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption within four (4) restaurants located at the ground level of the proposed 14-story commercial office building.

The subject property is located within the established Arts District neighborhood within the Central City North Community Plan area. The surrounding area consists of a variety of commercial, residential, industrial, and mixed-use developments. The Arts District neighborhood is known as a commercial neighborhood in the City of Los Angeles. The proposed project would enhance the built environment by bringing new compatible development to the area, and alcohol service would improve the viability and desirability of the proposed restaurants and market. The restaurants and grocery store will also provide a beneficial service for the residents, employees, and visitors to the area, as the availability of alcohol sales is a desirable amenity that is typical of many restaurants and markets. Further, as conditioned, the sale of alcoholic beverage will occur within a controlled environment within the store by trained employees, subject to security measures, limited hours of operation, STAR training, inspections, and evaluations of any nuisance complaints and the appropriateness of the use. The service of alcoholic beverages in food establishments has become accepted as a desirable and expected use that is meant to complement food service. Since alcoholic beverage service is a common and expected amenity with meal service for many patrons, the grant for alcohol sales will be desirable to the public convenience and welfare. The project will provide increased opportunities for quality food and may serve as a central meeting point for the neighborhood. The sale of alcoholic beverages is anticipated to be an ancillary use to the four proposed restaurants. Therefore, as conditioned, the project will enhance the built environment in the surrounding neighborhood and provide a service that is beneficial to the community, city or region.

**8. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The project proposes the removal of a surface level parking lot and the construction, use, and maintenance of a 188,954 square-foot, 14-story, commercial office building with 4,325 square feet of retail ground floor. The project will provide a total of 397 vehicle parking spaces and 146 bicycle parking spaces within five (5) levels of above grade parking, and two (2) levels of subterranean parking.

The subject site is bounded by Mesquit Street, Jesse Street, and Santa Fe Avenue in the Arts District neighborhood of Downtown Los Angeles. The proposed four (4) restaurants located at the ground level of the proposed 14-story commercial office building. Historically, the area surrounding the site has been industrial in nature with large warehouses, loading docks, and light manufacturing uses. Over time, new uses have been introduced to the area in response to market trends. Non-industrial uses introduced to the vicinity include new productive uses, such as creative office, retail, live/work units and artists' lofts, artisanal breweries, and art galleries. More recently, media and technology firms from Warner Music to Hyperloop One have begun to establish creative offices in the area. Additionally, over the past recent years there has been an influx of new development in the immediate surrounding area. Within 0.2 miles from the subject site is a recently constructed seven (7)-story development consisting of 320 live/work units located at 695 South Mesquit Street (AMP Lofts). Additionally, there are various large development proposals within proximity to the site, including a 15-story mixed-use hotel with 103 guest rooms approximately 0.2 miles from the subject site located at 2053 East 7<sup>th</sup> Street and a 30-story mixed-use development consisting of 308 residential units, 236 hotel guest rooms, retail, and office space located within 100 feet from the subject site located at 670 Mesquit Street.

Immediately adjacent uses to the subject property are diverse uses consisting of a government facility located directly north. To the east, across Santa Fe Avenue is a film production company. To the south, across Jesse Street is a digital entertainment studio, catering company, restaurants, and a multi-story mixed-use residential development. To the west, across Mesquit Street is the Los Angeles River and a large cold storage facility. As demonstrated, besides industrial uses, the Arts District's productive uses generally include creative offices, retail stores, live/work units and artists' lofts, artisanal breweries, and art galleries.

No evidence was presented at the hearing or in writing that the sale of alcohol will be materially detrimental to the immediate neighborhood. There is a school located 0.7 miles from the subject site (Metropolitan High School). The project has been designed in a manner to enhance the public realm and improve the aesthetics and safety of the surrounding area. The inclusion of alcohol uses will allow for added vibrancy within the project, which is appropriate for a mixed-use transit priority project. The establishment serving alcohol will be carefully controlled and monitored, while being compatible with immediately surrounding uses that are industrial and/or mixed-use buildings. The proposed project will provide a place for residents and visitors to eat, drink, and socialize; as such, the sale of alcoholic beverages is a normal part of restaurant operation and an expected amenity.

