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September 14, 2022

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**676 MATEO PROJECT, CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR-1A, ENV-2016-3691-EIR; CF 21-1497-S1 & S2**

At its meeting of October 28, 2021, the City Planning Commission (Commission) recommended approval of a General Plan Amendment, Vesting Zone and Height District Change, and approved a Main Conditional Use permit for alcohol sales, a Density Bonus Compliance Review, and a Site Plan Review (CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR) in connection with the 676 Mateo Project (Project) proposal. The Project involves the demolition of the existing warehouse and surface parking lot, and the construction of a 197,355-square-foot mixed-use building with up to 185 live/work units (including 21 units for Very Low-Income households), up to 23,380 square feet of art-production and commercial space, and associated parking facilities, on a 44,839 square foot lot. The proposed eight-story building would be up to 116 feet in height and would include three levels of subterranean parking.

The Project also proposes an increased commercial option (Flexibility Option) that would provide the Project the flexibility to increase the commercial square footage provided and reduce the number of live/work units within the same building envelope. The increased commercial option of the Project would consist of up to 159 live/work units (including 18 units for Very Low-Income households), up to 45,873 square feet of art-production and commercial space, and associated parking facilities.

On December 21, 2021, an appeal was filed by Kendra Hartmann on behalf of CREED LA regarding all actions taken by the City Planning Commission at its meeting of October 28, 2021, as described in the December 2, 2021 Letter of Determination (LOD) for Case No. CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR. This report serves to respond to the points raised in this appeal.

### ***Project Background***

In its September 16, 2021 decision, the Advisory Agency adopted findings relating to the certification of the Environmental Impact Report (EIR) and approved a Vesting Tentative Tract Map for the merger and resubdivision of eight lots into one master ground lot for live/work condominium and commercial purposes on an approximately 1.03-acre (44,867 square foot) and, a Haul Route for the export of 74,500 cubic yards of soil. One appeal of the Advisory Agency's determination was filed by Kendra Hartmann on behalf of CREED LA in a timely manner on September 23, 2021.

The Department of City Planning responded to the appeal (VTT-74550-CN-1A) in an Appeal Response Recommendation Report. The Appeal Response Recommendation Report and associated documents were presented to the City Planning Commission at its meeting of October 28, 2021. On December 2, 2021, the City Planning Commission, following its consideration of the materials during the hearing of October 28, 2021, issued its determination to deny the appeal, thereby sustaining the actions of the Advisory Agency in certifying the EIR and approving the Vesting Tentative Tract Map.

On December 2, 2021, the City Planning Commission also issued its determination for the related entitlement case for the Project (CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR), adopting the environmental clearance, recommending that the City Council approve the General Plan Amendment, Vesting Zone Change and Height District Change requests, and approving a Main Conditional Use permit for alcohol sales, a Density Bonus Compliance Review, and a Site Plan Review for the Project.

On December 10, 2021, a second-level appeal of the Vesting Tentative Tract Map was filed by Kendra Hartmann on behalf of CREED LA on VTT-74550-CN-1A. The appeal again claimed that the Project EIR failed to comply with CEQA and that proper entitlement findings could not be made. The Vesting Tentative Tract Map appeal (Council File CF 21-1497) will be heard by the Planning and Land Use Management (PLUM) Committee of the City Council on September 20, 2022. The summary of City Planning staff's responses to this second-level Vesting Tentative Tract Map appeal is included in the letter to PLUM dated September 14, 2022 under Council File CF 21-1497.

On December 21, 2021 an appeal was also filed by Kendra Hartmann on behalf of CREED LA on CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR regarding the actions taken by the CPC set forth in the December 2, 2021 LOD for the Project. The Commission case, and Commission appeal (CF 21-1497-S1 and -S2) will be heard by the Planning and Land Use Management (PLUM) Committee of the City Council on September 20, 2022. This report serves to respond to the points raised in this appeal.

### ***Scope of City Planning Commission Case Appeals***

Pursuant to the Los Angeles Charter Section 555 and Sections 12.36 and 11.5.6 of Los Angeles Municipal Code (LAMC), the Commission's recommendation for approval of the General Plan Amendment is not appealable. Regarding the Vesting Zone Change and Height District Change entitlements, pursuant to LAMC Section 12.32 D, since the Commission recommended approval of the Vesting Zone Change and Height District Change entitlements, the Commission's recommendations on these entitlements then proceeds to City Council for consideration and a decision. The Commission's recommendation for approval is not appealable. Rather, the City Council considers the Commission's recommendation, together with public testimony, including

any testimony related to the proposed conditions of approval, and then issues a decision on the Vesting Zone Change and Height District Change requests.

Regarding the Density Bonus entitlements, pursuant to LAMC Section 12.22 A.25(g)(2)(f), only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property may appeal a Density Bonus entitlement. The Appellants' addresses listed on their appeal application forms demonstrate that neither Appellant is an owner or tenant of an abutting property. Therefore, the only actions of the City Planning Commission which are appealable by this party under case CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR are the Main Conditional Use permit for alcohol sales, and the Site Plan Review.

The following represents a summary and responses to the appeal filed on December 21, 2021:

**APPELLANT: KENDRA HARTMANN, COALITION FOR RESPONSIBLE EQUITABLE ECONOMIC DEVELOPMENT (CREED LA)**

The Appellant states in their application that they are appealing all actions taken by the City Planning Commission at its meeting of October 28, 2021, which are set forth in the December 2, 2021 LOD.

However, as stated above, the Commission's recommendation regarding the General Plan Amendment is not appealable. In addition, pursuant to LAMC Section 12.32 D, the Vesting Zone and Height District Change are not appealable, but rather the Commission's recommendation is being considered by the City Council as part of the Zone Change request. Only the applicant may appeal a zone change recommendation by the City Planning Commission, and then, only if the zone change was recommended for denial. Since the City Planning Commission recommended approval of the Vesting Zone Change and Height District Change entitlements, those entitlements, and conditions, are not appealable. Regarding the Density Bonus entitlements, pursuant to LAMC Section 12.22 A.25(g)(2)(f), only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property may appeal a Density Bonus entitlement. The Appellant is not an owner or tenant of property abutting, across the street or alley, or having a common corner with the subject property. As described above, the only actions taken by the Commission that were appealable by this Appellant, which are therefore the only actions before PLUM for its consideration, are the Main Conditional Use Permit for alcohol sales and the Site Plan Review. The Appellant has raised issues regarding noise generated by the establishments subject to the Main Conditional Use Permit for alcohol sales, and is appealing the Site Plan Review condition describing the number of dwelling units and commercial floor area, and findings related to consistency with land use plans. Additionally, the Appellant provides no new information or substantial evidence to demonstrate that the City's EIR and findings are inadequate.

***Summary of issues raised in appeal documentation:***

- *The Commission Lacked Substantial Evidence to Support Its CEQA Findings*
- *The Final EIR Should Have Been Revised and Recirculated, Not Certified*
- *The Commission's Reliance on CEQA's Subsequent Review Standards to Support CEQA Findings for Initial Project Approval Violated CEQA*
- *The Commission's Findings that the Project is Consistent with the General Plan Were Not Supported by Substantial Evidence*
- *The Commission Lacked Substantial Evidence to Support the Findings Required for the Vesting Zone Change and Height District Change*

- *The Commission Lacked Substantial Evidence to Support the Findings Required for Approval of the Master Conditional Use Permit*
- *The Commission Lacked Substantial Evidence to Support the Findings Required by LAMC Section 12.24 E.2, 12.24 E.3 and 12.24 W.1(a)(1)*
- *The Commission Lacked Substantial Evidence to Support the Findings Required for Approval of the Site Plan Review*

**Appeal Point 1:**

The Appellant asserts that the Commission took two separately agendaized actions related to the Project's CEQA review on October 28, 2021. First, the Commission upheld the Advisory Agency's September 16, 2021 EIR certification made in conjunction with the VTT approval and conducted its own EIR certification related to the Project's remaining entitlements (10/28/2021 Commission Agenda Item No. 7). Second, the Commission considered the Final EIR (FEIR) and made findings, pursuant to CEQA Guidelines Sections 15162 and 15164, that no subsequent EIR, negative declaration, or addendum was required for approval of the Project (10/28/2021 Commission Agenda Item No. 8). The Appellant asserts that both actions violated CEQA. CREED LA has separately appealed the actions taken under Agenda Item No. 7 in its appeal of the VTT/EIR, filed December 10, 2021, and incorporates the issues raised in that appeal to the extent applicable to this appeal. Additionally, CREED LA has appealed the Commission's findings regarding subsequent CEQA review taken under Agenda Item No. 8.

**Response to Appeal Point 1:**

The Advisory Agency, as a decision-making body of the City, is authorized by the Los Angeles Municipal Code (LAMC) to approve subdivision maps (LAMC 17.03 A). As such, per CEQA Guidelines Section 15090, the Advisory Agency is required to certify the EIR before approving the Project's subdivision map. As a result of the Advisory Agency's certification of the EIR and approval of the tract map being appealed, the City Planning Commission would necessarily have to consider certifying the EIR in order to deny the appeal and sustain the actions of the Advisory Agency. The City Planning Commission voted to deny the appeal (VTT-74550-CN-1A) and certify the EIR, under agenda item No.7. Having certified the EIR, the City Planning Commission could then act on Agenda Item No. 8, which it did by adopting the previously certified EIR, recommending approval of the GPA, VZC, and HD entitlements, and approving requests for Density Bonus Compliance Review, Main Conditional Use Permit for alcohol sales, and Site Plan Review.

The EIR fully disclosed and analyzed the whole of the action, and identified the subdivision requests, as well as the General Plan Amendment, Vesting Zone and Height District Change, Master Conditional Use, Density Bonus and Site Plan Review, and other associated entitlement requests. In addition, the Appellant generally states that the EIR fails to comply with CEQA but does not provide any specific aspects of CEQA with which the EIR fails to comply. Therefore, the appeal point has no merit and should be denied.

**Appeal Point 2:**

The Appellant expresses of the need to revise and recirculate the FEIR prior to certification. The Appellant states that the FEIR cannot be certified because it did not address or resolve issues previously raised by the Appellant such as significant, unmitigated impacts from construction and operational air quality emissions, impacts to public health from exposure to toxic air contaminants (TACs), and significant, unmitigated impacts from construction and operational noise.

**Response to Appeal Point 2:**

All the issues raised by the Appellant regarding unmitigated impacts from air quality construction and operational emissions, noise and public health exposure to Toxic Air Contaminates have been adequately addressed in the Draft EIR (DEIR), FEIR, and Determination letter dated September 16, 2021.

The Appellant maintains that the EIR should have included both a construction and operational health risk assessment of Project's TACs emissions. This contention was adequately addressed in the FEIR. In determining whether a quantitative health risk assessment of the Project's construction and operational emissions would be required, the City relied on the guidance of the South Coast Air Quality Management District (SCAQMD) and the State Office of Environmental Health Hazard Assessment (OEHHA), the regulatory agencies that are legally required to provide the appropriate expertise to determine the likelihood of impacts from construction and operational activities (FEIR, page II-75 and II-76), as a screening threshold. The City may lawfully rely on the expertise of these agencies to provide screening criteria to identify when preparation of a quantitative health risk assessment for a project is required, since the City does not possess such expertise itself. Moreover, as explained in the FEIR, pursuant to this screening criteria, the City was not required to prepare an operational quantitative health risk assessment for a project that does not include a substantial source of the emissions that could result in such health risks (FEIR, page II-72).

In addition, as stated in the FEIR, Response to Comment No. 6-30, the Project is not under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD) and is not a facility that includes a stationary source of DPM emissions; therefore, the consultant's application of this tool and methodology is inappropriate for this location and type of project. As disclosed in the Draft EIR, health effects from TACs for sensitive residential receptors are described in terms of individual cancer risk based on a long-term resident exposure duration (i.e., resident lifetime or 70-year). Given the temporary and short-term construction schedule (approximately 24 months), the Project would not result in a long-term (i.e., lifetime or 70-year) exposure as a result of Project construction. Therefore, a construction HRA is neither required nor warranted.

The SCAQMD has published and adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities). The Project would not include any of these uses; therefore, an operational HRA is neither required nor warranted.

Although a quantitative HRA for the Project is not required for the reasons discussed above, in order to provide information that further supports the Draft EIR's less than significant finding with respect to TAC emissions, a quantitative health risk assessment dated March 31, 2022, has been prepared and is attached as Exhibit A. As discussed in further detail therein, the results of the quantitative HRA demonstrate that the health risks from TAC emissions from Project construction and operations would not exceed the SCAQMD significance threshold. This HRA further confirms the Draft EIR's less than significant impact finding with respect to TAC emissions.

**Appeal Point 3:**

The Appellant asserts that the City failed to require all feasible mitigation measures capable of reducing impacts to the greatest extent feasible, leaving major Project impacts significant and unmitigated, in violation of CEQA's requirements to support adoption of a statement of overriding considerations.

**Response to Appeal Point 3:**

The FEIR included all feasible mitigation measures. In addition, the comment does not include specific facts or claims regarding the adequacy or content of the Mitigation Measures. The Appellant does not provide detailed information nor substantial evidence regarding failure of the FEIR to require mitigation measures capable of reducing potentially significant impacts to less than significant levels. As such, no further response is required and appeal point should be denied.

**Appeal Point 4:**

The Appellant asserts that the Statement of Overriding Considerations adopted by the Advisory Agency and Commission failed to consider whether the Project provides employment opportunities for highly trained workers, as required by CEQA.

**Response to Appeal Point 4:**

This comment does not raise any specific issues with respect to the specific content and adequacy of the Draft EIR and/or FEIR.

In addition, CEQA Section 15091(a) states that "no public agency shall approve or carry out a project or program for which an EIR has been certified which identifies one or more significant effects of the project unless such public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR;
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency;
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR."

CEQA does not require that all three findings to be made in order to adopt a Statement of Overriding Considerations, and further, does not require that among the range of possible overriding considerations listed in Finding (3), that projects must override significant impacts specifically by providing highly trained workers. The adopted Statement of Overriding Considerations summarize the benefits, goals and objectives of the Project and the Flexibility Option and provide the detailed rationale for the benefits of the Project and the Flexibility Option. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project and the Flexibility Option justify adoption of the Project and the Flexibility Option and

certification of the completed EIR. Each of the listed benefits set forth in the Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project and the Flexibility Option despite the Project's and the Flexibility Option's identified significant and unavoidable environmental impacts. Each of the overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project and the Flexibility Option, and (ii) justifies adoption of the Project with the Flexibility Option and certification of the completed EIR. In particular, achieving the underlying purpose for the Project and the Flexibility Option would be sufficient to override the significant environmental impacts of the Project and the Flexibility Option.

Furthermore, the Statement of Overriding Considerations conforms to CEQA Section 15093 regarding balancing the economic, legal, social, and technological benefits, including region-wide environmental benefits. This includes that the Project and the Flexibility Option would: support City and regional land use and environmental goals, support City and regional housing goals, provide economic development, employment opportunities and tax revenue for the City, represent smart growth, represent sustainable development, and enhance the Arts District.

**Appeal Point 5:**

The Appellant asserts that significant new information was included in the FEIR, necessitating the recirculation of the Draft EIR to allow the public to meaningfully review and comment on significant impacts or feasible mitigation measures that had previously been omitted.

**Response to Appeal Point 5:**

The Appellant does not raise any specific issues with respect to the specific content and adequacy of the FEIR, nor do they describe what significant new information they believe was included in the FEIR. In addition, the City only included an Erratum dated October 2021 to address a minor clarification and modification to the EIR, specifically, to confirm that the Project's noise measurements were taken on July 5, 2017 and not February 14, 2017, as stated in Section II of the FEIR. The information included in the Erratum does not disclose any new significant impacts or a substantial increase in the severity of an impact already identified in the Draft EIR, nor does it contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible alternative or mitigation measure that the Applicant has declined to adopt.

All of the information added in the Erratum dated October 2021, merely clarified, corrected, added to, or made insignificant modifications to information in the EIR. The information in the Erratum did not change any of the basic findings or conclusions of the EIR, did not constitute "significant new information" pursuant to CEQA Guidelines Section 15088.5, and did not require recirculation of the EIR. Therefore, the revision and recirculation of the DEIR is not necessary, and the appeal point should be denied.

**Appeal Point 6:**

The Appellant states that because the City failed to correct the errors and omissions in the Draft EIR's analysis and mitigation of noise, air quality, and public health impacts as required by CEQA, added significant new information, and failed to support its Statement of Overriding Considerations with substantial evidence, the Commission was required to remand the Project to staff to revise and recirculate the EIR for additional public comment before the EIR was certified. In addition, the Commission's actions in (1) upholding the Advisory Agency's EIR certification and CEQA findings and (2) conducting its own EIR certification and making CEQA findings, were

violations of CEQA and unsupported by the record. For the reasons set forth in CREED LA's prior comments and concurrent VTT/EIR appeal, the City Council should vacate these Commission actions.

**Response to Appeal Point 6:**

The Draft EIR, FEIR and the LOD all contain substantial evidence that the EIR properly and fully analyzed all the Project's potential impacts, including incorporating appropriate mitigation measures and project alternatives.

In addition, as stated in the FEIR, the legal process for certification of the EIRs is set forth in the California Code of Regulations, Title 4, Chapter 3, Section 15090. As stated in Section 15090(a), the lead agency shall verify the EIR prior to approval of a project. Pursuant to CEQA guidelines Section 15090(b), a non-elected decision maker body within the lead agency has the authority to certify the EIR subject to appeal to the City Council. In the City of Los Angeles, the Advisory Agency is the final decision maker on subdivision maps subject to appeal to the Appeal Board, and appeal of the Appeal Board's decision to the City Council. As such, the Advisory Agency is required to certify the EIR before approving the Project's subdivision map, pursuant to CEQA Guidelines Section 15090. Therefore, the Commission's actions did not violate CEQA, and the appeal point should be denied.

