

FINDINGS

Project Location

The Project Area consists of six parcels, or nine lots, generally located along North Monterey Road, within the Northeast Los Angeles Community Plan. The addresses include 5715 North Monterey Road, located at the southwest corner of North Monterey Road and Wheeling Way; 5800 to 5814 North Monterey Road, located on the eastern side of North Monterey Road; and 5321 East Via Marisol, located at the southwest corner of North Monterey Road and East Via Marisol. The Project Area is approximately 44,337 square feet in area (1.01 acre).

I. Finding Requirements for General Plan Amendments and Zoning Ordinances

City Charter Findings

Charter Section 555 – Charter Section 555 provides that the City Council may amend the General Plan 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. No legislative findings are required to amend the General Plan. The Proposed Project proposes an amendment to the Northeast Los Angeles Community Plan, which is part of the Land Use Element of the City's General Plan. The Project Area has significant social, economic, and physical identity as it comprises one of the main mixed-use commercial districts of the Hermon neighborhood, all oriented along North Monterey Road.

Charter Section 556 and 558 – Charter Section 556 and 558 require the City Planning Commission (CPC) and the City Council to adopt the following findings when taking any action to (i) create or change a zone or zoning district created for the purpose of regulating the use of land, or (ii) zoning the permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements, including specific plan ordinances (collectively zoning ordinances):

- (1) The zoning ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan.
- (2) The zoning ordinance is in conformity with public necessity, convenience, general welfare, and good zoning practice.

Based upon this, the above findings are required for the proposed Zoning Ordinance amending the Zoning Map to change the zoning of the subject properties from RD1.5-1 to [Q]C4-1VL.

Los Angeles Municipal Code (LAMC) Section 12.32 C Findings

The proposed Zoning Ordinance must also comply with the procedures in LAMC Section 12.32 C, which provides procedures for zoning ordinances. Section 12.32 C incorporates the Charter findings in Section 556 and 558. It requires the CPC to adopt a finding that a proposed zoning ordinance is in conformity with public necessity, convenience, general welfare, and good zoning practice. The City Council is required to make the same finding before adopting the zoning ordinance, as well as a finding that the zoning ordinance is consistent with the General Plan.

State General Plan Consistency Requirement

In addition to the requirement for zoning ordinances to be consistent with the General Plan (vertical consistency), state law also requires that the General Plan must have internal consistency among its elements (horizontal consistency). The City of Los Angeles has the responsibility to maintain and implement the City's General Plan. Community Plans comprise the Land Use Element of the City's General Plan and are the final determination of land use categories, zoning, development requirements, and consistency findings. The proposed General Plan Amendment to the Northeast Los Angeles Community Plan must be consistent with the other elements and components of the General Plan, including the Housing Element and Framework Element.

State law does not require the City to adopt consistency findings or any other findings to amend a Land Use element. The findings below for Section 556 and 558 and LAMC Section 12.32, also discuss internal consistency of the proposed General Plan Amendment with the applicable elements and components of the City's General Plan. This consistency discussion is provided for the City Planning Commission's consideration in approving and recommending the Proposed Project and its implementing Zoning Ordinance and its determination that the proposed General Plan Amendment is consistent with the City's General Plan.

II. Findings for the Zoning Ordinance Under Charter Section 556 and 558 and LAMC Section 12.32

For all of the reasons provided below and based on the whole of the record, the proposed Zoning Ordinance amending the City's Zoning Map to change the zoning of the subject properties from RD1.5-1 to [Q]C4-1VL is:

- (1) in substantial conformance with the purposes, intent, and provisions of the General Plan.
- (2) in conformity with public necessity, convenience, general welfare, and good zoning practice.

Framework Element

The General Plan guides the growth and development of the City and provides a comprehensive view of the City of Los Angeles as a whole. The General Plan Framework, adopted in December 1996, establishes the City's long-range comprehensive growth strategy and provides guidance on Citywide land use and planning policies, objectives, and goals. The Framework defines Citywide policies for land use, housing, urban form and urban design, open space and conservation, transportation, infrastructure, and public spaces. The proposed Project is consistent with the goals, objectives, and policies of the General Plan Framework.