Additionally, the conditions recommended herein will ensure that the establishment will not adversely affect or further degrade the surrounding neighborhood, or the public health, welfare, and safety. Approval of the conditional use will contribute to the success and vitality of the commercial development and help to reinvigorate the site and vicinity. Since the alcohol sales will be incidental to food service and community space, permitting alcohol sales on the site will not be detrimental to the development of the community.

Thus, as conditioned, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. Furthermore, this grant also includes conditions of approval intended to address alcohol-related issues to safeguard public welfare and enhance public convenience, such as proper employee training. In addition, as each operator comes in, they will be required to file a plan approval to allow for the Zoning Administrator to review the floor plan and impose any other conditions as deemed appropriate.

The location of the project's alcohol-sale would continue to add to the diversification of commercial activities being conducted in the area and would not adversely affect the surrounding neighborhood. As mentioned, the alcohol-sales would be compatible and complement the surrounding live/work and mixed-use projects in the Arts District. The proposed hours of operation are reasonable and the sale of alcohol is incidental to food sales at the restaurants. Therefore, as conditioned, and based on the limited hours of operation, the limited scope, and size of the convenient store and its mode and character, the project's location will continue to be compatible with and will not adversely affect or further degrade adjacent properties of the public health, welfare, and safety.

**9. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The elements of the General Plan establish policies that provide for the regulatory environment in managing the city and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use element of the city's General Plan divides the city into 35 Community Plans. The subject site is located within the Central City North Community Plan with a land use designation Heavy Manufacturing. The restaurants with the sale of a full line of alcoholic beverages is consistent with this zone and land use designation.

The subject property is located in the M3-1-RIO Zone with a land use designation of Heavy Manufacturing within the Central City North Community Plan. The Central City North Community Plan text is silent in regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan. The Central City North Community Plan serves to address a number of issues and opportunities present in the area and recognizes the importance of retaining a viable and vibrant commercial sector. The restaurants are consistent with this zone and land use designation. Additionally, the project is consistent with the following objectives and policies of the Community Plan:

*Objective 2-2 To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.*

*Policy 2-1.2 Protect commercially planned/zoned areas from encroachment by residential only development.*

*Policy 2-1.3 Insure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

*Policy 2-2.3*

*Require that the first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented districts, incorporate commercial uses.*

*Policy 2-4.1      Require that any proposed development be designed to enhance and be compatible with adjacent development.*

The project will allow an existing underutilized site with a lack in pedestrian activity to provide a service to the surrounding community by allowing the proposed restaurants to provide an additional service of a full-line of alcoholic beverages. The request to serve and sell alcohol at the site will be consistent with these objectives and policies through the creation of a mix of commercial uses that would attract a variety of consumers and tenants, actively promoting the area as a key economic center of the community. The project maintains a desirable commercial service within an area that allows for such uses. The project follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area, which is a walkable and accessible through public transit which includes a variety of commercial uses. The conditional authorization for the sale of alcoholic beverages is allowed through the approval of the City Planning Commission subject to certain findings. The required findings in support of the Central City North Community Plan have been made herein. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

**10. The proposed use will not adversely affect the welfare of the pertinent community.**

The requested Main Conditional Use will not adversely affect the welfare of the community. The subject property is zoned M3-1-RIO, which allows for commercial uses. The subject site bounded by Mesquit Street, Jesse Street, and Santa Fe Avenue enhances the character of the area and provides a beneficial service to the local community as a convenient location for nearby residents, employees, and visitors alike to dine with the option to buy alcoholic beverages. The proposed 14-story commercial development with retail and restaurants on the ground floor will positively impact the financial health of the property and improve the economic vitality of the area via increased tax revenue.

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 are 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 of Heavy Manufacturing and Open Space and are developed with warehouse uses, a railyard and the 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 are 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.

The area surrounding the site is a mix of commercial, industrial and residential buildings. The request for on-site alcohol sales will be compatible with the surrounding uses, providing a place for on-site employees, nearby residents, visitors, and shoppers to eat, drink, socialize, and shop. The request for off-site alcohol sales will create convenience for nearby residents. This all contributes to the continued vitality of the neighborhood.