**Appeal Point 7:**

The Appellant states that the Commission's findings that the Project was "assessed in the previously certified EIR" as "certified" by the Advisory Agency are invalid as a matter of law because CEQA's subsequent review standards do not apply to initial approval of a Project.

**Response to Appeal Point 7:**

Please refer to Response to Appeal Points 4 through 6.

**Appeal Point 8:**

The Appellant asserts that California courts have firmly established that "environmental review is not supposed to be segregated from project approval." The Court of Appeal recently clarified that there is "nothing in the text of [CEQA] or common law interpreting [CEQA]" suggesting that a project's impact analysis or mitigation may be divided across different types of environmental review such that some impacts are analyzed in an EIR and others are analyzed in an addendum or another different CEQA document. CEQA's subsequent review standards apply to subsequent modifications to projects which were previously approved and for which an EIR was previously certified or an MND/Negative Declaration previously adopted. These legal standards do not apply to projects which have not yet received their initial entitlement approvals, as is the case here.

**Response to Appeal Point 8:**

The Project's impact analysis and mitigation measures have not been divided across different environmental review. The Draft EIR adequately analyzed all the Project's potential impacts, as well as incorporating appropriate mitigation measures and evaluating project alternatives. Minor modifications and revisions were made in the FEIR in response to public comments received during Draft EIR comment period. CEQA Section 15090 requires that prior to approving a project, the lead agency shall certify that (1) the final EIR has been completed in compliance with CEQA, (2) the final EIR was presented to the decisionmaking body of the lead agency and that the

decisionmaking body reviewed and considered the information contained in the final EIR prior to approving the project, and (3) the final EIR reflects the lead agency's independent judgement and analysis. This necessitates that the decisionmaking body, which in the case of the tentative tract map is the Advisory Agency, consider the information contained in the final EIR and certify the final EIR prior to approving a project.

Additionally, CEQA Section 15091 states that no public agency shall approve or carry out a project for which an EIR has been certified unless the public agency makes one or more written findings for each significant effect. This inherently means that an EIR must be certified prior to approving a project, and that in order to approve a project with significant effects, findings must be made pursuant to CEQA Section 15091(a) and (b).

Furthermore, CEQA Section 15092(a) states that after considering the final EIR, and in conjunction with making findings under Section 15091, the lead agency may decide whether or how to approve the project. The City, as lead agency, and the Advisory Agency as the initial decisionmaker complied with CEQA sections 15090, 15091, and 15092. Additionally, when the actions of the Advisory Agency were appealed, the City Planning Commission as the appellate body for tract maps, became the decisionmaker. Their actions to deny the appeal, certify the EIR, and approve the tract map were in full compliance with CEQA and City regulations.

**Appeal Point 9:**

The Appellant states that the Advisory Agency certified the FEIR in conjunction with approval of only one of the Project's entitlements, the Vesting Tentative Tract Map. The Project's remaining entitlements were not approved until the Commission approved them at the October 28, 2021 hearing (Master Conditional Use Permit, Site Plan Review, modified Conditions of Approval, Density Bonus, and Amended Findings), or are still pending final approval by the City Council based on the Commission's approval recommendations (General Plan Amendment and Vesting Zone and Height District changes). The Project is therefore still undergoing its initial approval process. The Advisory Agency's EIR "certification" was therefore premature and in violation of CEQA, and does not trigger CEQA's subsequent review standards for the Project's remaining entitlements.

**Response to Appeal Point 9:**

Please refer to Response to Appeal Points Nos. 1 and 8.

**Appeal Point 10:**

The Appellant asserts that the Commission's denial of CREED LA's subsequent appeal of the Advisory Agency's EIR certification was an abuse of discretion and was inconsistent with the determination by the courts that environmental review and approval of a project cannot be separated in a bifurcation of proceedings. As the courts have explained, "[a] decision on both matters must be made by the same decision-making body because '... CEQA is violated when the authority to approve or disapprove the project is separated from the responsibility to complete the environmental review.'"

The Commission's ensuing application of CEQA's subsequent review standards to its consideration of the Project's remaining entitlements was equally improper because the Project has not received final approval from the City and the Advisory Agency's EIR certification was facially invalid. The City Council should uphold this appeal, vacate the Advisory Agency's certification of the FEIR and approval of the MMRP, and vacate the Commission's CEQA findings regarding supplemental and subsequent CEQA review for the Project. The City Council should

uphold this appeal, vacate the Advisory Agency's certification of the FEIR and approval of the MMRP, and vacate the Commission's CEQA findings regarding supplemental and subsequent CEQA review for the Project.

**Response to Appeal Point 10:**

LAMC Section 11.5.13 establishes the appeal procedure to the City Council for CEQA determinations. A CEQA clearance can only be appealed if a non-elected decision-making body makes a determination for a project that is not further appealable. Pursuant to California Public Resources Code Sections 21151(c) and 21155.2(b)(6) consistent with the requirements of CEQA, if a nonelected decision-making body (City Commission) of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body (City Council), if any. The Appellant has appealed both the Project's VTT, Main Conditional Use Permit, and Site Plan Review approvals, which will be heard by City Council (an elected body), and thus the certification of the Project's EIR will be considered. See also response to Appeal Point No. 1.

In addition, the City Planning Commission is responsible for making recommendations to the Council, and Mayor with respect to zoning ordinances and amendments to the General Plan. See also Response to Appeal Points Nos. 1 and 8 above. Therefore, City Planning Commission did not abuse its discretion by denying CREED's appeal.

**Appeal Point 11:**

The Appellant asserts that prior to approving the proposed amendment, the City must support its decision with findings that the Project is consistent with the General Plan. The Appellant asserts that the Commission, in recommending approval of the General Plan Amendment, failed to provide substantial evidence to support its findings that the Project is consistent with the General Plan's environmental and public health provisions.

Therefore, the City must reject the Planning Commission's recommendation to adopt the proposed General Plan amendment until the EIR is revised and its inconsistencies with the General Plan corrected.

**Response to Appeal Point 11:**

Analysis of conflicts and consistency with applicable plans were discussed in the DEIR, Section IV.G, Land Use and Planning. It should be noted that under State Planning and Zoning law (Government Code Section 65000, et seq.) strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans. A project is considered consistent with the provisions and general policies of an applicable City or regional land use plan if it is consistent with the overall intent of the plan and would not preclude the attainment of its primary goals. A project does not need to be in perfect conformity with each and every policy (*Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4<sup>th</sup> 704, 719). More specifically, according to the ruling in *Sequoyah Hills Homeowners Association v. City of Oakland*, state law does not require an exact match between a project and the applicable general plan. Rather to be "consistent," the project must be "compatible with the objectives, policies, general land uses, and programs specified in the applicable plan," meaning that a project must be in "agreement or harmony" with the applicable land use plan to be consistent with that plan. Furthermore, the Letter of Determination for the Project, dated December 2, 2021 contains detailed findings as to the

Project's consistency with the General Plan, inclusive of the General Plan Framework Element, Housing Element, Mobility Plan 2035, Central City North Community Plan, Health and Wellness Element, Air Quality Element, and Sewerage Facilities Element (see LOD pages F-1 through F-21). Below is a summary of the Project's consistency with various General Plan Elements, as detailed in both the Draft EIR and the Letter of Determination for the Project, dated December 2, 2021 (Exhibit C).

#### *City of Los Angeles General Plan Framework Element*

The Project is consistent with the policy and objectives of the Land Use Chapter by supporting the needs of the City's existing and future residents, businesses, and visitors by providing live/work units and commercial uses, including general commercial, restaurant, retail, office, and art production-related uses. In addition, development of the Project in an area with convenient access to public transit and opportunities for walking and biking would promote an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution while supporting the City's objective to encourage commercial uses along primary transit corridors/boulevards and in designated Community Centers areas.

#### *Housing Chapter*

The Project is consistent with the policy and objective of the Housing Chapter by providing a range of new housing units near existing transit. The scale and character of the Project is consistent with the surrounding urbanized area. Accordingly, the Project's request for a General Plan Amendment and zone change is consistent with City policies to promote housing development.

#### *Urban form and Neighborhood Design Chapter*

The Project is consistent with the goal, objectives and policies of the Urban Form and Neighborhood Design Chapter by providing new residential, office, commercial uses and open space available to the public and streetscape improvements that would enhance pedestrian activity.

#### *Open Space and Conservation Chapter*

The Project is consistent with the Open Space and Conservation Chapter by providing a minimum of approximately 15,320 square feet of on-site open space and approximately 14,160 square feet under the Flexibility Option. The Project's various amenities would include a swimming pool and spa, fitness and recreation rooms, courtyard with planters for cultivating fruits and vegetables, arts and production space, yoga deck, outside dining area, and terraces. In addition, a number of live/work units would include private balconies. The Project would provide a landscaped paseo connecting Mateo Street and Imperial Street along the southern boundary of the Project Site in an east west orientation and perpendicular to its adjacent streets.

#### *Economic Development Chapter*

The Project is consistent with the Economic Development Chapter by bringing new economic investment to Arts District in an area well served by existing transit. Furthermore, the Project would contribute to the establishment of a 24-hour community that would benefit existing businesses of the area.

*Transportation Chapter*

The Project is consistent with Transportation Chapter by supporting an area targeted for high-density and a focal point of region commerce identity and activity through the provision of additional housing, office and commercial uses and employment opportunities for the Arts District area. The Project would augment the streetscape with retail and dining uses along with streetscape improvements that would enhance pedestrian circulation.

*Infrastructure and Public Services Chapter*

The Project is consistent with the Infrastructure and Public Services Chapter by reducing the amount of hazardous substances and the total amount of flow entering the wastewater system through implementation of Stormwater Pollution Plan and Best Management Practices. The Project would not exceed the available capacity within the distribution infrastructure that would serve the Project Site and its water demands will be met by the City of Los Angeles Department of Water and Power (LADWP).

In sum, contrary to the Appellant's assertions, the entitlement findings related to consistency with the General Plan are indeed thorough, robust and based on substantial evidence.

Furthermore, DEIR, Section IV.G, Land Use and Planning adequately illustrated the Project's consistency with the applicable policies in General Plan, Central City North Community Plan and Regional Commercial land use designations. Therefore, with the Commission's approval of the General Plan Amendment the Project or the Flexibility Option would not conflict with the applicable policies and the appeal point should be denied.

**Appeal Point 12:**

The Appellant asserts that the Project is inconsistent with the environmental provisions of the General Plan found in the Air Quality Element because the Project will result in numerous significant adverse impacts that the City has failed to adequately mitigate.

The Appellant states that the EIR failed to properly analyze and mitigate the Project's air quality impacts from construction and operational emissions, particularly its emissions of DPM, a TAC.

In addition, the Appellant claims that the EIR failed to properly analyze cumulatively considerable impacts to air quality. Though the EIR follows the guidance of the SCAQMD for determining cumulative impacts to air quality, the Commission failed to address the fact that this approach has been rejected by the courts and is inconsistent with CEQA's requirement that a project mitigate impacts that are "cumulatively considerable."

The Appellant claims that the Commission staff report incorrectly asserted that CREED LA provided no evidence that the combined emissions from three related projects would have any significant cumulative effect on regional air quality. The Appellant claims to have provided the Commission with substantial evidence demonstrating that extensive concurrent, cumulative development projects in the immediate vicinity of the Project site, regardless of each project's individually incremental impact, will inevitably lead to cumulatively considerable impacts, and that the Commission ignored this substantial evidence in recommending approval of the General Plan amendment.

**Response to Appeal Point 12:**

Contrary to the Appellant's claim, as explained in detail in the DEIR Section IV.A, Air Quality, Pages IV.A-32 through 39 the Project would be consistent with the goals, objectives, and policies set forth in the City's General Plan Air Quality Element (Refer to Table IV.A-7, Project Consistency with Applicable Policies of the General Plan Air Quality Element).

See also response to Appeal Point No. 2 regarding the Project's TAC analysis included in the DEIR. As clarified in the response, while a quantitative HRA for the Project is not required, in order to provide information that further supports the Draft EIR's less than significant finding with respect to TAC emissions, a quantitative health risk assessment dated March 31, 2022, has been prepared and is attached as Exhibit A. As discussed in further detail therein, the results of the quantitative HRA demonstrate that the health risks from TAC emissions from Project construction and operations would not exceed the SCAQMD significance threshold. This HRA further confirms the Draft EIR's less than significant impact finding with respect to TAC emissions. Lastly, the Project would not include any of the uses included in SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning and thus an operational HRA is neither required nor warranted.

In addition, the City appropriately relies on the SCAQMD, the agency with the expertise to determine how emissions from various projects and activities affect regional air quality, for the methodology to assess potential cumulative regional air quality impacts in the South Coast Air Basin. The Appellant asserts that the FEIR did not consider emissions from the Project in conjunction with two other projects in the vicinity, 670 Mesquit and 6AM, and suggests the collective emissions from all of these projects represent a significant cumulative impact to regional air quality. This contention suggests a fundamental misunderstanding of the nature of cumulative regional air quality conditions.

The Appellant provides no evidence that the combined emissions from three projects in the Arts District would have any significant cumulative effect on regional air quality. Rather, the Appellant relies on the generalized contention that emissions from three projects are greater than the impacts from one, which therefore constitutes a significant cumulative impact on regional air quality. However, SCAQMD determines existing air quality in the South Coast Air Basin through measurement and forecasts future air quality through modelling that evaluates the effects of all emission-producing activity in the Basin, incorporating numerous factors such as the collective volume of emissions produced, meteorological conditions, effects of future technologies to reduce emissions, etc. The effect of an individual project on this assessment cannot be ascertained; therefore, SCAQMD has developed a methodology that it considers appropriate for assessing impacts of projects on cumulative regional air quality conditions within the Basin (i.e., projects that exceed SCAQMD thresholds for individual pollutants would also have a cumulatively considerable effect on regional air quality). For the reasons explained in the Draft EIR, the SCAQMD does not recommend, and the SCAQMD methodology does not contain, a quantified analyses of the emissions generated by a set of cumulative development projects (Draft EIR, pages IV.A-40 and IV.A-41). Since the EIR contains substantial evidence that the Project and the Flexibility Option would not exceed SCAQMD thresholds (Draft EIR, pages IV.A-41 through IV.A-47) and since the City lawfully relied on the expertise of SCAQMD for the methodology to determine the potential cumulative air quality impacts of the Project, the appeal does not provide any evidence of an inadequacy in the cumulative air quality impact analysis and should be denied.

**Appeal Point 13:**

The Appellant asserts that the Project is inconsistent with the environmental provisions of the General Plan found in the Plan for a Healthy Los Angeles (Health Element) as Policy 5.1 states, “Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.” Additionally, the Health Element recognizes that “[a]ir pollutants such as particulate matter, ozone, nitrogen oxides, and toxic air contaminants contribute to poor air quality and lead to health impacts such as lung cancer, cardiovascular disease, asthma, and other respiratory illnesses.”

The Appellant claims that while the EIR provided estimates of daily PM2.5 emissions resulting from Project construction and operations, it did not analyze the impacts those emissions would have on surrounding receptors and the local community, and the Commission therefore lacked substantial evidence to support the finding that the Project would not result in unmitigated adverse public health impacts. The Appellant attached a letter as part of their appeal that used the EIR’s emissions estimates and the BAAQMD Health Risk Calculator, to provide a screening assessment of the risks to public health due to exposure to TACs from Project emissions, which showed significant cancer risks from PM2.5 exhaust well in excess of BAAQMD’s thresholds of significance, without adequate mitigation.

The Appellant claims that the Commission’s conclusion that the Project will not result in significant emissions of TACs was not supported by substantial evidence, as the City failed to prepare a health risk analysis of impacts to health from exposure to Project emissions. The Appellant claims their evidence demonstrates the Project’s inconsistency with the General Plan’s Health Element and its objectives of protecting human health and welfare by reducing air pollution from stationary and mobile sources.

**Response to Appeal Point 13:**

As explained below the Appellant’s suggestion that the Project’s PM2.5 emissions would result in a conflict with the City’s Health Element Policy is flawed and misleading as the Project’s Air Quality impacts were determined to be less than significant and the applicable policies and consistency analysis of the Health Element are analyzed in the Draft EIR, Table IV.G-7, Project Consistency with Applicable Policies of the Healthy LA Plan (See Appendix H of the Draft EIR). As discussed in the FEIR, Section II, Response to Comment Nos. 6-17, 6-30 and 6-31, the Appellant’s consultant’s alternate analysis uses incorrect assumptions and misinterprets the results of the Project’s CalEEMod analysis, which produces incorrect and vastly over-estimated cancer risks from the Project. Further, the Draft EIR accurately evaluated the potential impacts of the Project related to TACs and concluded, based on substantial evidence, that TAC emissions from the Project would be less than significant (Draft EIR, Section IV.A, Air Quality, pages IV.A-49 through IV.A-52 and IV.A-55).

Furthermore, as discussed in the FEIR, Section II, Response to Comment No, 6-30, SCAQMD requires operational health risk assessments to be conducted only for facilities that include the following activities that have the potential to generate high levels of DPM:

- Truck idling and movement (such as, but not limited to, truck stops, warehouse/distribution centers or transit centers),
- Ship hoteling at ports, and
- Train idling.