The Project will allow for the continuation of commercial uses within the Project Area and therefore conform with the following goals, objectives and policies set forth in the General Plan Framework Land Use Chapter:

Goal 3D: Pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles' neighborhoods.

Objective 3.8: Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote

neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit.

Policy 3.8.1: Accommodate the development of neighborhood-serving uses in areas designated as "Neighborhood District" in accordance with Tables 3-1 and 3-4. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.

Policy 3.8.2: Encourage the retention of existing and development of new commercial uses that primarily are oriented to the residents of adjacent neighborhoods and promote the inclusion of community services (e.g., childcare and community meeting rooms).

The proposed Project would help to support the retention and future development of commercial uses along the North Monterey Road mixed-use corridor in the Hermon neighborhood of the Northeast Los Angeles Community Plan. Consistent with Goal 3D, the Project would support the formation of a pedestrian-oriented district that provides local identity and commercial activity for the Hermon community, with a broad range of uses that serve the need of adjacent residents such as commercial retail; neighborhood services, including banks, museums, and libraries; community facilities, including churches, parks, and schools; restaurants; commercial office; and residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, consistent with Objective 3.8.

Northeast Los Angeles Community Plan

The Northeast Los Angeles Community Plan became effective February 8, 2000. The Community Plan designates the uses of land and is intended to guide development that supports the general welfare. The Project Area is located entirely within the Northeast Los Angeles Community Plan area, which designates the subject properties as Low Medium II Residential with the corresponding zones of RD1.5, RD2, RW2, and RZ2.5. The site's current zone is RD1.5-1. The recommended General Plan Amendment will change the land use designation to Neighborhood Commercial, which has the corresponding zones of C1, C1.5, P, C2, C4, and RAS3. As the subject action would also rezone the Project Area to [Q]C4-1VL, the proposed General Plan Amendment will be consistent with the proposed zone.

The subject action is consistent with the objectives and policies of the Northeast Los Angeles Community Plan, including the following:

Objective 2-1: Conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.

Policy 2-1.1: Consolidate commercial areas through appropriate planning and zoning actions to strengthen the economic base and expand market opportunities.

Policy 2-1.2: Protect commercially planned/zoned areas, from residential-only development.

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

Policy 1-2.2: Locate higher residential densities near commercial and institutional centers, light rail transit stations, and major bus routes to encourage pedestrian activity and use of public transportation, providing that infrastructure, public service facilities, utilities, and topography will fully accommodate this development.

Policy 1-2.2: Encourage mixed-use development in selected commercially- zoned areas.

The primary purpose of the proposed Project is to facilitate the tenancy of the existing commercial buildings along the main North Monterey Road corridor of the Hermon neighborhood. According to Council District 14 and the Hermon Neighborhood Council, the current residential zoning has made it difficult for owners of the subject properties to find new commercial tenants, and the properties have long been vacant and/or underutilized due to this inconsistency. The proposed General Plan Land Use and zoning correction would allow for the continuation of commercial uses within the Project Area. Consistent with the objectives and policies of the Community Plan, the subject action would conserve and strengthen an existing commercial area, protect against residential-only development, locate higher residential densities near commercial centers, and encourage mixed-use development.

Housing Element

The Project is a General Plan Amendment to re-designate the Project Site from Low Medium II Residential to Neighborhood Commercial land use and a Zone Change from RD1.5-1 to [Q]C4-1VL. While the Project does not propose any development activity, it is reasonably foreseeable that future uses could be established, including new housing opportunities in proximity to jobs. The Project would allow for the continuation, future expansion, and future development of uses allowed in the C4 Commercial Zone, which include commercial retail; neighborhood services, such as banks, museums, and libraries; community facilities, such as churches, parks, and schools; restaurants; commercial office; and residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, provided that the applicable regulations of the R4 Zone are complied with.