Alcoholic beverage service is an expected amenity for many patrons and approval of this grant would increase the available options for desirable dining and social experiences for patrons. The establishments will also benefit the city through the generation of additional sales tax revenue, fees, and employment opportunities.

Diversity amongst uses is common in the immediate surrounding area, and while there are no residential dwelling units and other sensitive uses located in close proximity to the subject site, the establishments open to the public serving alcoholic beverages will be part of a controlled and monitored development.

In addition, numerous conditions have been imposed to integrate the use into the community as well as protect community members from adverse potential impacts.

Additional conditions have been recommended for consideration by the California Department of Alcoholic Beverage Control that regulate the sale of alcoholic beverages to prevent adverse impacts to the neighborhood. Other conditions imposed will maintain the order and ensure cleanliness of the project and its surroundings. Therefore, the granting of the request will not adversely impact the welfare of the pertinent community.

- 11. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria there are eight (8) establishments with Type 20 (Off-Sale Beer and Wine) license, three (3) establishments with Type 21 (Off-Sale General) license, nine (9) Type 41 (On-Sale Beer and Wine – Eating Place) license, two (2) establishments with Type 42 (On-Sale Beer and Wine-Public Premises), 29 establishments with Type 47 (On-Sale General-Eating Place) license, and seven (7) establishments with Type 48 (On-Sale General Public Premises) licenses allocated in the subject census tract (Census Tract 2060.31).

Within 1,000 feet from the subject site there is no other alcohol-selling establishments with an alcohol license from the California Department of Alcoholic Beverage Control (ABC).

According to statistics provided by the Los Angeles Police Department's Central Los Angeles Division Unit, within the Crime Reporting District. 159, which has jurisdiction over the subject property, a total of 264 crimes and arrests were reported in 2020, including 220 for Part I Crimes and 44 Part for II Arrests, compared to the citywide average of 141 crimes and arrests, and compared to the High Crimes average of 169 crimes for the same reporting period. It is not uncommon to have increased concentrations of crimes in a dense, urban area that is a regional and internationally known center and destination.

Alcohol-related Part II crimes reported by LAPD include, Narcotic Drug Laws (15), Liquor Laws (3), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (4), and Driving Under the Influence (1).

Given the project's location within a dense employment and residential center, the census tract's crime statistics related to alcohol are minimal and the issuance of an additional licenses

to serve alcohol on-site is not anticipated to create a law enforcement problem. Furthermore, the requested entitlement for alcohol sales that are incidental to restaurant patronage is not anticipated to adversely affect crime rates, given the nature of the use which will primarily involve alcohol being consumed by patrons of the restaurants. The service of a full line of alcoholic beverages as a service of the four proposed restaurants, will both provide a unique service to workers, visitors, and residents. The project will also continue to enhance the physical environment and, as conditioned, will not negatively impact the area. As four (4) proposed restaurants and surrounding establishments with alcohol licenses in the immediate and surrounding community, the project alone is unlikely to have a significant impact on local crime. The City Planning Commission has also incorporated numerous operational conditions to the grant that address noise, safety, and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Therefore, the granting of the request herein will not result in undue concentration.

12. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is zoned for commercial uses and will continue to be a utilized as such with the market store use. The following sensitive uses are located within a 1,000-foot radius of the site:

#### **Sensitive Uses**

City Light Church	801 East 4 <sup>th</sup> Place
Saint Francis Xavier Church	222 South Hewitt Street
Japanese Catholic Center	
Zanshuj Soto Mission	123 South Hewitt Street
Centenary United Methodist Church	300 South Central Avenue
Motion City Church	400 Alameda Street
Grace Life LA	948 East 2 <sup>nd</sup> Street
Southern California Institute of Architecture	960 East 3 <sup>rd</sup> Street