The Project does not include any of these uses and would not be a significant source of on-site diesel emissions. Therefore, an operational HRA is neither warranted nor required. Moreover, the Project is not under the jurisdiction of the BAAQMD and is not a facility that includes a stationary source of DPM emissions; therefore, the consultant's application of this tool and methodology is inappropriate for this location and type of project.

In addition, even if such an analysis were required, the operational HRA performed by the Appellant's consultant would not be consistent with acceptable SCAQMD HRA methodology. In order to correctly analyze HRA impacts from a project, it is necessary to:

1. Quantify project-generated TAC emissions.
2. Identify nearby ground-level receptor locations that may be affected by the emissions (including any special sensitive receptor locations such as residences, schools, hospitals, convalescent homes, and daycare centers).
3. Perform air dispersion modeling analyses to estimate ambient pollutant concentrations at each receptor location using project TAC emissions and representative meteorological data to define the transport and dispersion of those emissions in the atmosphere.
4. Characterize and compare the calculated health risks with the applicable health risk significance thresholds.

The first step in quantifying project-generated TAC emissions is to estimate the emissions. For operational HRAs, SCAQMD requires the use of the EMFAC model (EMFAC2017 is the latest version). Per current SCAQMD HRA guidance,

“the latest version of EMFAC should be used to estimate the composite DPM emission factor for truck movement on local streets and truck movement and idling on the proposed facility property. EMFAC is CARB's computer model to estimate past, present, and future on-road emissions of HC, CO, NOX, PM, lead, SO<sub>2</sub>, and CO<sub>2</sub>. Make sure EMFAC is run for a calendar year and county/air basin representative of the proposed project. From the output, select the DPM emission factor for the vehicle class and speed pertinent to the proposed project.”

The Appellant's consultant's operational HRA analysis did none of the above steps to obtain an accurate emissions factor. Instead, the consultant used the BAAQMD Stationary Source Screening Analysis Tool for permitted facilities, which contain diesel internal combustion engines as a primary source of DPM. Therefore, use of CalEEMod emissions data for an operational HRA analysis is incorrect because the total amount of Exhaust PM<sub>2.5</sub> per year obtained from CalEEMod is from all sources of Exhaust PM<sub>2.5</sub>, not just mobile sources.

Furthermore, the consultant indicates that the modeled operational health risk was based on an on-site emissions rate; however, the emissions data used as input into the analysis incorrectly included both on-site and off-site emissions sources of Exhaust PM<sub>2.5</sub>. As the majority of the Project's mobile source emissions are off-site emissions (shown by the number of vehicle miles traveled [VMT] calculated by CalEEMod for vehicles traveling to and from the site), use of this total Exhaust PM<sub>2.5</sub> value results in an incorrect and very large over-estimation of on-site Exhaust PM<sub>2.5</sub> emissions, all of which the consultant based on the flawed assumption that emissions would occur from a point source on the Project Site. As the emissions rate is incorrect, any dispersion modeling based on that value would generate incorrect and vastly over-estimated health risks. Thus, the consultant's analysis is fundamentally flawed and, therefore, does not represent evidence for the consultant's suggestion that significant operational TAC emissions from the Project would cause a significant health risk.

In addition, as mentioned in the DEIR, Section IV-A, and FEIR, Section II- Response to comments, SCAQMD (See Responses 6-16, 6-30, and 6-31), supplemental online guidance/information does not require Health Risk Assessments for short-term construction emissions. Specifically, the SCAQMD states that “SCAQMD currently does not have guidance on construction Health Risk Assessments.” As disclosed in the Draft EIR, health effects from TACs for sensitive residential receptors are described in terms of individual cancer risk based on a long-term resident exposure duration (i.e., resident lifetime or 70-year). Given the temporary and short-term construction schedule (approximately 24 months), the Project would not result in a long-term (i.e., lifetime or 70-year) exposure as a result of Project construction. Therefore, a construction HRA is neither required nor warranted.

The SCAQMD has published and adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities). The Project would not include any of these uses; therefore, an operational HRA is neither required nor warranted.

Although a quantitative HRA for the Project is not required for the reasons discussed above, in order to provide information that further supports the Draft EIR’s less than significant finding with respect to TAC emissions, a quantitative health risk assessment has been prepared and is attached as Exhibit A, Health Risk Assessment Calculations. As discussed in further detail therein, the results of the quantitative HRA demonstrate that the health risks from TAC emissions from Project construction and operations would not exceed the SCAQMD significance threshold. This HRA further confirms the Draft EIR’s less than significant impact finding with respect to TAC emissions. Therefore, the appeal point should be denied.

**Appeal Point 14:**

The Appellant claims that the Project’s significant and unavoidable construction and operational noise impacts conflict with several of the Noise Elements Goals, Objectives, and Policies.

The Appellant claims the EIR’s analysis that noise impacts from the Project’s rerouted haul truck route would not be significant was not supported by substantial evidence and was based on erroneous baseline measurements, and therefore noise impacts resulting from Project construction were considerably underestimated and remain unmitigated. CREED LA’s expert concluded that the Project would result in significant, unmitigated increases in noise levels from existing levels due to its development and changes in the site’s land use. The Project’s construction and operational noise impacts, therefore, remain significant and unmitigated, in violation of General Plan Noise Element policies.

**Response to Appeal Point 14:**

As explained below, the Appellant’s suggestion that the Project’s construction and operational noise impacts create a conflict with the City’s Noise Element is inaccurate as the DEIR correctly concluded that the Project’s noise impacts would be mitigated to a less than significant level with implementation of Mitigation Measure NOI-1. In addition, in response to Draft EIR public comments (Final EIR, Section II, Response to Comment Nos. 2-2, 3-2, 6-6 and 6-11), the Final EIR evaluated additional mitigation measures that could reduce construction noise levels at the second floor and above at the Biscuit Company Lofts and Toy Factory Lofts. As a result, the mitigation approach evaluated in the Final EIR was modified, from a sound barrier-based approach to a source-control approach. To implement this mitigation strategy, a mitigation

measure was added in the Final EIR (MM NOI-2) that requires the Applicant to prepare and have approved by the Department of City Planning and the Department of Building and Safety a noise mitigation analysis prepared by a qualified acoustic specialist that defines the measures to be employed to reduce the effect of construction noise to a less than 5 dBA increase. With implementation of the modified mitigation measure, the Final EIR (Final EIR, Section II, Response to Comment Nos. 3-2, page II-16) concluded that construction noise impacts on the Biscuit Company Lofts and Toy Factory Lofts would be less than significant after mitigation.

Thus, all feasible mitigation was implemented to reduce potential noise impacts, consistent with the overall intent of the Noise Element policies cited by the Appellant. The Noise Element's Goals, Objectives, and Policies for which the Appellant asserts the Project would conflict with are the exact same Goals, Objectives, and Policies included in the Project's DEIR, Section IV.H Noise, page IV.H-11, recognized by the City as being applicable to the Project. Ultimately the Project would not conflict with these Goals, Objectives, and Policies. Furthermore, the Project's noise impacts are less than significant with mitigation. The Appellant is also directed to Appeal Response No. 11 regarding consistency with plans.

Additional noise calculations were performed in the FEIR in response to public comments to address the potential noise impacts from haul trucks. Since the identified noise impacts from haul trucks for the original haul route and revised haul route both remained less than significant (see FEIR, Section II, Response to comment No. 2-3, 6-6 and 6-41), the revised haul route analysis did not represent a new significant environmental impact that would constitute significant new information requiring recirculation of the Draft EIR as defined in CEQA Guidelines 15088.5.

In addition, in response to Draft EIR public comments (FEIR, Section II, Response to comment No. 3-2, 6-6 and 6-11), the FEIR evaluated additional mitigation measures that could reduce construction noise levels at the second floor and above at the Biscuit Company Lofts and Toy Factory Lofts. As a result, the mitigation approach evaluated in the FEIR was modified, from a sound barrier-based approach to a source-control approach. To implement this mitigation strategy, a mitigation measure was added in the FEIR (MM NOI 2) that requires the Applicant to prepare and have approved by the Department of City Planning and the Department of Building and Safety a noise mitigation analysis prepared by a qualified acoustic specialist that defines the measures to be employed to reduce the effect of construction noise to a less than 5 dBA increase. With implementation of the modified mitigation measure, the FEIR (FEIR, Section II, Response to Comment Nos. 3-2, page II-16) concluded that construction noise impacts on the Biscuit Company Lofts and Toy Factory Lofts would be less than significant after mitigation.

In response to public comments (FEIR, Section II, Response to Comment Nos. 2-3, 6-6 and 6-41), the Project's haul route was changed from Imperial Street (inbound) and Mateo Street (outbound) to Santa Fe Avenue (inbound) and Imperial Street (outbound). This change was made in response to comments provided by residents who live on and around Mateo Street about noise generated by haul trucks using Mateo Street and concerns raised by LAUSD for Metropolitan High School regarding pedestrian safety including students and faculty (See FEIR, Section II, Response to Comment No. 2-3). The Draft EIR evaluated the potential impacts of the original haul route and concluded that the noise generated by haul trucks would be below both the ambient noise level on Mateo Street and the higher ambient noise level on Imperial Street, and therefore less than significant (Draft EIR, page IV.H-28). It should be noted that the Department of Transportation has reviewed and approved the revised haul route in the letter dated August 26, 2021 (see Exhibit B).

**Appeal Point 15:**

The Appellant asserts that the Commission lacked substantial evidence to support the findings required for the Vesting Zone Change and Height District Change. The Commission's findings that the Project is consistent with public convenience and general welfare were unsupported, due to the City's failure to provide adequate analysis or mitigation of the Project's potentially significant impacts to air quality, noise, and public health. Furthermore, the proposed zone change does not include provisions required by LAMC Section 12.32 G.2 to ensure the prevention or mitigation of potentially adverse environmental effects caused by the Project. The Commission failed to require any restrictions or limitations on development that would mitigate the Project's significant adverse impacts to the environment and public health.

**Response to Appeal Point 15:**

The DEIR and FEIR adequately analyzed the Project's impact and provided sufficient mitigation measures to reduce the potential impacts. Please refer to Response to Appeal Points 11 through 14 regarding Project's mitigations to air quality, noise and public health. Regarding approval of the Vesting Zone and Height District Change please refer to Response to Appeal Point Nos. 1, 10 and 11. Therefore, the City Planning Commission's findings satisfied the Municipal Code requirements, and this appeal point should be denied.

**Appeal Point 16:**

The Appellant asserts that the Commission lacked substantial evidence to support the findings required by LAMC Section 12.24 E2.

The City has not adequately analyzed, disclosed, or mitigated the Project's potentially significant impacts to air quality, noise and public health from construction and operational activities. The Commission therefore lacked substantial evidence to support the required findings that the Project will not adversely affect public health or welfare and cannot approve the MCUP.

**Response to Appeal Point 16:**

The DEIR, Section IV.G, Land Use and Planning, pages IV.G-21 to IV.G-42, details the consistency of the Project with the City of Los Angeles General Plan Framework element. As stated in the DEIR, the development of the Project in an area with convenient access to public transit and opportunities for walking and biking would promote an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution while supporting the City's objective to encourage commercial uses along primary transit corridors/boulevards and in designated Community Center areas. Please refer to the Appendix H, Land Use Tables of the DEIR for further explanation of the Project's consistency with land use regulations and policies. The DEIR and Commission Letter of Determination for Case No. CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR adequately analyzed the project's location, size, height, operations and other significant features and found that the Project does not adversely affect public health or welfare and is consistent with various land use regulations and policies. Therefore, the Project meets the requirements of the LAMC.

As stated in the Response to Appeal Points Nos. 2, 6, 8 and 12, the cumulative impacts related to air quality, GHG, and noise have been adequately analyzed in the DEIR and FEIR with substantial evidence. In addition, FEIR, Section II, Response to Comment Nos. 6-11 through 6-17, 6-37 and 6-41 describes in detail the mitigation measures applicable to the Project's significant noise impacts and contrary to the Appellant's statements, confirms that the Project's Air Quality

and GHG emissions would be less than significant. Therefore, the Commission's findings were supported by substantial evidence and the appeal point should be denied.

**Appeal Point 17:**

The Appellant asserts that the Commission lacked substantial evidence to support the findings required by LAMC Section 12.24.E3.

The Commission lacked substantial evidence to support its findings that the Project is consistent with the General Plan's Air Quality, Land Use, Noise and Health elements. The City Council should set aside the Commission's approval of the MCUP due to its failure to provide substantial evidence to support these consistency findings.

**Response to Appeal Point 17:**

Please refer to Response to Appeal Point Nos. 11 and 16.

**Appeal Point 18:**

The Appellant asserts that the Commission lacked substantial evidence to support the findings required by LAMC Section 12.24 W.1(a)(1).

The basis for these findings was that the MCUP includes conditions applicable to all tenants and venues, and that operational noise that is under the control of individual tenants shall be in compliance with the Citywide Noise Ordinance.

The Appellant claims that the Commission's conclusions are not supported by substantial evidence. The Commission's reasoning instead attempted to excuse significant noise impacts based on the Project's compliance with a set noise threshold, ignoring impacts that may be highly significant even while remaining below noise ordinance thresholds.

There is no evidence in the record demonstrating that the Project will not result in substantial increases over ambient noise levels. The Commission therefore failed to establish that the use of the Project site will not adversely affect the community's welfare and lacked substantial evidence to approve the MCUP.

**Response to Appeal Point 18:**

The noise analysis in the Draft EIR incorporates source levels for speech that allow for wide variations in the speech levels of individuals (60-65 dBA at three feet, Draft EIR, page IV.H-33), including potential variations that could reflect the effects of alcohol consumption. The EIR documents that normal patterns of speech would result in noise levels at sensitive receptors that are below ambient noise levels (FEIR, page II-39). In addition, the FEIR adequately addressed the City's process for addressing violations of LAMC 116.01 – Loud, Unnecessary and Unusual Noise. The FEIR analysis demonstrates that operational noise impacts of the Project would be less than significant (FEIR, pages II-39 through II-41).

The Appellant's assertion that there is no evidence in the record demonstrating that the Project will not result in substantial increases in noise over ambient levels is not correct. The Draft EIR evaluated the following operational noise sources associated with the Project: noise from Project-generated vehicle trips, noise from the parking structure, stationary noise sources, and outdoor spaces (Draft EIR, pages IV.H-28 through IV.H-33).

The Appellant notes that the standard for determining impacts on community noise levels is “a substantial increase in noise levels above existing levels.” Assessment of a substantial increase in noise levels requires that the level of increase above existing levels that would cause an adverse impact to community noise levels be identified (i.e., a threshold). The Draft EIR determined whether a substantial increase in community noise levels would occur based on a quantitative significance threshold that reflects how changes in noise levels are perceived by the human ear. As noted in the Draft EIR, small changes in noise exposure of 1 to 2 dBA are usually imperceptible to the average person and are insignificant regardless of the absolute resulting noise levels (Draft EIR, page IV.H-4).

Accordingly, using a threshold of any increase over existing levels would be inappropriate since small changes would not be perceived by community residents. Changes of 3 to 4 dBA are usually noticeable but may not be significant depending on whether the resulting noise levels are considered acceptable for the surrounding uses. A 5 dBA increase is readily noticeable to most people (Draft EIR, page IV.H-4). Consequently, the analysis of operational noise sources used the following thresholds to determine whether the Project would result in a substantial increase in community noise levels: (1) if operational noise sources cause the ambient noise level measured at the property line of an affected use to increase by 3 dBA CNEL with the resulting noise level in the “normally unacceptable” or “clearly unacceptable” category of noise exposure as identified by the California Department of Health Services (i.e., if an audible increase occurs but the resulting noise level is acceptable, an adverse impact on community noise levels, by definition, would not occur; or (2) any 5 dBA or greater noise increase (Draft EIR, page IV.H-30 and IV.H-31). These thresholds provide an adequate basis for determining whether an adverse effect on community noise levels would occur as a result of the Project. With respect to traffic noise, Tables IV.H-10 and IV.H-11 in the Draft EIR (pages IV.H-29 and IV.H-30) demonstrate that noise from Project-generated traffic would be below the significance threshold.

Therefore, the Appellant has not provided substantial evidence that the Project would result in adverse impacts to community noise levels. Moreover, such assertions are contradicted by the analysis presented in the Draft EIR. As such, the Project would be consistent with the applicable goals, objectives and policies of the Noise Element of the General Plan, and the findings of the City Planning Commission with respect to adverse effects of community noise levels are fully supported by substantial evidence and the proposed uses will not adversely affect the welfare of the pertinent community. Therefore, the appeal point should be denied.

**Appeal Point 19:**

The Appellant asserts that the Commission lacked substantial evidence to support the findings required for approval of the Site Plan Review, namely that the Project is consistent with the General Plan’s Air Quality, Noise, Land Use, and Health elements. The Commission therefore also lacked substantial evidence to make the findings required under Section 16.05 F to approve the Project’s Site Plan Review.

**Response to Appeal Point 19:**

Pursuant to LAMC section 16.05, the purposes of site plan review are to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse

effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements.

As discussed in Finding No. 2 beginning on page F-1 of the Letter of Determination (Exhibit C), the Project would be consistent with the purposes, intent and provisions of the General Plan and its elements, including the Framework Element, Housing Element, Mobility Element, Health and Wellness Element and the Land Use Element – Central City North Community Plan that relate to housing, economic vitality, and the Citywide Design Guidelines. Approval of the Project would enhance the built environment in the surrounding neighborhood and would provide a function that is fitting and compatible with the character of the surrounding community and commercial viability of the region as a whole.