Housing Element objectives with which the Project would conform include: encouraging production and preservation of an adequate supply of rental and ownership housing to meet the identified needs of persons of all income levels and special needs; encouraging the location of housing, jobs, and services in mutual proximity; and accommodation of a diversity of uses that support the needs of the City's existing and future residents.

Public Necessity, Convenience, General Welfare, and Good Zoning Practice

In summary, the proposed action, including the amendment to the Northeast Los Angeles Plan and rezoning, will be in conformance with public necessity, convenience, general welfare, and good zoning practice. The primary purpose of the Project is to facilitate the tenancy of the existing commercial buildings along the main North Monterey Road corridor of the Hermon neighborhood. While the subject properties have been developed with commercial structures as early as 1924, the Project Area was designated for Low Medium II Residential land uses and zoned RD1.5-1 as part of the 1999 Northeast Community Plan Update, even though no residential structures were present or planned at the time. According to Council District 14 and the Hermon Neighborhood Council, the current residential zoning has made it difficult for owners of the subject properties to find new commercial tenants, and the properties have long been vacant and/or underutilized due to this inconsistency.

The proposed General Plan Land Use and zoning correction would allow for the continuation of commercial uses within the Project Area. Currently, any nonconforming commercial use of a building in the RD1.5-1 Zone is required to be discontinued five years from the date the use becomes nonconforming, pursuant to Los Angeles Municipal Code (LAMC) 12.23 B, unless the Zoning Administrator permits its continuation pursuant to LAMC 12.24 X.27. The Project would allow for the continuation, future expansion, and future development of uses allowed in the C4 Commercial Zone, which include commercial retail; neighborhood services, such as banks, museums, and libraries; community facilities, such as churches, parks, and schools; restaurants; commercial office; and residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, provided that the applicable regulations of the R4 Zone are complied with. Based on outreach conducted with the Hermon Neighborhood Council, the surrounding community supports the reversion of the subject properties to a commercial land use designation and zone in order to support the tenancy of these commercial buildings along the North Monterey Road corridor.

As the subject actions would directly help to alleviate the conditions that have resulted in vacant buildings along North Monterey Road; support convenient and much needed community-serving commercial, institutional, and residential uses; and correct a General Plan Use designation and zoning that is currently inconsistent with historic and existing uses, the Project will be in conformance with public necessity, convenience, general welfare, and good zoning practice.

III. Other Findings

State Law Restrictions on Zoning Actions under Housing Crisis Act SB 330 and SB 8

On October 9, 2019, Governor Newsom signed into law SB 330, the Housing Crisis Act of 2019. The act amends existing state laws and creates new regulations around the production, preservation and planning of housing. The bill has been in effect since January 1, 2020 and sunsets on January 1, 2025. On September 16, 2021, Governor Newsom signed into law SB 8, which extends provisions of SB 330 to January 1, 2030, along with additional clarifications and protections. The goal of SB 330 and SB 8 is to create certainty in the development of housing projects, speeding up the review of these projects. SB 330 and SB 8 also prevent zoning actions that reduce the capacity of housing. Plans that result in a net downzoning or otherwise reduce housing and population (except for specified reasons involving health and safety, affordable housing and voter initiatives) are prohibited. Moratoriums on housing development, or limits on approval, permits, or housing units cannot not be imposed by local jurisdictions. This does not apply to zoning efforts that reduce intensity for certain parcels as long as density is increased on other parcels and therefore results in no net loss in zoned housing capacity or intensity.

The proposed Zone Change from RD1.5-1 to [Q]C4-1VL would not result in a net downzoning or otherwise reduce housing and population. In fact, the Project would increase the maximum allowable residential density of the subject properties. The currently applied RD1.5-1 zone allows for one dwelling unit for every 1,500 square feet of lot area, whereas the proposed [Q]C4-1VL zone allows for one dwelling unit for every 400 square feet of lot area. While the Project's proposed Height District would change the maximum allowable Floor Area Ratio (FAR) of the subject properties from 3.0 to 1.5, the existing maximum FAR is unlikely to be fully utilized under the current RD1.5 zone's residential density limits. Therefore, the Proposed Project would not result in a decrease in zoned housing capacity, and the Plan complies with this requirement of SB 330 and SB 8.