#### **Alcohol Uses**

Angel City Brewery	714 East 3 <sup>rd</sup> Street
Umami Burger	738 East 3 <sup>rd</sup> Street
Sausage Grill	800-804 East 3 <sup>rd</sup> Street
Max Karaoke	333 South Alameda Street #215,216,218
Manna Korean BBQ	333 South Alameda Street
Tsurumaru Udo	333 South Alameda Street
X Lanes	333 South Alameda Street
The Pho Shop	333 South Alameda Street
Shojin	333 South Alameda Street
Little Tokyo	333 South Alameda Street
Sushi Go 55	333 South Alameda Street
Hana Ichimonme	333 South Alameda Street
Inko Nito Restaurant	225-227 South Garey Street



Pali Wine Company  
Art District Brewing Company  
4<sup>th</sup> St. Beverage Inc  
Eighty Two

811 Traction Avenue  
828 Traction Avenue  
843 East 4<sup>th</sup> Street  
707 East 4<sup>th</sup> Place

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which would protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. Furthermore, the proposed use will not detrimentally affect nearby residential properties and other sensitive uses because the urban environment mostly contains mixed-use buildings with residents that both expect and desire more commercial developments. While the sale of alcoholic beverages is important to the restaurants or retailers that will be located within the proposed project's tenant spaces, their sale and service will be incidental to primary operations and, as such, no detrimental effects should be expected from the proposed project.

This project will contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

#### **ADDITIONAL MANDATORY FINDINGS**

13. Pursuant to CEQA Guidelines Sections 15162 and 15164, in consideration of the whole of the administrative record, that the project was assessed in Mitigated Negative Declaration, No. ENV-2020-6829-MND as adopted on December 22, 2021, ("Mitigated Negative Declaration"), and no subsequent EIR, negative declaration, or addendum is required for approval of the project.
14. The National Flood Insurance Program rate maps, which are 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 a 500-year Flood Zone.

## RESOLUTION

**WHEREAS**, the subject project is located within the area covered by the Central City North Community Plan which was updated by the City Council on December 15, 2000; and

**WHEREAS**, the City Planning Commission recommended approval of a General Plan Amendment to modify Footnotes 1 and 6 to allow the development standards of the subject property; and recommended approval of a Zone Change and Height District Change from M3-1-RIO to (T)(Q)M3-2D-RIO; and

**WHEREAS**, the approved project is for the construction of a 14-story office commercial development; and

**WHEREAS**, the City Planning Commission at its meeting on January 27, 2022 approved the General Plan Amendment and recommended approval by the City Council and the Mayor of a General Plan Amendment; and