Furthermore, Pages F-41 through F-46 of the Exhibit C adequately demonstrates Site Plan Review Findings in regard to the Project's conformance with General Plan, and Community Plan, Therefore, the Commission supported the Site Plan Review Findings with substantial evidence and adequately approved the Project.

Regarding the Project's consistency with General Plan's Air Quality, Noise, Land Use and Health elements please refer to Responses to Appeal Points 15 through 18.

*Conclusion*

The appeal addresses specific concerns regarding the adequacy of the EIR and entitlement findings. However, upon careful consideration of the Appellant's points, the Appellant has failed to adequately disclose how the City erred or abused its discretion. In addition, no substantial evidence was presented that the City has erred in its actions relative to the EIR and the associated entitlements. The Appellant has repeatedly failed to raise new information to dispute the Findings of the EIR or the City's actions on this matter. Therefore, the appeal should be denied, and the actions of the City Planning Commission should be sustained.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

*Kathleen King* for

Jivar Afshar  
Planning Assistant

VPB:WL:KK:JA

Enclosures

Exhibit A- Health Risk Assessment  
Exhibit B- Revised Haul Route -DOT letter  
Exhibit C- CPC Determination Letter, dated December 02, 2021

c: Emma Howard, Planning Director, Council District 14



May 31, 2022

Jivar Afshar, City Planning Associate  
Department of City Planning  
221 North Figueroa St, Suite 1350  
Los Angeles, CA 90012

**RE: Memorandum Analysis for Construction Health Risk Assessment (HRA) in support of Response to Appeal for 676 Mateo Project Environmental Impact Report (ENV-2016-3691-EIR), dated October 26, 2021, from the Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”)**

Dear Ms. Afshar:

On behalf of its client the Coalition for Responsible Equitable Economic Development Los Angeles (“Appellant”), the law firm of Adams, Broadwell, Joseph & Cardozo submitted a letter in support of the appeal of the Advisory Agency’s approval of the Vesting Tentative Tract Map (“VTTM”) and certification of the Final Environmental Impact Report (“EIR”) for the 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV 2016-3691-EIR; CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR; VTT-74550) (“Project”), proposed by District Centre, LP, & District Centre-GPA, LP (collectively, “Applicant”), as well as on the City Planning Commission’s (“Commission”) proposed approval of the Project’s remaining entitlements. This letter addresses the Appellant’s contentions related to: (1) the need for a Health Risk Assessment (“HRA”) related to the emission of Toxic Air Contaminants (“TACs”) during Project operations; and (2) the need for an HRA related to the emission of TACs during construction of the Project.

**1. Based on the characteristics and proposed land uses within the Project, an HRA for operational emissions is not required.**

The Appellant challenges the City’s conclusion that the Final EIR was not required to include an HRA for operational emissions by citing a statement from the South Coast Air Quality Management District (“SCAQMD”) that was included in a consultation prepared for another project that “if the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment.”<sup>1</sup> However, SCAQMD provides additional guidance regarding the evaluation of health risks from diesel emissions in its publication “Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis”<sup>2</sup>, which recommends that an HRA be prepared for certain uses that result in high levels of diesel emissions, including: truck idling and movement (such as, but not limited to, truck stops, warehouse/distribution centers or transit centers); ship hotelling at ports; and train idling.

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<sup>1</sup> Adams, Broadwell, Joseph & Cardozo letter of October 26, 2021, page 7, footnote 34 “Site Plan Consultation for the MA21269. Letter from Lijin Sun, SCAQMD Program Supervisor CEQA IGR to Rocio Lopez, Senior Planner, City of Jurupa Valley, Planning Department. 10/19/2021”.

<sup>2</sup> “Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis”, SCAQMD, August 2003, page 1.

SCAQMD is the cognizant regulatory agency for the South Coast Air Basin in which the City of Los Angeles is located. As shown below, the City relied on SCAQMD's guidance in determining that an operational HRA was not required for the Project.

The Project would involve the demolition of the existing warehouse and surface parking lot, and the construction of an up to a 197,355-square-foot mixed-use building of residential and commercial uses -- including up to 185 live/work units, approximately 15,320 square feet of open space for residents, up to 23,380 square feet of art-production and commercial space, and associated parking facilities. Eleven percent of the units (approximately 20 live/work units) would be deed-restricted for Very Low-Income households. As these uses would comprise the Project, it would not attract diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, and would therefore not be a significant source of on-site TACs. The main sources of operational on-site particulate matter ("PM") emissions would be generated by the burning of natural gas for heating/cooking, and landscaping-based emissions from landscaping/gardening equipment. Cooking/heating related PM emissions from combustion of natural gas would be more prevalent inside the Project buildings than outside and would therefore not affect adjacent sensitive receptors. Landscaping/gardening equipment is either electric or gasoline powered and does not provide substantial amounts of TACs. Although the Appellant notes that the Project would generate approximately 0.1 pounds per day of PM2.5 exhaust during operation, this value includes all the operational mobile source emissions (both the on-site emissions and off-site emissions together, whereas an operational HRA would only consider emissions generated on-site); therefore, use of total PM 2.5 exhaust as a surrogate for operational health risk from on-site activities would be incorrect methodology per SCAQMD guidance. In addition, per the Project Traffic Study, the Project would generate 1,972 net daily trips. Assuming that 3.1 percent of those daily trips are heavy duty truck trips ("HHDT") (which is a default value from the CalEEMod model), this would equal 61 HHDT. Even though this would be a substantial over-estimation, as the Project only has a limited loading area for accommodating heavy duty trucks, the CARB and SCAQMD screening threshold for performing an operational HRA is 100 HHDT trips per day. Thus, even with the vast over-estimation of HHDTs in the air quality calculations included in the Final EIR, the Project would not exceed this threshold. Therefore, based on all of the above considerations, the City followed the guidance of the SCAQMD to conclude that an HRA for operational emissions would not be required for the 676 Mateo Street Project.

**2. An HRA for TAC emissions from construction equipment demonstrates that construction of the Project would not result in health risks to the community in which the Project is located.**

Because construction of the Project would involve the use of diesel-powered construction equipment, in order to ascertain the potential for health risks resulting from the use of diesel-fueled equipment during the construction of the Project, a construction-based HRA was conducted.

**Description of Toxic Air Contaminants**

A TAC is defined as an air pollutant which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. To address health risks associated with TAC emissions, the California Air Resources Board ("CARB") has adopted an aggressive risk reduction plan to achieve reductions in health risks associated with TAC emissions. TACs are usually present in minute

quantities in the ambient air. However, their high toxicity or health risk may pose a threat to public health. For those TACs related to cancer risk, there is no concentration that does not present some risk. In other words, there is no threshold level below which adverse health impacts are not expected to occur. The majority of the estimated health risk from TACs can be attributed to a relatively few compounds, the most important being PM contained in diesel-fueled engine exhaust ("DPM"). DPM is a complex mixture of pollutants, including very small carbon particles, or "soot" coated with numerous organic compounds, that is emitted as a by-product of combustion in diesel engines.

The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface. Although particles the size of DPM can deposit throughout the lung, the largest fraction deposits in the deepest regions of the lungs that are most susceptible to injury.

In 1998, CARB identified DPM as a TAC based on published evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. In 2012, additional studies on the cancer-causing potential of diesel exhaust led the International Agency for Research on Cancer ("IARC", a division of the World Health Organization) to list diesel engine exhaust as "carcinogenic to humans". This determination is based primarily on evidence from occupational studies that show a link between exposure to DPM and lung cancer induction, as well as deaths from lung cancer.

Both SCAQMD and CARB have monitoring networks in the Air Basin that measure ambient concentrations of certain TACs that are associated with important health-related effects and are present in appreciable concentrations in the Air Basin. SCAQMD uses this information to determine health risks for a particular area. CARB publishes annual Statewide, air basin, and location-specific summaries of the concentration levels of several TACs and their resulting cancer risks<sup>3</sup>. The most recent summary is the CARB Air Quality Almanac for 2013. In this source, DPM is not directly measured but is indirectly estimated based on fine particulate matter measurements and special studies on the chemical composition of ambient fine particulate data, along with receptor modeling techniques.

Diesel engine emissions are believed to be responsible for about 70% of California's estimated known cancer risk attributable to TACs. Also, DPM comprises about 8% of outdoor fine particulate matter (particulate matter less than 2.5 microns in width, or "PM2.5"), which is a known health hazard. As a significant fraction of PM2.5, DPM contributes to numerous health impacts that have been attributed to particulate matter exposure, including increased hospital admissions, particularly for heart disease, but also for respiratory illnesses, and even premature death. CARB estimates that DPM contributes to approximately 1,400 (95% confidence interval: 1,100-1,800) premature deaths from cardiovascular disease annually in California. Additionally, exposure to diesel exhaust may contribute to the onset of

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<sup>3</sup> Cancer risk is expressed as a probability of an individual out of a population of one million contracting cancer via a continuous exposure to TACs over a 30-year lifetime.

new allergies; a clinical study of human subjects has shown that diesel exhaust particles, in combination with potential allergens, may actually be able to produce new allergies that did not exist previously.

Several factors exacerbate the health risks of diesel PM exposure:

- Diesel PM is often emitted close to people, so high exposures occur
- Diesel PM is in a size range that readily deposits in the lung
- Diesel PM contains compounds known to damage DNA and cause cancer

Additionally, diesel PM pollution can affect the environment:

- Diesel PM causes visibility reduction
- Diesel black carbon (soot) is a contributor to global warming

Major sources of diesel emissions, include sources such as such as ships, trains, and trucks that operate in and around ports, rail yards, and heavily traveled roadways. These areas are often located near highly populated areas. Because of this, elevated DPM levels are mainly an urban problem, resulting in greater health consequences to urban residents compared to rural areas. A large fraction of personal exposure to DPM occurs during travel on roadways. Although Californians spend a relatively small proportion of their time in enclosed vehicles (about 7% for adults and teenagers, and 4% for children under 12), 30% to 55% of total daily DPM exposure typically occurs during the time people spend in motor vehicles.

As stated on page 2 of the California Air Pollution Control Officers Association (CAPCOA) *Health Risk Assessments for Proposed Land Use Projects* guidance document, “the guidance does not include how risk assessments for construction projects should be addressed under CEQA”.

### **Regulatory Agencies for TAC Emissions**

#### California Office of Environmental Health Hazard Assessment (“OEHHA”)

According to OEHHA, local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in determining risk for the purpose of issuing permits for short-term projects such as construction or waste site remediation. Frequently, the issue of how to address cancer risks from short-term projects arises. Cancer potency factors are based on animal lifetime studies or worker studies where there is long-term exposure to the carcinogenic agent. There is considerable uncertainty in trying to evaluate the cancer risk from projects that will only last a small fraction of a lifetime. There are some studies indicating that dose rate changes the potency of a given dose of a carcinogenic chemical. In other words, a dose delivered over a short time period may have a different potency than the same dose delivered over a lifetime. OEHHA’s evaluation of the impact of early-in-life exposure has reduced some of the uncertainty in evaluating the cancer risk to the general population for shorter-term exposures, as it helps account for susceptibility to carcinogens by age at exposure.

### South Coast Air Quality Management District (“SCAQMD”)

SCAQMD is the agency principally responsible for comprehensive air pollution control in the South Coast Air Basin. To that end, as a regional agency, the SCAQMD works directly with the regional planning agency Southern California Association of Governments (“SCAG”), county transportation commissions, and local governments and cooperates actively with all federal and state agencies. SCAQMD defines a “sensitive receptor” as a land use such as residences, schools, child care centers, athletic facilities, playgrounds, retirement homes and convalescent homes.

The Project Site is located in the South Coast Air Basin and is therefore subject to the rules and regulations of the SCAQMD. The SCAQMD has not established its own set of ambient air quality standards, and relies on the standards established by CARB and the United States Environmental Protection Agency (“USEPA”). SCAQMD has, however, established health risk significance thresholds that it recommends to lead agencies in determining the health risk significance of new sources of air emissions under CEQA.

In this regard, SCAQMD has published significance thresholds that apply to new projects within the jurisdiction of SCAQMD. If the lead agency finds that a proposed project has the potential to exceed these health risk significance thresholds, the project would be considered to have a significant impact. These thresholds have been defined by SCAQMD based on scientific and factual data in the federal and state Clean Air Acts. The City of Los Angeles has not adopted its own set of significance thresholds. Rather, SCAQMD thresholds have been adopted by the City for all projects within the City. SCAQMD has defined thresholds for health risk in terms of cancer risk and non-cancer hazard.

From the perspective of this analysis, the emissions were evaluated in terms of impacts on air quality resulting from the construction of the Project. SCAQMD does not require any construction-based health risk assessments or have any recommendations on how to conduct a construction HRA for CEQA purposes. The SCAQMD Health Risk Significance Threshold is discussed below.

### **SCAQMD TAC Thresholds of Significance**

According to the SCAQMD CEQA Handbook, any project that has the potential to expose the public to toxic air contaminants in excess of the following thresholds would be considered to have a significant air quality impact:

- If the Maximum Incremental Cancer Risk (“MICR”) is 10 in one million or greater; or
- Toxic air contaminants from the proposed project would result in a Hazard Index (“HI”) increase of 1 or greater.

In order to determine if a proposed project may have a significant impact related to hazardous air pollutants, the Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, (“Diesel Analysis”), prepared by SCAQMD, August 2003<sup>4</sup>,

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<sup>4</sup> <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>

recommends that if the proposed project is anticipated to create hazardous air pollutants through stationary sources (such as boilers, spray booths or degreasers etc.) or regular operations of diesel trucks on the project site, then the proximity of the nearest receptors to the source of the hazardous air pollutants and the toxicity of the hazardous air pollutants should be analyzed through a comprehensive facility-wide HRA<sup>5</sup>. As stated previously, SCAQMD does not require, or have any guidance or methodology for construction HRAs. Nonetheless, in order to provide a conservative assessment of the effects of DPM emissions resulting from construction of the Project, a construction HRA was prepared for the Project and the results are provided below.

### **Modeling of Project Construction DPM Emissions**

Construction DPM emissions from the Project were modeled in the USEPA AERMOD dispersion model (accepted by SCAQMD) as a 4,151.6 square meter (m<sup>2</sup>) area source with an average release height of 12 feet (from the exhaust stack of heavy equipment). AERMOD predicts pollutant concentrations from point, area, volume, line, and flare sources with variable emissions in terrain from flat to complex. It captures the essential atmospheric physical processes and provides reasonable estimates over a wide range of meteorological conditions and modeling scenarios. AERMAP, which assigns detailed terrain information, was run prior to running AERMOD.

Meteorological data from the SCAQMD Central Los Angeles monitoring site was selected for this modeling application. Five full years of sequential meteorological data was collected at the site for 2012-2016 by SCAQMD., which processed the data for input to the model. The data was obtained at <http://www.aqmd.gov/home/air-quality/air-quality-data-studies/meteorological-data/data-for-aermod>.

The assessment requires that a network of receptors at various locations surrounding the project be specified for which the impacts can be computed. Receptors were identified at existing residential uses within or adjacent to the Project. In addition, identified sensitive receptor locations were supplemented by the specification of a modeling grid that extended around the Project to identify other potential locations of impact. Per SCAQMD guidance, and to ensure that impacts to persons of all heights were assessed, the receptor height was conservatively reflected as 0 meters (i.e., ground level). The locations of the four modelled receptors are shown as orange triangles in Appendix B.

### **Estimation of Health Risks**

Health risks from DPM are twofold. First, DPM is a carcinogen according to the State of California that can result in long term effects from chronic exposures. Second, short term, or acute, exposures to DPM can cause health effects to the respiratory system. Each of these health risks is discussed below.

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<sup>5</sup> In February 2015, the Office of Environmental Health Hazard Assessment updated their "Air Toxics Hot Spots Program, Risk Assessments Guidelines, Guidance Manual for Preparation of Health Risk Assessments; however, the updated OEHHA guidance states in the page footers "do not cite or quote." SCAQMD staff are still in the process of incorporating the updates into their methodology for SCAQMD's Rules 1401, 1401.1, 1402, and 212, and currently updating their HRA Guidance for permitting and CEQA analyses; therefore, the existing SCAQMD guidance was used to assess HRA impacts in this analysis. Per SCAQMD staff, updated SCAQMD HRA guidance will be forthcoming; however, per City staff, the City of Los Angeles has not yet adopted the use of the 2015 OEHHA methodology; therefore, the 2003 OEHHA methodology was used in this analysis.

### Cancer Risks

According to the Health Risk Assessment for Proposed Land Use Projects, prepared by the California Air Pollution Control Officers Association (“CAPCOA”), July 2009 (based 2003 OEHHA methodology), cancer risk should be calculated using the following formula:

$$[\text{Dose-inh (mg)/(Kg-day)}] * [\text{Oral Slope Factor (kg-day)/mg}] * [1 \times 10^6] = \text{Potential Cancer Risk}$$

Where:

Oral Slope Factor = 1.1

Dose-inh =  $(C\text{-air} * \text{DBR} * A * \text{EF} * \text{ED} * 10^{-6}) / \text{AT}$

Where:

Cair [Concentration in air ( $\mu\text{g}/\text{m}^3$ )] = (Calculated by AERMOD Model)

DBR [Daily breathing rate (L/kg body weight – day)] = 302 for residential

A [Inhalation absorption factor] = 1

EF [Exposure frequency (days/year)] = 350

ED [Exposure duration (years)] = 70

$10^6$  [Micrograms to milligrams conversion]

AT [Average time period over which exposure is averaged in days] = 25,550

### Non-Cancer Risks

The relationship for non-cancer health effects is given by the equation:

$$\text{HIDPM} = \text{CDPM} / \text{RELDPM}$$

Where,

HIDPM = Hazard Index; an expression of the potential for non-cancer health effects.