Measure JJJ Assessment

Section 11.5.8 – In November 2016 Measure JJJ passed and it was certified by the County Clerk on December 13, 2016. Measure JJJ requires, in accordance with Charter Section 555, that the Planning Department complete a comprehensive assessment for any amendment to a Community Plan to ensure that proposed changes do not:

1. Reduce the capacity for creation and preservation of affordable housing and access to local jobs; or
2. Undermine California Government Code Section 65915 or any other affordable housing incentive program.

The proposed changes do not reduce the capacity for creation and preservation of affordable housing.

The proposed changes, which comprise a General Plan Amendment from Low Medium II Residential to Neighborhood Commercial General Plan Land Use and a Zone Change from RD1.5-1 to [Q]C4-1VL, do not reduce the capacity for creation and preservation of affordable housing. In fact, the proposed changes would increase the maximum allowable residential density of the subject properties. The currently applied RD1.5-1 zone allows for one dwelling unit for every 1,500 square feet of lot area, whereas the proposed [Q]C4-1VL zone allows for one dwelling unit for every 400 square feet of lot area. While the Project's proposed Height District would change the maximum allowable Floor Area Ratio (FAR) of the subject properties from 3.0 to 1.5, the existing maximum FAR is unlikely to be fully utilized under the current RD1.5 zone's residential density limits. The proposed changes would therefore have the effect of increasing the capacity for creation of affordable housing. Additionally, the subject properties do not currently contain any housing, affordable housing or otherwise. Therefore, the proposed changes would have no effect on the preservation of any existing affordable housing.

The proposed changes do not reduce access to local jobs.

The primary purpose of the Project is to facilitate the tenancy of the existing commercial buildings along the North Monterey Road corridor within the Hermon neighborhood. While the subject properties have been developed with commercial structures as early as 1924, the Project Area was designated for Low Medium II Residential land uses and zoned RD1.5-1 as part of the 1999 Northeast Community Plan Update. According to Council District 14 and the Hermon Neighborhood Council, the current residential zoning has made it difficult for owners of the subject properties to find new commercial tenants, and the properties have long been vacant and/or underutilized due to this inconsistency.

The proposed General Plan Land Use and zoning correction would allow for the continuation of commercial uses, and therefore the preservation and growth of local jobs, within the Project Area. Currently, any nonconforming commercial use of a building in the RD 1.5-1 Zone is required to be discontinued five years from the date the use becomes nonconforming, pursuant to Los Angeles Municipal Code (LAMC) 12.23 B, unless the Zoning Administrator permits its continuation pursuant to LAMC 12.24 X.27. The Project would allow for the continuation, future expansion, and future development of uses allowed in the C4 Commercial Zone, which include commercial retail; neighborhood services, such as banks, museums, and libraries; community facilities, such as churches, parks, and schools; restaurants; commercial office; and residential uses, including

single-family dwellings, two-family dwellings, and multi-family dwellings, provided that the applicable regulations of the R4 Zone are complied with. Given that the proposed changes would support new commercial uses on the subject properties, the proposed changes would in fact increase access to local jobs.

The proposed changes do not undermine California Government Code Section 65915 or any other affordable housing program.

The proposed changes comprise a General Plan Amendment from Low Medium II Residential to Neighborhood Commercial General Plan Land Use, as well as a Zone Change from RD1.5-1 to [Q]C4-1VL. Under the new zoning, any proposed residential development project would continue to be eligible for any applicable affordable housing programs, including those that require providing affordable housing units consistent with California Government Code Section 65915. As development projects in the [Q]C4-1VL zones would continue to be eligible for the State Density Bonus and other incentives, the proposed changes do not undermine California Government Code Section 65915 or any other affordable housing program.

IV. CEQA Findings

Negative Declaration

On February 3, 2022, a Negative Declaration (ENV-2021-8629-ND) was prepared and published for the proposed project. Based on the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Department of City Planning in Room 667, 200 North Spring Street, Los Angeles, CA 90012.