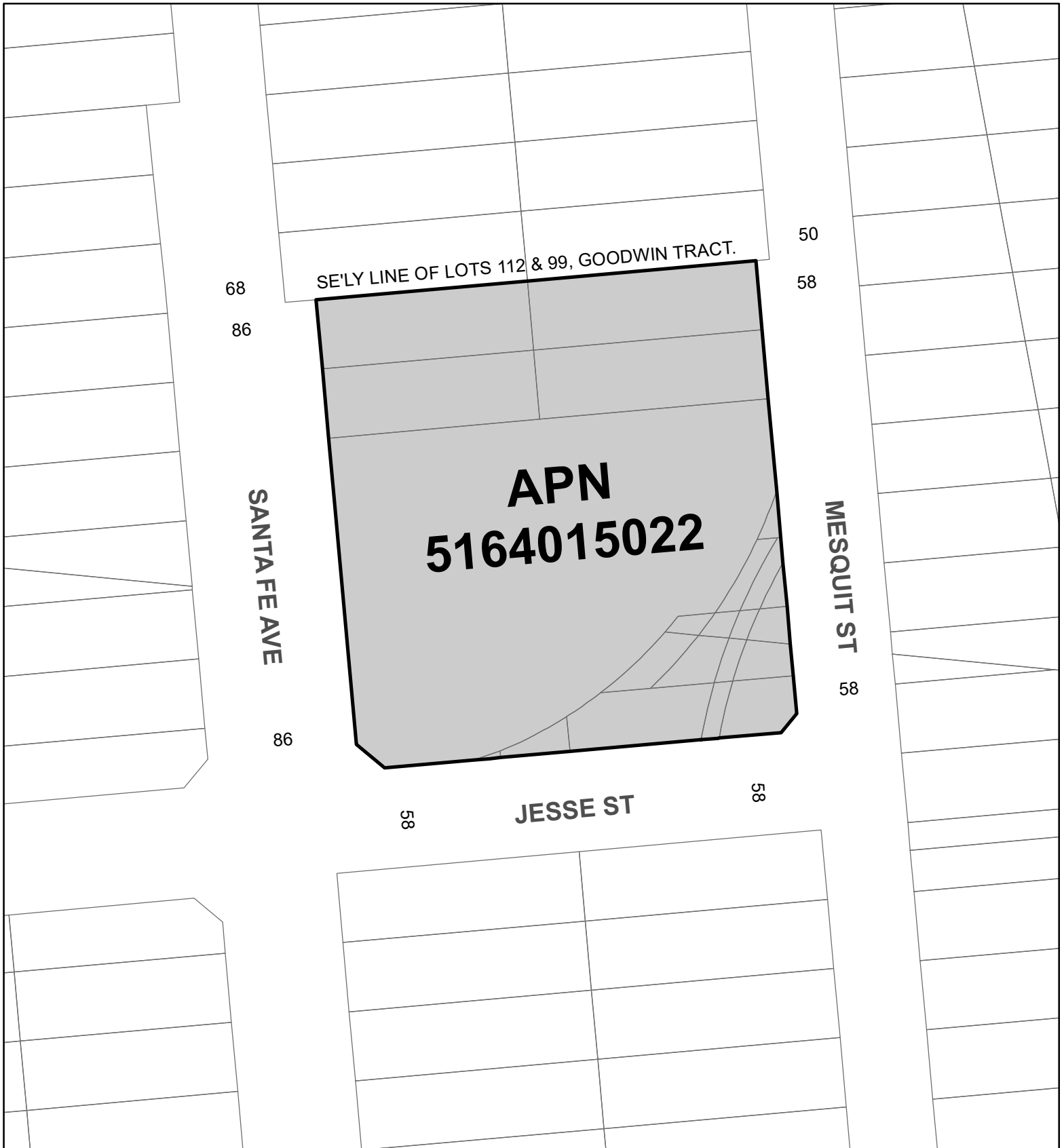
**WHEREAS**, pursuant to the provisions of the Los Angeles City Charter, the Mayor and City Planning Commission have transmitted their recommendations; and

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

**WHEREAS**, the Heavy Manufacturing land use designation and the (T)(Q)M3-2D-RIO Zone will allow the project as described above which is consistent with the Plan and Zone; and

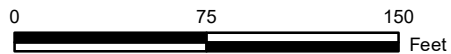
**WHEREAS**, the subject proposal was assessed in Mitigated Negative Declaration No. ENV-2020-6829-MND as adopted on December 22, 2021, ("Mitigated Negative Declaration"), and no subsequent EIR, negative declaration, or addendum is required for approval of the project;

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



Footnote #1 amended for the Central City North Community Plan General Plan Land Use Map.

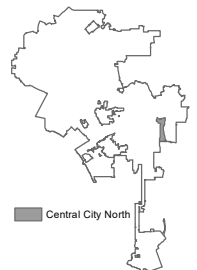
1. Height District No. 1  
 The property APN No. 5164015022 shall be permitted Height District 2 pursuant to CPC-2020-6828-GPA-ZC-HD-SPR-MCUP.