CDPM = Annual average diesel particulate matter concentration in  $\mu\text{g}/\text{m}^3$ .

RELDPM = Reference Exposure Level (REL) for diesel particulate matter; the diesel particulate matter concentration at which no adverse health effects are anticipated.

### **Construction HRA for Proposed 676 Mateo Street Project**

The SCAQMD has not adopted guidance that requires quantitative health risk assessments be performed for short-term exposures to TAC emissions. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk resulting from long-term chronic exposures. Specifically, “Individual Cancer Risk” is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer. The Project includes an anticipated construction time of approximately 24 months, which represents approximately 2.9 percent of 70-year exposure duration recommended for health risk analyses by OEHHA. To reflect this construction timing, the exposure duration (ED) was adjusted to 2

Ms. Jivar Afshar, City Planning Associate  
Department of City Planning  
May 31, 2022  
Page 8

years and the exposure frequency (EF) was adjusted to 522 days, to reflect the total number of construction days.

A construction-based HRA was performed for the Project using the emissions from the project-specific air quality modeling conducted in support of the Project's EIR. These emissions conservatively assume a worst-case scenario in which the full set construction equipment would be used each day throughout the entire construction phase, even though, in reality, each piece of equipment would only be used for a portion of each day and there would also be days when very little equipment is used.

Consistent with the modeling as presented in the EIR for the Project, the construction HRA used the exhaust PM10 emissions from Appendix C of the EIR. Exhaust PM10 is a good surrogate for DPM emissions as all of the construction equipment is assumed to be diesel-fueled.

As shown in Appendix A of this HRA, the average DPM emissions factor used for the construction HRA was 0.041 tons/year. The cancer risk to the closest (most-impacted) existing residential receptor, located at Amp Lofts (695 S. Santa Fe Avenue), approximately 55 feet east of the Project Site, would be 3.91 in one million. The cancer risk at the second most-impacted receptors, located at the Toy Factory Lofts (1855 Industrial Street) and the National Biscuit Company Building (1850 Industrial Street), both approximately 55 feet west of the Project Site, is 3.27 in one million. Therefore, the nearest sensitive receptors to the Project Site would not experience a construction-based cancer risk in excess of the 10 in one million SCAQMD MICR threshold. Other receptors located farther from the Project Site would be exposed to lower construction-sourced DPM concentrations and impacts would be less. Please see Appendix A for calculation details and Appendix B for the dispersion modeling output.

Non-cancer risks do not exceed the SCAQMD Hazard Index of 1 under any scenario analyzed for construction at any receptor location.

If you have any questions, please call me at (213) 235-4772 or (951) 212-3277 cell. You may also reach me by email at [katie@ecotierraconsulting.com](mailto:katie@ecotierraconsulting.com) or Craig Fajnor, Principal, at (213) 235-4771 or [craig@ecotierraconsulting.com](mailto:craig@ecotierraconsulting.com).

Sincerely,



**EcoTierra Consulting, Inc.**  
Katie Wilson, Air Quality Analyst  
633 W. 5<sup>th</sup> Street, 26<sup>th</sup> Floor  
Los Angeles, CA 90071

*Attachments*

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Ms. Jivar Afshar, City Planning Associate  
Department of City Planning  
May 31, 2022  
Page 9

## **APPENDIX A**

### **HEALTH RISK WORKSHEETS FOR CONSTRUCTION**

676 Mateo Construction HRA calcs

Site is 1.03 acres

Construction start date 1/1/2021 5 days per week 522 days total  
 Construction end date 1/2/2023

|                        |                       |          |      | lbs/day | Total lbs |
|------------------------|-----------------------|----------|------|---------|-----------|
| demolition             | 1/1/2021 to 1/29/2021 | 21 days  | 2021 | 1.0409  | 21.86     |
| grading                | 1/30/2021 to 5/3/2021 | 66 days  |      | 0.6863  | 45.30     |
| building construction  | 5/4/2021 to 1/2/2023  | 173 days |      | 0.6843  | 118.38    |
| building construction  | during 2022           | 260 days | 2022 | 0.5889  | 153.11    |
| *architectural coating | 11/2/2022 to 1/2/2023 | 43 days  |      | 0.0817  | 3.51      |
| building construction  | during 2023           | 2 days   | 2023 | 0.5145  | 1.03      |
| *architectural coating |                       | 2 days   |      | 0.0708  | 0.14      |

\*overlap with construction

|                 | # of days  | % of time | on-site |                 | total lbs/phase | tons/yr   | weighted tons/yr                           |
|-----------------|------------|-----------|---------|-----------------|-----------------|-----------|--|
|                 |            |           | lbs/day | total lbs/phase |                 |           |  |
| 2021            | 21         | 8.08%     | 1.0409  | 21.8589         | 0.01092945      | 0.0008828 |  |
|                 | 66         | 25.38%    | 0.6863  | 45.2958         | 0.0226479       | 0.0057491 |  |
|                 | 173        | 66.54%    | 0.6843  | 118.3839        | 0.05919195      | 0.0393854 |  |
| 2021 total days | <b>260</b> |           |         |                 |                 |           | <b>0.0460173 weighted average for 2021</b> |
| 2022            | 260        | 100.00%   | 0.5889  | 153.114         | 0.076557        | 0.076557  |  |
|                 | 43         | 16.54%    | 0.0817  | 3.5131          | 0.00175655      | 0.0002905 |  |
| 2022 total days | <b>260</b> |           |         |                 |                 |           | <b>0.0768475 weighted average for 2022</b> |
| 2023            | 2          | 100.00%   | 0.5145  | 1.029           | 0.0005145       | 0.0005145 |  |
|                 | 2          | 100.00%   | 0.0708  | 0.1416          | 0.0000708       | 0.0000708 |  |
| 2023 total days | <b>2</b>   |           |         |                 |                 |           | <b>0.0005853 weighted average for 2023</b> |
|                 |            |           |         | 343.3363        |                 |           |  |

|                       | years     | tons/yr of DPM |         |
|-----------------------|-----------|----------------|---------|
| DPM emissions factors | 2021-2023 | 0.041053186    | Average |

## 676 Mateo Project - Annual Average Construction Emissions

### Estimate of Annual Construction DPM Emissions (as PM10 exhaust)

|   |                          |
|---|--------------------------|
| Total Annual PM10 Exhaust Emissions During Construction as estimated in the CalEEMod model. | 0.041053186 tons/year    |
| Average Emissions   | 0.001182023 grams/sec    |
| Total size of the emission source from AERMOD (~1.03 acres)                                 | 4151.6 meters squared    |
| Average area source emission  | 2.84715E-07 grams/m2-sec |

### Cancer Risk from DPM (2003 OEHHA)

|   |   |
|---|---|
| DPM Concentration at most impacted receptor (Amp Lofts) | <b>0.28799</b> ug/m3 from Aermod dispersion model |
| Cancer Potency Factor (CPF)                             | 1.1 (mg/kg/day)^-1                                |
| Daily Breathing Rate *DBR                               | 302 (l/kg of body weight-day)                     |
| Exposure Duration (ED)                                  | 2 years (Construction duration)                   |
| Exposure Frequency (EF)                                 | 522 days (number of construction days)            |
| Age Sensitivity Factor (ASF)                            | 1   |

Cancer Risk (CR) = DPM Concentration x CPF x DBR x ED x EF x ASF / 25550

CR **3.91** in one million

### Chronic Non-cancer Hazard Index from DPM

Reference Exposure Level (REL) for DPM: 5 ug/m3  
Chronic Non-cancer HI = Annual DPM/REL = 0.057598

## 676 Mateo Project - Annual Average Construction Emissions

### Estimate of Annual Construction DPM Emissions (as PM10 exhaust)

|   |                          |
|---|--------------------------|
| Total Annual PM10 Exhaust Emissions During Construction as estimated in the CalEEMod model. | 0.041053186 tons/year    |
| Average Emissions   | 0.001182023 grams/sec    |
| Total size of the emission source from AERMOD (~1.03 acres)                                 | 4151.6 meters squared    |
| Average area source emission  | 2.84715E-07 grams/m2-sec |

### Cancer Risk from DPM (2003 OEHHA)

|  |   |
|--|---|
| DPM Concentration at 2nd most impacted receptor (Toy Factory/National Biscuit Company) | <b>0.24116</b> ug/m3 from Aermom dispersion model |
| Cancer Potency Factor (CPF)  | 1.1 (mg/kg/day)^-1                                |
| Daily Breathing Rate *DBR  | 302 (l/kg of body weight-day)                     |
| Exposure Duration (ED)   | 2 years (Construction duration)                   |
| Exposure Frequency (EF)  | 522 days (number of construction days)            |
| Age Sensitivity Factor (ASF)   | 1   |

Cancer Risk = DPM Concentration x CPF x DBR x ED x EF x ASF / 25550

CR **3.27** in one million

### Chronic Non-cancer Hazard Index from DPM

Reference Exposure Level (REL) for DPM: 5 ug/m3  
Chronic Non-cancer HI = Annual DPM/REL = 0.048232

Ms. Jivar Afshar, City Planning Associate  
Department of City Planning  
May 31, 2022  
Page 10

## **APPENDIX B**

### **AERMOD DISPERSION MODELING OUTPUTS**

PROJECT TITLE:  
**Receptor Locations**

COMMENTS:

SOURCES:

**1**

RECEPTORS:

**446**

COMPANY NAME:

MODELER:

DATE:

**12/1/2021**

SCALE:

1:2,037

0  0.05 km

PROJECT NO.:



PROJECT TITLE:

**Construction DPM Concentrations  
676 Mateo**

COMMENTS:

SOURCES:

**1**

RECEPTORS:

**446**

OUTPUT TYPE:

**Concentration**

MAX:

**1.03 ug/m<sup>3</sup>**

COMPANY NAME:

MODELER:

DATE:

**12/3/2021**

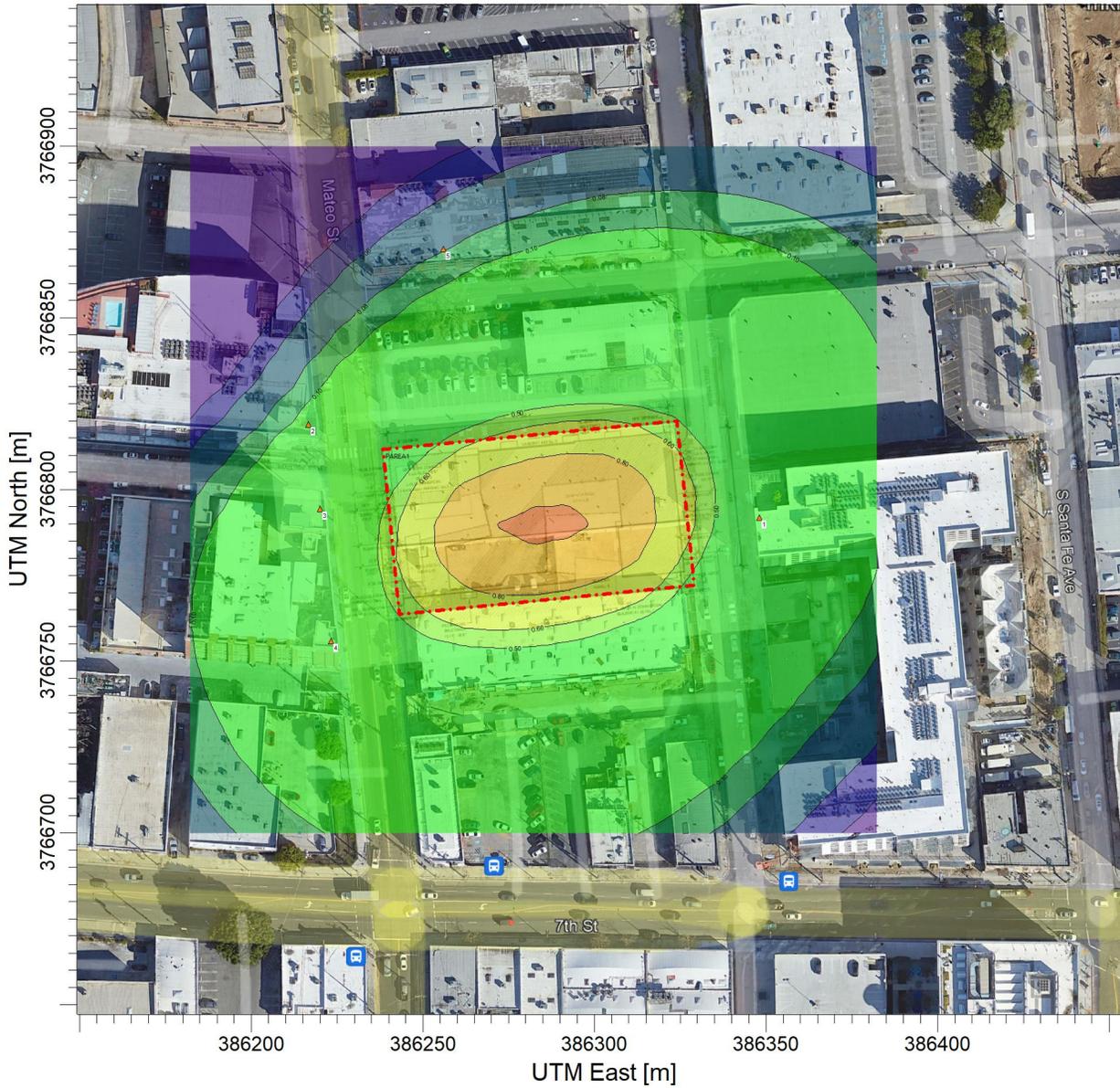
SCALE:

1:2,002

0

0.05 km

PROJECT NO.:



```

** Lakes Environmental AERMOD MPI
**
*****
**
** AERMOD Input Produced by:
** AERMOD View Ver. 10.0.1
** Lakes Environmental Software Inc.
** Date: 11/29/2021
** File: C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.ADI
**
*****
**
**
*****
** AERMOD Control Pathway
*****
**
**
CO STARTING
TITLEONE C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i
TITLETWO On-site construction DPM
MODELOPT DFAULT CONC
AVERTIME PERIOD
URBANOPT 9818605 Los_Angeles
POLLUTID DPM
RUNORNOT RUN
ERRORFIL "Mateo Construction HRA.err"
CO FINISHED
**
*****
** AERMOD Source Pathway
*****
**
**
SO STARTING
** Source Location **
** Source ID - Type - X Coord. - Y Coord. **
LOCATION PAREAL AREAPOLY 386238.390 3766811.645 76.100
** DESCRSRC Construction Area
** Source Parameters **
SRCPARAM PAREAL 2.8472E-07 3.810 4
AREAVERT PAREAL 386238.390 3766811.645 386324.076 3766819.997
AREAVERT PAREAL 386329.065 3766772.164 386243.054 3766763.704
URBANSRC ALL
SRCGROUP ALL
SO FINISHED
**
*****
** AERMOD Receptor Pathway
*****
**

```

```

**
RE STARTING
  INCLUDED "Mateo Construction HRA.rou"
RE FINISHED
**
*****
** AERMOD Meteorology Pathway
*****
**
**
ME STARTING
  SURFFILE "E:\New MET data\CELA_V9_ADJU\CELA_v9.SFC"
  PROFFILE "E:\New MET data\CELA_V9_ADJU\CELA_v9.PFL"
  SURFDATA 93134 2010
  UAIRDATA 3190 2010
  SITEDATA 99999 2010
  PROFBASE 87.0 METERS
ME FINISHED
**
*****
** AERMOD Output Pathway
*****
**
**
OU STARTING
** Auto-Generated Plotfiles
  PLOTFILE PERIOD ALL "Mateo Construction HRA.AD\PE00GALL.PLT" 31
  SUMMFILE "Mateo Construction HRA.sum"
OU FINISHED

```

\*\*\* Message Summary For AERMOD Model Setup \*\*\*

----- Summary of Total Messages -----

```

A Total of          0 Fatal Error Message(s)
A Total of          2 Warning Message(s)
A Total of          0 Informational Message(s)

```

\*\*\*\*\* FATAL ERROR MESSAGES \*\*\*\*\*  
 \*\*\* NONE \*\*\*

```

***** WARNING MESSAGES *****
ME W186      68      MEOPEN: THRESH_1MIN 1-min ASOS wind speed threshold used      0.50
ME W187      68      MEOPEN: ADJ_U* Option for Stable Low Winds used in AERMET

```

```

*****
*** SETUP Finishes Successfully ***
*****

```

\*\*\* AERMOD - VERSION 21112 \*\*\*    \*\*\* C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i \*\*\*    11/29/21  
\*\*\* AERMET - VERSION 16216 \*\*\*    \*\*\* On-site construction DPM \*\*\*    18:19:03  
PAGE 1

\*\*\* MODELOPTs:    RegDEFAULT    CONC    ELEV    URBAN    ADJ\_U\*

\*\*\*                    MODEL SETUP OPTIONS SUMMARY                    \*\*\*

-----  
\*\*Model Is Setup For Calculation of Average CONCentration Values.

-- DEPOSITION LOGIC --

\*\*NO GAS DEPOSITION Data Provided.

\*\*NO PARTICLE DEPOSITION Data Provided.