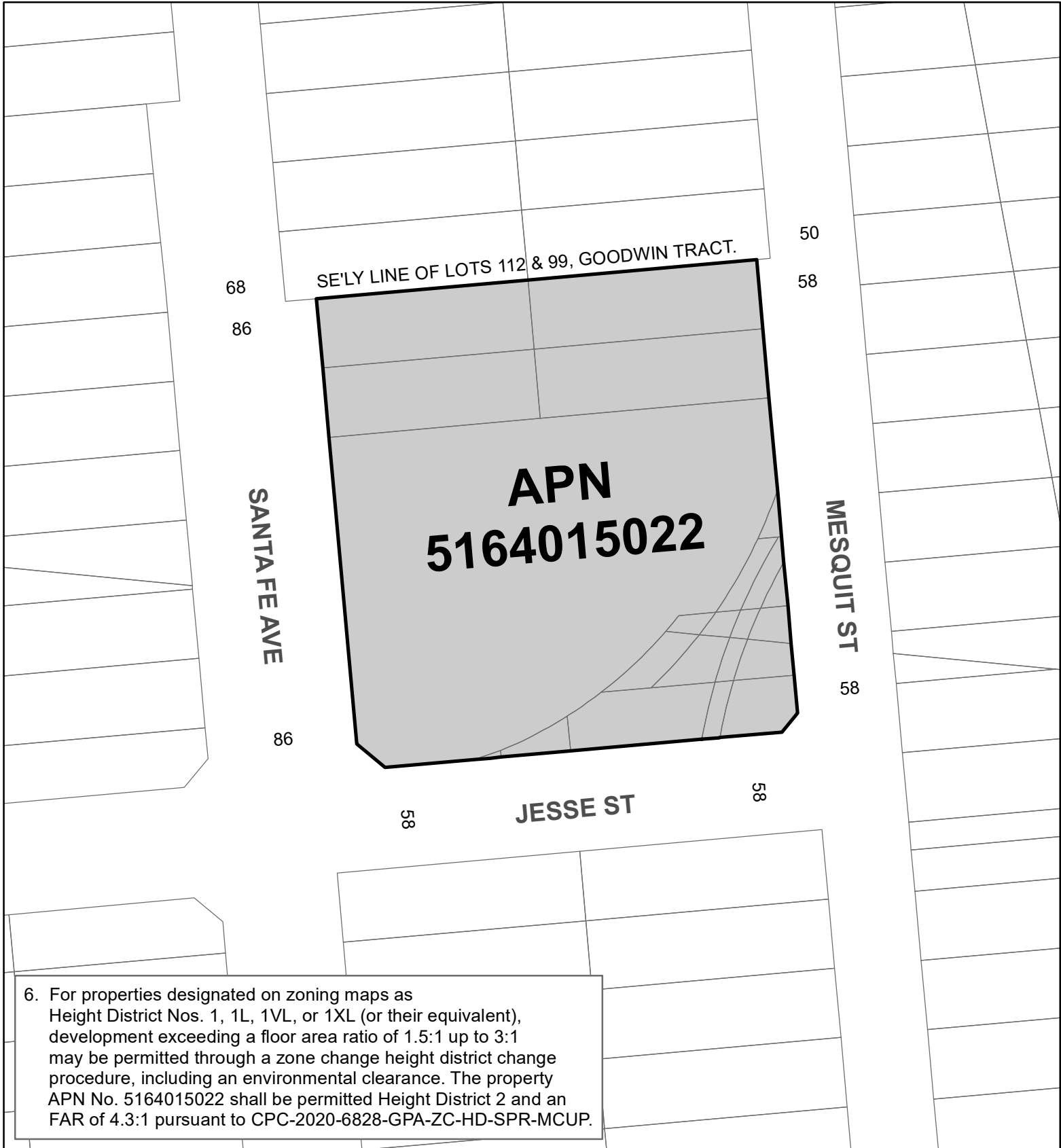


CPC-2020-6828-GPA-ZC-HD-SPR-MCUP

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City of Los Angeles

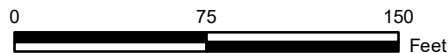




Footnote #6 amended for the Central City North Community Plan General Plan Land Use Map.



City of Los Angeles

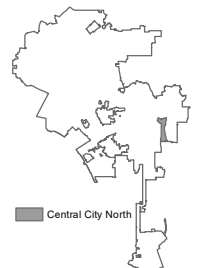


CPC-2020-6828-GPA-ZC-HD-SPR-MCUP

CFIA

CENTRAL CITY NORTH

030122



# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](http://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

**Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

### 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.

#### **Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

#### **Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

#### **West Los Angeles DSC**

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

City Planning staff will follow up with the Appellant via email and/or phone to:

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