\*\*Model Uses NO DRY DEPLETION.    DRYDPLT = F

\*\*Model Uses NO WET DEPLETION.    WETDPLT = F

\*\*Model Uses URBAN Dispersion Algorithm for the SBL for        1 Source(s),  
for Total of        1 Urban Area(s):  
Urban Population =    9818605.0 ;    Urban Roughness Length =    1.000 m

\*\*Model Uses Regulatory DEFAULT Options:

1. Stack-tip Downwash.
2. Model Accounts for ELEVated Terrain Effects.
3. Use Calms Processing Routine.
4. Use Missing Data Processing Routine.
5. No Exponential Decay.
6. Urban Roughness Length of 1.0 Meter Assumed.

\*\*Other Options Specified:

ADJ\_U\*    - Use ADJ\_U\* option for SBL in AERMET

TEMP\_Sub - Meteorological data includes TEMP substitutions

\*\*Model Assumes No FLAGPOLE Receptor Heights.

\*\*The User Specified a Pollutant Type of:    DPM

\*\*Model Calculates PERIOD Averages Only

\*\*This Run Includes:        1 Source(s);        1 Source Group(s); and        446 Receptor(s)

with:        0 POINT(s), including  
             0 POINTCAP(s) and        0 POINTHOR(s)  
and:        0 VOLUME source(s)  
and:        1 AREA type source(s)  
and:        0 LINE source(s)  
and:        0 RLINE/RLINEXT source(s)  
and:        0 OPENPIT source(s)  
and:        0 BUOYANT LINE source(s) with a total of        0 line(s)

\*\*Model Set To Continue RUNNING After the Setup Testing.

\*\*The AERMET Input Meteorological Data Version Date: 16216

\*\*Output Options Selected:

Model Outputs Tables of PERIOD Averages by Receptor  
Model Outputs External File(s) of High Values for Plotting (PLOTFILE Keyword)  
Model Outputs Separate Summary File of High Ranked Values (SUMMFILE Keyword)

\*\*NOTE: The Following Flags May Appear Following CONC Values: c for Calm Hours  
m for Missing Hours  
b for Both Calm and Missing Hours

\*\*Misc. Inputs: Base Elev. for Pot. Temp. Profile (m MSL) = 87.00 ; Decay Coef. = 0.000 ; Rot. Angle = 0.0  
Emission Units = GRAMS/SEC ; Emission Rate Unit Factor = 0.10000E+07  
Output Units = MICROGRAMS/M\*\*3

\*\*Approximate Storage Requirements of Model = 3.5 MB of RAM.

\*\*Input Runstream File: aermod.inp  
\*\*Output Print File: aermod.out

\*\*Detailed Error/Message File: Mateo Construction HRA.err  
\*\*File for Summary of Results: Mateo Construction HRA.sum

\*\*\* AERMOD - VERSION 21112 \*\*\* \*\* C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i \*\*\* 11/29/21  
\*\*\* AERMET - VERSION 16216 \*\*\* \*\* On-site construction DPM \*\*\* 18:19:03  
PAGE 2

\*\*\* MODELOPTs: RegDFAULT CONC ELEV URBAN ADJ\_U\*

\*\*\* AREAPOLY SOURCE DATA \*\*\*

| SOURCE ID | NUMBER PART. CATS. | EMISSION RATE (GRAMS/SEC /METER**2) | LOCATION OF AREA X (METERS) | Y (METERS) | BASE ELEV. (METERS) | RELEASE HEIGHT (METERS) | NUMBER OF VERTS. | INIT. SZ (METERS) | URBAN SOURCE | EMISSION RATE SCALAR VARY BY |
|-----------|--------------------|-------------------------------------|-----------------------------|------------|---------------------|-------------------------|------------------|-------------------|--------------|------------------------------|
| PAREAL    | 0                  | 0.28472E-06                         | 386238.4                    | 3766811.6  | 76.1                | 3.81                    | 4                | 0.00              | YES          |                              |

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\*\*\* AERMET - VERSION 16216 \*\*\* \*\* On-site construction DPM \*\*\* 18:19:03  
PAGE 3

\*\*\* MODELOPTs: RegDFAULT CONC ELEV URBAN ADJ\_U\*

\*\*\* SOURCE IDs DEFINING SOURCE GROUPS \*\*\*

SRCGROUP ID SOURCE IDs  
-----

ALL PAREA1 ,

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\*\*\* AERMET - VERSION 16216 \*\*\* On-site construction DPM \*\*\* 18:19:03  
\*\*\* MODELOPTs: RegDEFAULT CONC ELEV URBAN ADJ\_U\* PAGE 4

\*\*\* SOURCE IDs DEFINED AS URBAN SOURCES \*\*\*

URBAN ID URBAN POP SOURCE IDs  
-----

9818605. PAREA1 ,

\*\*\* AERMOD - VERSION 21112 \*\*\* C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i \*\*\* 11/29/21  
\*\*\* AERMET - VERSION 16216 \*\*\* On-site construction DPM \*\*\* 18:19:03  
\*\*\* MODELOPTs: RegDEFAULT CONC ELEV URBAN ADJ\_U\* PAGE 5

\*\*\* GRIDDED RECEPTOR NETWORK SUMMARY \*\*\*

\*\*\* NETWORK ID: UCART1 ; NETWORK TYPE: GRIDCART \*\*\*

\*\*\* X-COORDINATES OF GRID \*\*\*  
(METERS)

386182.3, 386192.3, 386202.3, 386212.3, 386222.3, 386232.3, 386242.3, 386252.3, 386262.3, 386272.3,  
386282.3, 386292.3, 386302.3, 386312.3, 386322.3, 386332.3, 386342.3, 386352.3, 386362.3, 386372.3,  
386382.3,

\*\*\* Y-COORDINATES OF GRID \*\*\*  
(METERS)

3766699.8, 3766709.8, 3766719.8, 3766729.8, 3766739.8, 3766749.8, 3766759.8, 3766769.8, 3766779.8, 3766789.8,  
3766799.8, 3766809.8, 3766819.8, 3766829.8, 3766839.8, 3766849.8, 3766859.8, 3766869.8, 3766879.8, 3766889.8,  
3766899.8,

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\*\*\* AERMET - VERSION 16216 \*\*\* On-site construction DPM \*\*\* 18:19:03  
\*\*\* MODELOPTs: RegDEFAULT CONC ELEV URBAN ADJ\_U\* PAGE 6

\*\*\* NETWORK ID: UCART1 ; NETWORK TYPE: GRIDCART \*\*\*

\* ELEVATION HEIGHTS IN METERS \*

Y-COORD | X-COORD (METERS)

| (METERS)   | 386182.30 | 386192.30 | 386202.30 | 386212.30 | 386222.30 | 386232.30 | 386242.30 | 386252.30 | 386262.30 |
|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 3766899.85 | 76.40     | 76.50     | 76.40     | 76.40     | 76.50     | 76.60     | 76.70     | 76.70     | 76.80     |
| 3766889.85 | 76.40     | 76.40     | 76.40     | 76.40     | 76.50     | 76.60     | 76.60     | 76.70     | 76.70     |
| 3766879.85 | 76.40     | 76.40     | 76.40     | 76.40     | 76.40     | 76.50     | 76.50     | 76.50     | 76.50     |
| 3766869.85 | 76.40     | 76.40     | 76.30     | 76.30     | 76.30     | 76.40     | 76.40     | 76.40     | 76.30     |
| 3766859.85 | 76.40     | 76.40     | 76.30     | 76.30     | 76.30     | 76.30     | 76.30     | 76.20     | 76.20     |
| 3766849.85 | 76.30     | 76.30     | 76.30     | 76.20     | 76.20     | 76.20     | 76.30     | 76.30     | 76.30     |
| 3766839.85 | 76.30     | 76.20     | 76.20     | 76.10     | 76.20     | 76.20     | 76.30     | 76.30     | 76.40     |
| 3766829.85 | 76.20     | 76.20     | 76.10     | 76.10     | 76.10     | 76.20     | 76.30     | 76.40     | 76.50     |
| 3766819.85 | 76.10     | 76.10     | 76.10     | 76.10     | 76.10     | 76.10     | 76.20     | 76.40     | 76.50     |
| 3766809.85 | 76.00     | 76.00     | 76.00     | 76.00     | 76.10     | 76.10     | 76.10     | 76.30     | 76.50     |
| 3766799.85 | 75.90     | 75.90     | 76.00     | 76.00     | 76.00     | 76.00     | 76.10     | 76.30     | 76.40     |
| 3766789.85 | 76.10     | 76.10     | 76.10     | 76.10     | 76.10     | 76.00     | 76.10     | 76.20     | 76.40     |
| 3766779.85 | 76.40     | 76.40     | 76.30     | 76.20     | 76.10     | 76.10     | 76.10     | 76.20     | 76.40     |
| 3766769.85 | 76.70     | 76.60     | 76.50     | 76.30     | 76.20     | 76.10     | 76.10     | 76.20     | 76.30     |
| 3766759.85 | 76.80     | 76.70     | 76.60     | 76.50     | 76.30     | 76.20     | 76.10     | 76.20     | 76.30     |
| 3766749.85 | 76.80     | 76.70     | 76.70     | 76.70     | 76.50     | 76.20     | 76.10     | 76.20     | 76.30     |
| 3766739.85 | 76.80     | 76.80     | 76.90     | 76.90     | 76.60     | 76.20     | 76.10     | 76.20     | 76.30     |
| 3766729.85 | 76.50     | 76.60     | 76.70     | 76.80     | 76.50     | 76.20     | 76.10     | 76.20     | 76.30     |
| 3766719.85 | 76.30     | 76.30     | 76.40     | 76.50     | 76.30     | 76.10     | 76.00     | 76.10     | 76.20     |
| 3766709.85 | 76.00     | 76.10     | 76.10     | 76.20     | 76.10     | 76.00     | 75.90     | 76.00     | 76.10     |
| 3766699.85 | 75.90     | 75.90     | 76.00     | 76.00     | 76.00     | 75.90     | 75.90     | 76.00     | 76.00     |

\*\*\* AERMOD - VERSION 21112 \*\*\*      \*\*\* C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i \*\*\*      11/29/21  
 \*\*\* AERMET - VERSION 16216 \*\*\*      \*\*\* On-site construction DPM \*\*\*      18:19:03  
 PAGE 7

\*\*\* MODELOPTs:    RegDEFAULT    CONC    ELEV    URBAN    ADJ\_U\*

\*\*\* NETWORK ID: UCART1    ;    NETWORK TYPE: GRIDCART \*\*\*

\* ELEVATION HEIGHTS IN METERS \*

| Y-COORD<br>(METERS) | 386272.30 | 386282.30 | 386292.30 | 386302.30 | 386312.30 | 386322.30 | 386332.30 | 386342.30 | 386352.30 |
|---------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 3766899.85          | 76.80     | 76.70     | 76.60     | 76.50     | 76.50     | 76.40     | 76.40     | 76.40     | 76.60     |
| 3766889.85          | 76.60     | 76.60     | 76.50     | 76.40     | 76.40     | 76.40     | 76.40     | 76.40     | 76.50     |
| 3766879.85          | 76.50     | 76.40     | 76.40     | 76.40     | 76.30     | 76.30     | 76.30     | 76.20     | 76.40     |
| 3766869.85          | 76.30     | 76.30     | 76.30     | 76.30     | 76.20     | 76.20     | 76.10     | 76.10     | 76.20     |
| 3766859.85          | 76.20     | 76.20     | 76.20     | 76.20     | 76.10     | 76.10     | 76.00     | 76.00     | 76.10     |
| 3766849.85          | 76.30     | 76.30     | 76.30     | 76.30     | 76.20     | 76.10     | 76.10     | 76.00     | 76.10     |
| 3766839.85          | 76.40     | 76.40     | 76.40     | 76.40     | 76.30     | 76.20     | 76.10     | 76.10     | 76.20     |
| 3766829.85          | 76.50     | 76.50     | 76.50     | 76.50     | 76.40     | 76.30     | 76.20     | 76.10     | 76.20     |
| 3766819.85          | 76.50     | 76.50     | 76.50     | 76.50     | 76.40     | 76.30     | 76.20     | 76.00     | 76.20     |
| 3766809.85          | 76.50     | 76.50     | 76.50     | 76.40     | 76.40     | 76.30     | 76.10     | 76.00     | 76.20     |
| 3766799.85          | 76.50     | 76.50     | 76.50     | 76.40     | 76.40     | 76.20     | 76.10     | 75.90     | 76.10     |
| 3766789.85          | 76.40     | 76.40     | 76.40     | 76.40     | 76.30     | 76.20     | 76.00     | 75.90     | 76.10     |
| 3766779.85          | 76.40     | 76.40     | 76.40     | 76.30     | 76.20     | 76.10     | 76.00     | 75.90     | 76.00     |

|            |       |       |       |       |       |       |       |       |       |
|------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 3766769.85 | 76.30 | 76.40 | 76.40 | 76.30 | 76.20 | 76.10 | 76.00 | 75.90 | 76.00 |
| 3766759.85 | 76.30 | 76.40 | 76.30 | 76.20 | 76.20 | 76.10 | 76.00 | 75.90 | 76.00 |
| 3766749.85 | 76.30 | 76.40 | 76.30 | 76.30 | 76.20 | 76.10 | 76.00 | 75.90 | 76.00 |
| 3766739.85 | 76.30 | 76.40 | 76.30 | 76.30 | 76.20 | 76.10 | 76.00 | 75.90 | 75.90 |
| 3766729.85 | 76.30 | 76.30 | 76.30 | 76.20 | 76.10 | 76.00 | 75.90 | 75.90 | 75.90 |
| 3766719.85 | 76.20 | 76.20 | 76.20 | 76.10 | 76.10 | 76.00 | 75.90 | 75.80 | 75.90 |
| 3766709.85 | 76.10 | 76.10 | 76.00 | 76.00 | 76.00 | 75.90 | 75.80 | 75.80 | 75.80 |
| 3766699.85 | 76.00 | 76.00 | 76.00 | 76.00 | 76.00 | 75.90 | 75.80 | 75.80 | 75.80 |

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*** AERMOD - VERSION 21112 ***   *** C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i ***   11/29/21
*** AERMET - VERSION 16216 ***   *** On-site construction DPM ***   18:19:03
                                     PAGE 8

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*** MODELOPTs:   RegDFAULT  CONC  ELEV  URBAN  ADJ_U*

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*** NETWORK ID: UCART1 ; NETWORK TYPE: GRIDCART ***

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* ELEVATION HEIGHTS IN METERS *

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| Y-COORD<br>(METERS) | X-COORD (METERS) |           |           |
|---------------------|------------------|-----------|-----------|
|                     | 386362.30        | 386372.30 | 386382.30 |
| 3766899.85          | 76.80            | 76.90     | 77.00     |
| 3766889.85          | 76.70            | 76.90     | 77.00     |
| 3766879.85          | 76.50            | 76.70     | 76.80     |
| 3766869.85          | 76.40            | 76.40     | 76.50     |
| 3766859.85          | 76.20            | 76.20     | 76.30     |
| 3766849.85          | 76.20            | 76.30     | 76.40     |
| 3766839.85          | 76.30            | 76.40     | 76.50     |
| 3766829.85          | 76.40            | 76.50     | 76.60     |
| 3766819.85          | 76.40            | 76.50     | 76.50     |
| 3766809.85          | 76.30            | 76.40     | 76.50     |
| 3766799.85          | 76.30            | 76.40     | 76.50     |
| 3766789.85          | 76.20            | 76.30     | 76.40     |
| 3766779.85          | 76.10            | 76.20     | 76.30     |
| 3766769.85          | 76.10            | 76.20     | 76.20     |
| 3766759.85          | 76.00            | 76.10     | 76.20     |
| 3766749.85          | 76.00            | 76.10     | 76.10     |
| 3766739.85          | 76.00            | 76.10     | 76.10     |
| 3766729.85          | 76.00            | 76.00     | 76.00     |
| 3766719.85          | 75.90            | 76.00     | 76.00     |
| 3766709.85          | 75.90            | 75.90     | 75.90     |
| 3766699.85          | 75.90            | 75.90     | 75.90     |

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*** AERMOD - VERSION 21112 ***   *** C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i ***   11/29/21
*** AERMET - VERSION 16216 ***   *** On-site construction DPM ***   18:19:03
                                     PAGE 9

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*** MODELOPTs:   RegDFAULT  CONC  ELEV  URBAN  ADJ_U*

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*** NETWORK ID: UCART1 ; NETWORK TYPE: GRIDCART ***

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\* HILL HEIGHT SCALES IN METERS \*

| Y-COORD<br>(METERS) | X-COORD (METERS) |           |           |           |           |           |           |           |           |
|---------------------|------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|                     | 386182.30        | 386192.30 | 386202.30 | 386212.30 | 386222.30 | 386232.30 | 386242.30 | 386252.30 | 386262.30 |
| 3766899.85          | 76.40            | 76.50     | 76.40     | 76.40     | 76.50     | 76.60     | 76.70     | 76.70     | 76.80     |
| 3766889.85          | 76.40            | 76.40     | 76.40     | 76.40     | 76.50     | 76.60     | 76.60     | 76.70     | 76.70     |
| 3766879.85          | 76.40            | 76.40     | 76.40     | 76.40     | 76.40     | 76.50     | 76.50     | 76.50     | 76.50     |
| 3766869.85          | 76.40            | 76.40     | 76.30     | 76.30     | 76.30     | 76.40     | 76.40     | 76.40     | 76.30     |
| 3766859.85          | 76.40            | 76.40     | 76.30     | 76.30     | 76.30     | 76.30     | 76.30     | 76.20     | 76.20     |
| 3766849.85          | 76.30            | 76.30     | 76.30     | 76.20     | 76.20     | 76.20     | 76.30     | 76.30     | 76.30     |
| 3766839.85          | 76.30            | 76.20     | 76.20     | 76.10     | 76.20     | 76.20     | 76.30     | 76.30     | 76.40     |
| 3766829.85          | 76.20            | 76.20     | 76.10     | 76.10     | 76.10     | 76.20     | 76.30     | 76.40     | 76.50     |
| 3766819.85          | 76.10            | 76.10     | 76.10     | 76.10     | 76.10     | 76.10     | 76.20     | 76.40     | 76.50     |
| 3766809.85          | 76.00            | 76.00     | 76.00     | 76.00     | 76.10     | 76.10     | 76.10     | 76.30     | 76.50     |
| 3766799.85          | 75.90            | 75.90     | 76.00     | 76.00     | 76.00     | 76.00     | 76.10     | 76.30     | 76.40     |
| 3766789.85          | 76.10            | 76.10     | 76.10     | 76.10     | 76.10     | 76.00     | 76.10     | 76.20     | 76.40     |
| 3766779.85          | 76.40            | 76.40     | 76.30     | 76.20     | 76.10     | 76.10     | 76.10     | 76.20     | 76.40     |
| 3766769.85          | 76.70            | 76.60     | 76.50     | 76.30     | 76.20     | 76.10     | 76.10     | 76.20     | 76.30     |
| 3766759.85          | 76.80            | 76.70     | 76.60     | 76.50     | 76.30     | 76.20     | 76.10     | 76.20     | 76.30     |
| 3766749.85          | 76.80            | 76.70     | 76.70     | 76.70     | 76.50     | 76.20     | 76.10     | 76.20     | 76.30     |
| 3766739.85          | 76.80            | 76.80     | 76.90     | 76.90     | 76.60     | 76.20     | 76.10     | 76.20     | 76.30     |
| 3766729.85          | 76.50            | 76.60     | 76.70     | 76.80     | 76.50     | 76.20     | 76.10     | 76.20     | 76.30     |
| 3766719.85          | 76.30            | 76.30     | 76.40     | 76.50     | 76.30     | 76.10     | 76.00     | 76.10     | 76.20     |
| 3766709.85          | 76.00            | 76.10     | 76.10     | 76.20     | 76.10     | 76.00     | 75.90     | 76.00     | 76.10     |
| 3766699.85          | 75.90            | 75.90     | 76.00     | 76.00     | 76.00     | 75.90     | 75.90     | 76.00     | 76.00     |

\*\*\* AERMOD - VERSION 21112 \*\*\*      \*\*\* C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i \*\*\*      11/29/21  
 \*\*\* AERMET - VERSION 16216 \*\*\*      \*\*\* On-site construction DPM \*\*\*      18:19:03  
 PAGE 10

\*\*\* MODELOPTs:    RegDFAULT    CONC    ELEV    URBAN    ADJ\_U\*

\*\*\* NETWORK ID: UCART1    ;    NETWORK TYPE: GRIDCART \*\*\*

\* HILL HEIGHT SCALES IN METERS \*

| Y-COORD<br>(METERS) | X-COORD (METERS) |           |           |           |           |           |           |           |           |
|---------------------|------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|                     | 386272.30        | 386282.30 | 386292.30 | 386302.30 | 386312.30 | 386322.30 | 386332.30 | 386342.30 | 386352.30 |
| 3766899.85          | 76.80            | 76.70     | 76.60     | 76.50     | 76.50     | 76.40     | 76.40     | 76.40     | 76.60     |
| 3766889.85          | 76.60            | 76.60     | 76.50     | 76.40     | 76.40     | 76.40     | 76.40     | 76.40     | 76.50     |
| 3766879.85          | 76.50            | 76.40     | 76.40     | 76.40     | 76.30     | 76.30     | 76.30     | 76.20     | 76.40     |
| 3766869.85          | 76.30            | 76.30     | 76.30     | 76.30     | 76.20     | 76.20     | 76.10     | 76.10     | 76.20     |
| 3766859.85          | 76.20            | 76.20     | 76.20     | 76.20     | 76.10     | 76.10     | 76.00     | 76.00     | 76.10     |
| 3766849.85          | 76.30            | 76.30     | 76.30     | 76.30     | 76.20     | 76.10     | 76.10     | 76.00     | 76.10     |
| 3766839.85          | 76.40            | 76.40     | 76.40     | 76.40     | 76.30     | 76.20     | 76.10     | 76.10     | 76.20     |
| 3766829.85          | 76.50            | 76.50     | 76.50     | 76.50     | 76.40     | 76.30     | 76.20     | 76.10     | 76.20     |
| 3766819.85          | 76.50            | 76.50     | 76.50     | 76.50     | 76.40     | 76.30     | 76.20     | 76.00     | 76.20     |
| 3766809.85          | 76.50            | 76.50     | 76.50     | 76.40     | 76.40     | 76.30     | 76.10     | 76.00     | 76.20     |

|            |       |       |       |       |       |       |       |       |       |
|------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 3766799.85 | 76.50 | 76.50 | 76.50 | 76.40 | 76.40 | 76.20 | 76.10 | 75.90 | 76.10 |
| 3766789.85 | 76.40 | 76.40 | 76.40 | 76.40 | 76.30 | 76.20 | 76.00 | 75.90 | 76.10 |
| 3766779.85 | 76.40 | 76.40 | 76.40 | 76.30 | 76.20 | 76.10 | 76.00 | 75.90 | 76.00 |
| 3766769.85 | 76.30 | 76.40 | 76.40 | 76.30 | 76.20 | 76.10 | 76.00 | 75.90 | 76.00 |
| 3766759.85 | 76.30 | 76.40 | 76.30 | 76.20 | 76.20 | 76.10 | 76.00 | 75.90 | 76.00 |
| 3766749.85 | 76.30 | 76.40 | 76.30 | 76.30 | 76.20 | 76.10 | 76.00 | 75.90 | 76.00 |
| 3766739.85 | 76.30 | 76.40 | 76.30 | 76.30 | 76.20 | 76.10 | 76.00 | 75.90 | 75.90 |
| 3766729.85 | 76.30 | 76.30 | 76.30 | 76.20 | 76.10 | 76.00 | 75.90 | 75.90 | 75.90 |
| 3766719.85 | 76.20 | 76.20 | 76.20 | 76.10 | 76.10 | 76.00 | 75.90 | 75.80 | 75.90 |
| 3766709.85 | 76.10 | 76.10 | 76.00 | 76.00 | 76.00 | 75.90 | 75.80 | 75.80 | 75.80 |
| 3766699.85 | 76.00 | 76.00 | 76.00 | 76.00 | 76.00 | 75.90 | 75.80 | 75.80 | 75.80 |

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*** AERMOD - VERSION 21112 ***   *** C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i ***   11/29/21
*** AERMET - VERSION 16216 ***   *** On-site construction DPM ***   18:19:03
                                     PAGE 11

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*** MODELOPTs:   RegDFAULT  CONC  ELEV  URBAN  ADJ_U*

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*** NETWORK ID: UCART1 ; NETWORK TYPE: GRIDCART ***

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* HILL HEIGHT SCALES IN METERS *

```

| Y-COORD<br>(METERS) | 386362.30 | 386372.30 | 386382.30 | X-COORD (METERS) |
|---------------------|-----------|-----------|-----------|------------------|
| 3766899.85          | 76.80     | 76.90     | 77.00     |                  |
| 3766889.85          | 76.70     | 76.90     | 77.00     |                  |
| 3766879.85          | 76.50     | 76.70     | 76.80     |                  |
| 3766869.85          | 76.40     | 76.40     | 76.50     |                  |
| 3766859.85          | 76.20     | 76.20     | 76.30     |                  |
| 3766849.85          | 76.20     | 76.30     | 76.40     |                  |
| 3766839.85          | 76.30     | 76.40     | 76.50     |                  |
| 3766829.85          | 76.40     | 76.50     | 76.60     |                  |
| 3766819.85          | 76.40     | 76.50     | 76.50     |                  |
| 3766809.85          | 76.30     | 76.40     | 76.50     |                  |
| 3766799.85          | 76.30     | 76.40     | 76.50     |                  |
| 3766789.85          | 76.20     | 76.30     | 76.40     |                  |
| 3766779.85          | 76.10     | 76.20     | 76.30     |                  |
| 3766769.85          | 76.10     | 76.20     | 76.20     |                  |
| 3766759.85          | 76.00     | 76.10     | 76.20     |                  |
| 3766749.85          | 76.00     | 76.10     | 76.10     |                  |
| 3766739.85          | 76.00     | 76.10     | 76.10     |                  |
| 3766729.85          | 76.00     | 76.00     | 76.00     |                  |
| 3766719.85          | 75.90     | 76.00     | 76.00     |                  |
| 3766709.85          | 75.90     | 75.90     | 75.90     |                  |
| 3766699.85          | 75.90     | 75.90     | 75.90     |                  |

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*** AERMOD - VERSION 21112 ***   *** C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i ***   11/29/21
*** AERMET - VERSION 16216 ***   *** On-site construction DPM ***   18:19:03
                                     PAGE 12

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*** MODELOPTs:   RegDFAULT  CONC  ELEV  URBAN  ADJ_U*

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|            |         |         |         |         |         |         |         |         |         |
|------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 3766899.85 | 0.02085 | 0.02371 | 0.02687 | 0.03032 | 0.03398 | 0.03777 | 0.04156 | 0.04536 | 0.04897 |
| 3766889.85 | 0.02249 | 0.02584 | 0.02963 | 0.03382 | 0.03836 | 0.04314 | 0.04804 | 0.05288 | 0.05766 |
| 3766879.85 | 0.02432 | 0.02826 | 0.03282 | 0.03799 | 0.04369 | 0.04982 | 0.05622 | 0.06271 | 0.06915 |
| 3766869.85 | 0.02638 | 0.03101 | 0.03655 | 0.04298 | 0.05028 | 0.05830 | 0.06685 | 0.07572 | 0.08469 |
| 3766859.85 | 0.02878 | 0.03422 | 0.04096 | 0.04909 | 0.05860 | 0.06937 | 0.08114 | 0.09369 | 0.10668 |
| 3766849.85 | 0.03175 | 0.03810 | 0.04632 | 0.05672 | 0.06943 | 0.08436 | 0.10121 | 0.11975 | 0.13947 |
| 3766839.85 | 0.03581 | 0.04315 | 0.05312 | 0.06657 | 0.08408 | 0.10577 | 0.13124 | 0.16045 | 0.19183 |
| 3766829.85 | 0.04183 | 0.05046 | 0.06254 | 0.07984 | 0.10456 | 0.13818 | 0.18048 | 0.23132 | 0.28441 |
| 3766819.85 | 0.05067 | 0.06157 | 0.07699 | 0.09968 | 0.13394 | 0.18818 | 0.26660 | 0.36580 | 0.45557 |
| 3766809.85 | 0.06200 | 0.07639 | 0.09726 | 0.12922 | 0.18121 | 0.26648 | 0.36811 | 0.52598 | 0.65179 |
| 3766799.85 | 0.07430 | 0.09252 | 0.11940 | 0.16130 | 0.23214 | 0.35828 | 0.51318 | 0.70237 | 0.84541 |
| 3766789.85 | 0.08580 | 0.10736 | 0.13871 | 0.18713 | 0.26805 | 0.40861 | 0.59083 | 0.78597 | 0.93125 |
| 3766779.85 | 0.09432 | 0.11779 | 0.15144 | 0.20211 | 0.28367 | 0.42252 | 0.60218 | 0.78319 | 0.91402 |
| 3766769.85 | 0.09878 | 0.12224 | 0.15511 | 0.20334 | 0.27828 | 0.40081 | 0.55595 | 0.68852 | 0.78068 |
| 3766759.85 | 0.09934 | 0.12093 | 0.15009 | 0.19073 | 0.24970 | 0.33895 | 0.46205 | 0.55681 | 0.60498 |
| 3766749.85 | 0.09695 | 0.11574 | 0.13993 | 0.17160 | 0.21344 | 0.26812 | 0.33280 | 0.38883 | 0.41744 |
| 3766739.85 | 0.09268 | 0.10848 | 0.12792 | 0.15185 | 0.18101 | 0.21516 | 0.25143 | 0.28338 | 0.30248 |
| 3766729.85 | 0.08743 | 0.10046 | 0.11585 | 0.13381 | 0.15434 | 0.17662 | 0.19880 | 0.21790 | 0.23017 |
| 3766719.85 | 0.08175 | 0.09240 | 0.10451 | 0.11804 | 0.13272 | 0.14783 | 0.16210 | 0.17422 | 0.18195 |
| 3766709.85 | 0.07601 | 0.08469 | 0.09421 | 0.10447 | 0.11514 | 0.12563 | 0.13520 | 0.14307 | 0.14801 |
| 3766699.85 | 0.07046 | 0.07747 | 0.08500 | 0.09283 | 0.10071 | 0.10818 | 0.11483 | 0.12005 | 0.12310 |

\*\*\* AERMOD - VERSION 21112 \*\*\*      \*\*\* C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i \*\*\*      11/29/21  
 \*\*\* AERMET - VERSION 16216 \*\*\*      \*\*\* On-site construction DPM \*\*\*      18:19:03  
 PAGE 16

\*\*\* MODELOPTs:      RegDFAULT      CONC      ELEV      URBAN      ADJ\_U\*

\*\*\* THE PERIOD ( 43824 HRS) AVERAGE CONCENTRATION      VALUES FOR SOURCE GROUP: ALL      \*\*\*  
 INCLUDING SOURCE(S):      PAREAL      ,

\*\*\* NETWORK ID: UCART1      ;      NETWORK TYPE: GRIDCART \*\*\*

\*\* CONC OF DPM      IN MICROGRAMS/M\*\*3      \*\*

| Y-COORD<br>(METERS) | 386272.30 | 386282.30 | 386292.30 | 386302.30 | 386312.30 | 386322.30 | 386332.30 | 386342.30 | 386352.30 |
|---------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 3766899.85          | 0.05244   | 0.05566   | 0.05847   | 0.06070   | 0.06231   | 0.06323   | 0.06342   | 0.06287   | 0.06157   |
| 3766889.85          | 0.06229   | 0.06646   | 0.07005   | 0.07285   | 0.07472   | 0.07558   | 0.07541   | 0.07420   | 0.07197   |
| 3766879.85          | 0.07534   | 0.08097   | 0.08570   | 0.08920   | 0.09130   | 0.09190   | 0.09101   | 0.08864   | 0.08485   |
| 3766869.85          | 0.09338   | 0.10120   | 0.10754   | 0.11192   | 0.11410   | 0.11402   | 0.11172   | 0.10727   | 0.10086   |
| 3766859.85          | 0.11936   | 0.13054   | 0.13920   | 0.14463   | 0.14651   | 0.14490   | 0.13980   | 0.13152   | 0.12069   |
| 3766849.85          | 0.15861   | 0.17509   | 0.18722   | 0.19384   | 0.19461   | 0.18962   | 0.17930   | 0.16353   | 0.14491   |
| 3766839.85          | 0.22150   | 0.24615   | 0.26365   | 0.27225   | 0.27056   | 0.25827   | 0.23670   | 0.20578   | 0.17341   |
| 3766829.85          | 0.33102   | 0.36787   | 0.39398   | 0.40689   | 0.40086   | 0.37303   | 0.32299   | 0.25843   | 0.20401   |
| 3766819.85          | 0.52416   | 0.57273   | 0.60174   | 0.60775   | 0.58391   | 0.52671   | 0.43271   | 0.31169   | 0.23097   |
| 3766809.85          | 0.73407   | 0.78678   | 0.81360   | 0.80874   | 0.75828   | 0.64452   | 0.51525   | 0.35140   | 0.24872   |
| 3766799.85          | 0.92837   | 0.97122   | 0.98170   | 0.95573   | 0.87792   | 0.72295   | 0.55711   | 0.36802   | 0.25376   |
| 3766789.85          | 1.00447   | 1.03351   | 1.02884   | 0.98870   | 0.89662   | 0.73016   | 0.54766   | 0.35749   | 0.24353   |
| 3766779.85          | 0.96924   | 0.98123   | 0.96139   | 0.90796   | 0.80930   | 0.64704   | 0.47834   | 0.31585   | 0.21907   |

|            |         |         |         |         |         |         |         |         |         |
|------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 3766769.85 | 0.81302 | 0.81232 | 0.78630 | 0.73520 | 0.65217 | 0.52236 | 0.37033 | 0.25876 | 0.18927 |
| 3766759.85 | 0.61678 | 0.60480 | 0.57451 | 0.52763 | 0.46284 | 0.37873 | 0.28368 | 0.20848 | 0.16019 |
| 3766749.85 | 0.42441 | 0.41581 | 0.39502 | 0.36355 | 0.32184 | 0.27158 | 0.21729 | 0.16922 | 0.13466 |
| 3766739.85 | 0.30734 | 0.30129 | 0.28678 | 0.26500 | 0.23713 | 0.20485 | 0.17069 | 0.13900 | 0.11373 |
| 3766729.85 | 0.23355 | 0.22896 | 0.21818 | 0.20250 | 0.18295 | 0.16064 | 0.13747 | 0.11566 | 0.09702 |
| 3766719.85 | 0.18401 | 0.18043 | 0.17221 | 0.16046 | 0.14612 | 0.13002 | 0.11339 | 0.09744 | 0.08349 |
| 3766709.85 | 0.14909 | 0.14620 | 0.13972 | 0.13068 | 0.11978 | 0.10768 | 0.09522 | 0.08325 | 0.07242 |
| 3766699.85 | 0.12348 | 0.12104 | 0.11600 | 0.10890 | 0.10039 | 0.09098 | 0.08132 | 0.07198 | 0.06340 |

\*\*\* AERMOD - VERSION 21112 \*\*\*      \*\*\* C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i \*\*\*      11/29/21  
 \*\*\* AERMET - VERSION 16216 \*\*\*      \*\*\* On-site construction DPM \*\*\*      18:19:03  
 PAGE 17

\*\*\* MODELOPTs:      RegDFAULT      CONC      ELEV      URBAN      ADJ\_U\*

\*\*\* THE PERIOD ( 43824 HRS) AVERAGE CONCENTRATION      VALUES FOR SOURCE GROUP: ALL      \*\*\*  
 INCLUDING SOURCE(S):      PAREAL      ,

\*\*\* NETWORK ID: UCART1      ;      NETWORK TYPE: GRIDCART \*\*\*

\*\* CONC OF DPM      IN MICROGRAMS/M\*\*3      \*\*

| Y-COORD<br>(METERS) | X-COORD (METERS) |           |           |
|---------------------|------------------|-----------|-----------|
|                     | 386362.30        | 386372.30 | 386382.30 |
| 3766899.85          | 0.05949          | 0.05688   | 0.05385   |
| 3766889.85          | 0.06878          | 0.06489   | 0.06064   |
| 3766879.85          | 0.07992          | 0.07423   | 0.06829   |
| 3766869.85          | 0.09312          | 0.08484   | 0.07664   |
| 3766859.85          | 0.10858          | 0.09656   | 0.08539   |
| 3766849.85          | 0.12611          | 0.10899   | 0.09414   |
| 3766839.85          | 0.14484          | 0.12122   | 0.10216   |
| 3766829.85          | 0.16273          | 0.13184   | 0.10858   |
| 3766819.85          | 0.17673          | 0.13931   | 0.11265   |
| 3766809.85          | 0.18456          | 0.14266   | 0.11395   |
| 3766799.85          | 0.18484          | 0.14145   | 0.11244   |
| 3766789.85          | 0.17705          | 0.13582   | 0.10837   |
| 3766779.85          | 0.16273          | 0.12680   | 0.10236   |
| 3766769.85          | 0.14539          | 0.11591   | 0.09508   |
| 3766759.85          | 0.12727          | 0.10412   | 0.08699   |
| 3766749.85          | 0.11018          | 0.09229   | 0.07856   |
| 3766739.85          | 0.09516          | 0.08124   | 0.07033   |
| 3766729.85          | 0.08253          | 0.07141   | 0.06267   |
| 3766719.85          | 0.07199          | 0.06300   | 0.05586   |
| 3766709.85          | 0.06327          | 0.05584   | 0.04989   |
| 3766699.85          | 0.05598          | 0.04979   | 0.04476   |

\*\*\* AERMOD - VERSION 21112 \*\*\*      \*\*\* C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i \*\*\*      11/29/21  
 \*\*\* AERMET - VERSION 16216 \*\*\*      \*\*\* On-site construction DPM \*\*\*      18:19:03  
 PAGE 18

\*\*\* MODELOPTs:      RegDFAULT      CONC      ELEV      URBAN      ADJ\_U\*

\*\*\* THE PERIOD ( 43824 HRS) AVERAGE CONCENTRATION VALUES FOR SOURCE GROUP: ALL \*\*\*  
 INCLUDING SOURCE(S): PAREAL ,

\*\*\* DISCRETE CARTESIAN RECEPTOR POINTS \*\*\*

| ** CONC OF DPM |             |         | IN MICROGRAMS/M**3 |             |         | ** |  |  |
|----------------|-------------|---------|--------------------|-------------|---------|----|--|--|
| X-COORD (M)    | Y-COORD (M) | CONC    | X-COORD (M)        | Y-COORD (M) | CONC    |    |  |  |
| 386348.03      | 3766791.73  | 0.28799 | 386216.68          | 3766818.87  | 0.11573 |    |  |  |
| 386219.98      | 3766794.40  | 0.23189 | 386223.29          | 3766755.81  | 0.24116 |    |  |  |
| 386256.03      | 3766869.93  | 0.07894 |                    |             |         |    |  |  |

\*\*\* AERMOD - VERSION 21112 \*\*\*      \*\*\* C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i \*\*\*      11/29/21  
 \*\*\* AERMET - VERSION 16216 \*\*\*      \*\*\* On-site construction DPM \*\*\*      18:19:03

PAGE 19

\*\*\* MODELOPTs:      RegDFAULT      CONC      ELEV      URBAN      ADJ\_U\*

\*\*\* THE SUMMARY OF MAXIMUM PERIOD ( 43824 HRS) RESULTS \*\*\*

| ** CONC OF DPM |                       |              | IN MICROGRAMS/M**3            |               |                 | ** |        |  |  |  |
|----------------|-----------------------|--------------|-------------------------------|---------------|-----------------|----|--------|--|--|--|
| GROUP ID       | AVERAGE CONC          | RECEPTOR     | (XR, YR, ZELEV, ZHILL, ZFLAG) | OF TYPE       | NETWORK GRID-ID |    |        |  |  |  |
| ALL            | 1ST HIGHEST VALUE IS  | 1.03351 AT ( | 386282.30, 3766789.85,        | 76.40, 76.40, | 0.00)           | GC | UCART1 |  |  |  |
|                | 2ND HIGHEST VALUE IS  | 1.02884 AT ( | 386292.30, 3766789.85,        | 76.40, 76.40, | 0.00)           | GC | UCART1 |  |  |  |
|                | 3RD HIGHEST VALUE IS  | 1.00447 AT ( | 386272.30, 3766789.85,        | 76.40, 76.40, | 0.00)           | GC | UCART1 |  |  |  |
|                | 4TH HIGHEST VALUE IS  | 0.98870 AT ( | 386302.30, 3766789.85,        | 76.40, 76.40, | 0.00)           | GC | UCART1 |  |  |  |
|                | 5TH HIGHEST VALUE IS  | 0.98170 AT ( | 386292.30, 3766799.85,        | 76.50, 76.50, | 0.00)           | GC | UCART1 |  |  |  |
|                | 6TH HIGHEST VALUE IS  | 0.98123 AT ( | 386282.30, 3766779.85,        | 76.40, 76.40, | 0.00)           | GC | UCART1 |  |  |  |
|                | 7TH HIGHEST VALUE IS  | 0.97122 AT ( | 386282.30, 3766799.85,        | 76.50, 76.50, | 0.00)           | GC | UCART1 |  |  |  |
|                | 8TH HIGHEST VALUE IS  | 0.96924 AT ( | 386272.30, 3766779.85,        | 76.40, 76.40, | 0.00)           | GC | UCART1 |  |  |  |
|                | 9TH HIGHEST VALUE IS  | 0.96139 AT ( | 386292.30, 3766779.85,        | 76.40, 76.40, | 0.00)           | GC | UCART1 |  |  |  |
|                | 10TH HIGHEST VALUE IS | 0.95573 AT ( | 386302.30, 3766799.85,        | 76.40, 76.40, | 0.00)           | GC | UCART1 |  |  |  |

\*\*\* RECEPTOR TYPES:      GC = GRIDCART  
                                  GP = GRIDPOLR  
                                  DC = DISCCART  
                                  DP = DISCPOLR

\*\*\* AERMOD - VERSION 21112 \*\*\*      \*\*\* C:\Lakes\AERMOD View\Mateo Construction HRA\Mateo Construction HRA.i \*\*\*      11/29/21  
 \*\*\* AERMET - VERSION 16216 \*\*\*      \*\*\* On-site construction DPM \*\*\*      18:19:03

PAGE 20

\*\*\* MODELOPTs:      RegDFAULT      CONC      ELEV      URBAN      ADJ\_U\*

\*\*\* Message Summary : AERMOD Model Execution \*\*\*

----- Summary of Total Messages -----

A Total of 0 Fatal Error Message(s)  
A Total of 4 Warning Message(s)  
A Total of 808 Informational Message(s)  
  
A Total of 43824 Hours Were Processed  
  
A Total of 4 Calm Hours Identified  
  
A Total of 804 Missing Hours Identified ( 1.83 Percent)

\*\*\*\*\* FATAL ERROR MESSAGES \*\*\*\*\*  
\*\*\* NONE \*\*\*

\*\*\*\*\* WARNING MESSAGES \*\*\*\*\*  
ME W186 68 MEOPEN: THRESH\_LMIN 1-min ASOS wind speed threshold used 0.50  
ME W187 68 MEOPEN: ADJ\_U\* Option for Stable Low Winds used in AERMET  
MX W450 17521 CHKDAT: Record Out of Sequence in Meteorological File at: 14010101  
MX W450 17521 CHKDAT: Record Out of Sequence in Meteorological File at: 2 year gap

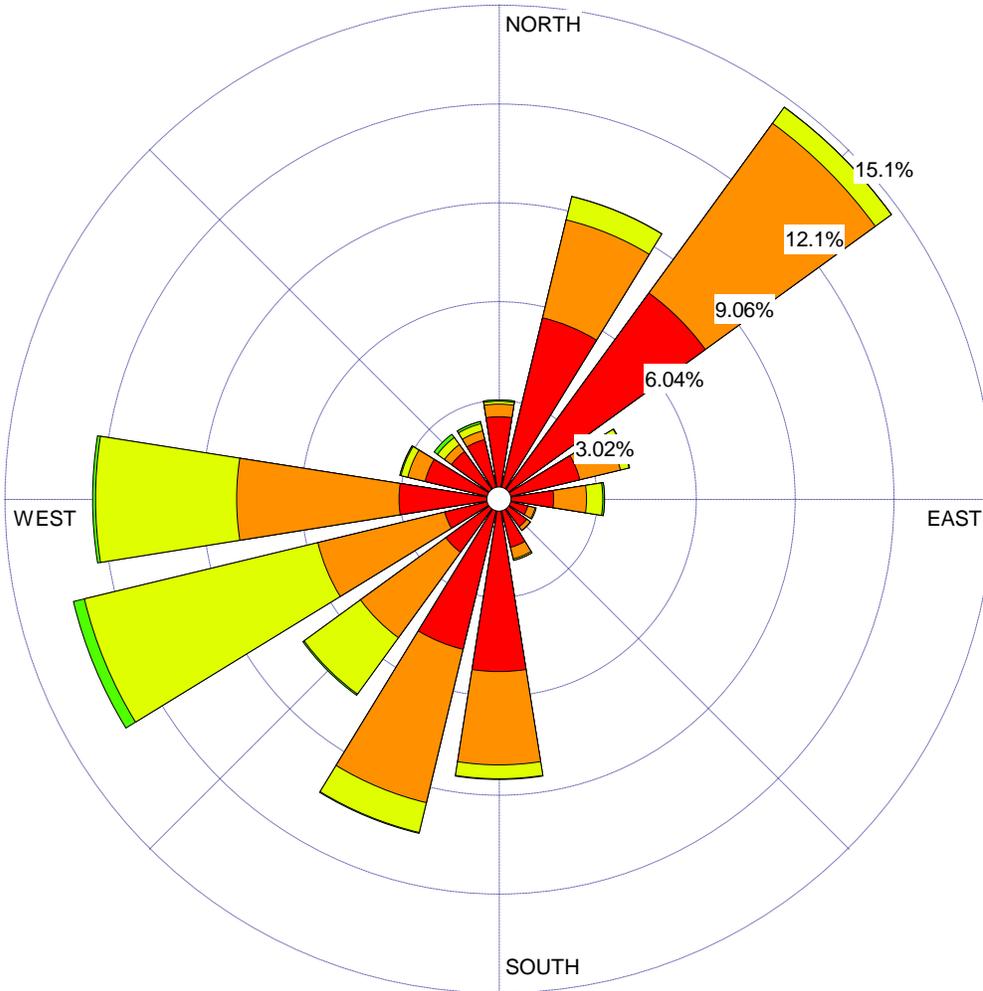
\*\*\*\*\*  
\*\*\* AERMOD Finishes Successfully \*\*\*  
\*\*\*\*\*

WIND ROSE PLOT:

**Station #93134**

DISPLAY:

**Wind Speed  
Direction (blowing from)**



WIND SPEED  
(m/s)



Calms: 0.01%

COMMENTS:

DATA PERIOD:

**Start Date: 1/1/2010 - 00:00  
End Date: 12/31/2016 - 23:59**

COMPANY NAME:

**South Coast Air Quality Management District**

MODELER:

**Melissa Sheffer**



CALM WINDS:

**0.01%**

TOTAL COUNT:

**43459 hrs.**

AVG. WIND SPEED:

**2.34 m/s**

DATE:

**5/25/2017**

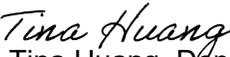
PROJECT NO.:

CITY OF LOS ANGELES  
INTER-DEPARTMENTAL CORRESPONDENCE

Date: August 26, 2021

1 - Central SR# 151283  
676 Mateo St

TO: Jivar Afshar, Planning Assistant  
City Planning  
221 N. Figueroa Street, Room 1350

FROM:   
Tina Huang, Department of Transportation  
Central District, 100 S Main St, 9<sup>th</sup> Floor, Mail Stop 725

**SUBJECT: IMPORT/EXPORT OF EARTH: 676 Mateo St  
Tract No: 74550**

This Department has reviewed the requested haul route. The following are recommended haul route conditions for this project:

**1. RECOMMENDED HAUL ROUTE:**

Loaded Trucks:

From the project site, south on Imperial Street, east (left) onto 7<sup>th</sup> Street, south (right) onto Breed Street, merge onto I-5 North Freeway, exit(159A) at Roxford Street, west (left) on Roxford Street, north (right) on Sepulveda Boulevard, north (left) on San Fernando Road, west (left) onto Sunshine Canyon Road to the landfill.

Empty Trucks:

From the landfill, south (right) onto San Fernando Road, south (right) onto Sepulveda Boulevard, merge onto I-5 South Freeway, merge onto I-10 West Freeway, exit (16a) at Santa Fe Avenue, east (right) onto 8<sup>th</sup> Street, north (left) onto Santa Fe Avenue, west (left) on Jesse Street, south (left) onto Imperial Street to the project site.

**2. HOURS OF OPERATION:**

To avoid peak traffic hours, limit hours of the hauling operation, **Monday thru Friday: 9:00 AM to 3:00 PM and 8AM to 4PM on Saturdays. No hauling should be performed on Sundays.**

**3. STAGING AREA:** On-site staging is allowed on Imperial Street adjacent to the project site. **Flagmen with radio control are required at the project site's entrance**

NOTE: NO INTERFERENCE TO TRAFFIC, ACCESS TO DRIVEWAYS MUST BE MAINTAINED AT ALL TIMES.

**4. ADDITIONAL COMMENTS AND/OR REQUIREMENTS:**

Contractor shall contact LADOT at (213) 485-2298 at least four business days prior to hauling to post "Temporary Tow Away No Stopping" signs adjacent to the jobsite for hauling if needed. Flagmen with radio control are required at the project site's entrance during the hauling operation.

If you have any questions, please contact Don Vu at (213) 675-3230.



# LOS ANGELES CITY PLANNING COMMISSION

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

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

## LETTER OF DETERMINATION

MAILING DATE: DEC 02 2021

Case No. **CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR**

Council District: 14 – de León

CEQA: ENV-2016-3691-EIR; SCH. 2018021068

Plan Area: Central City North

Related Case: VTT-74550-CN-1A

**Project Site:** 668 – 678 South Mateo Street; 669 – 679 South Imperial Street

**Applicant:** District Centre, LP, & District Centre-GPA, LP  
Representative: Edgar Khalatian, Mayer Brown

At its meeting of **October 28, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of an existing warehouse and surface parking lot, and the construction of a 197,355-square-foot mixed-use building including 185 live/work units, 23,380 square feet of commercial space, and associated parking facilities on a 44,839 square foot lot. The Project also proposes the ability to implement a Flexibility Option that would provide the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square feet, which would reduce the overall amount of live/work units from 185 to 159.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the 676 Mateo Street Project EIR No. ENV-2016-3691-EIR, SCH No. 2018021068, certified on October 28, 2021; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;
2. **Approved and Recommended**, that the Mayor and City Council **adopt**, pursuant to the Los Angeles City Charter Section 555 and Section 11.5.6 of the Los Angeles Municipal Code (LAMC), a General Plan Amendment to the Central City North Community Plan to change the land use designation from Heavy Industrial to Regional Commercial;
3. **Approved and Recommended** that the City Council **adopt**, pursuant to LAMC Section 12.32 Q, a Vesting Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO;
4. **Approved**, pursuant to LAMC Section 12.24 W.1, a Main Conditional Use Permit for the on-site sale of a full-line of alcoholic beverages within four establishments;
5. **Approved**, pursuant to LAMC Section 12.22 A.25(g), a Density Bonus for a Housing Development Project reserving 11 percent of proposed units as Very Low-Income Restricted Affordable Units for a period of 55 years, with the following requested incentive:
  - a. An On-Menu incentive to reduce the open space requirement by up to 20 percent;
6. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project resulting in an increase of 50 or more dwelling units;
7. **Adopted** the attached Modified Conditions of Approval; and
8. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

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

**Vote: 5 – 0**



Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission as it relates to the General Plan Amendment is final. The Zone Change and Height District 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:** DEC 22 2021

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

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

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

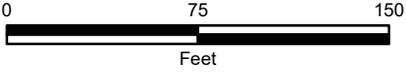
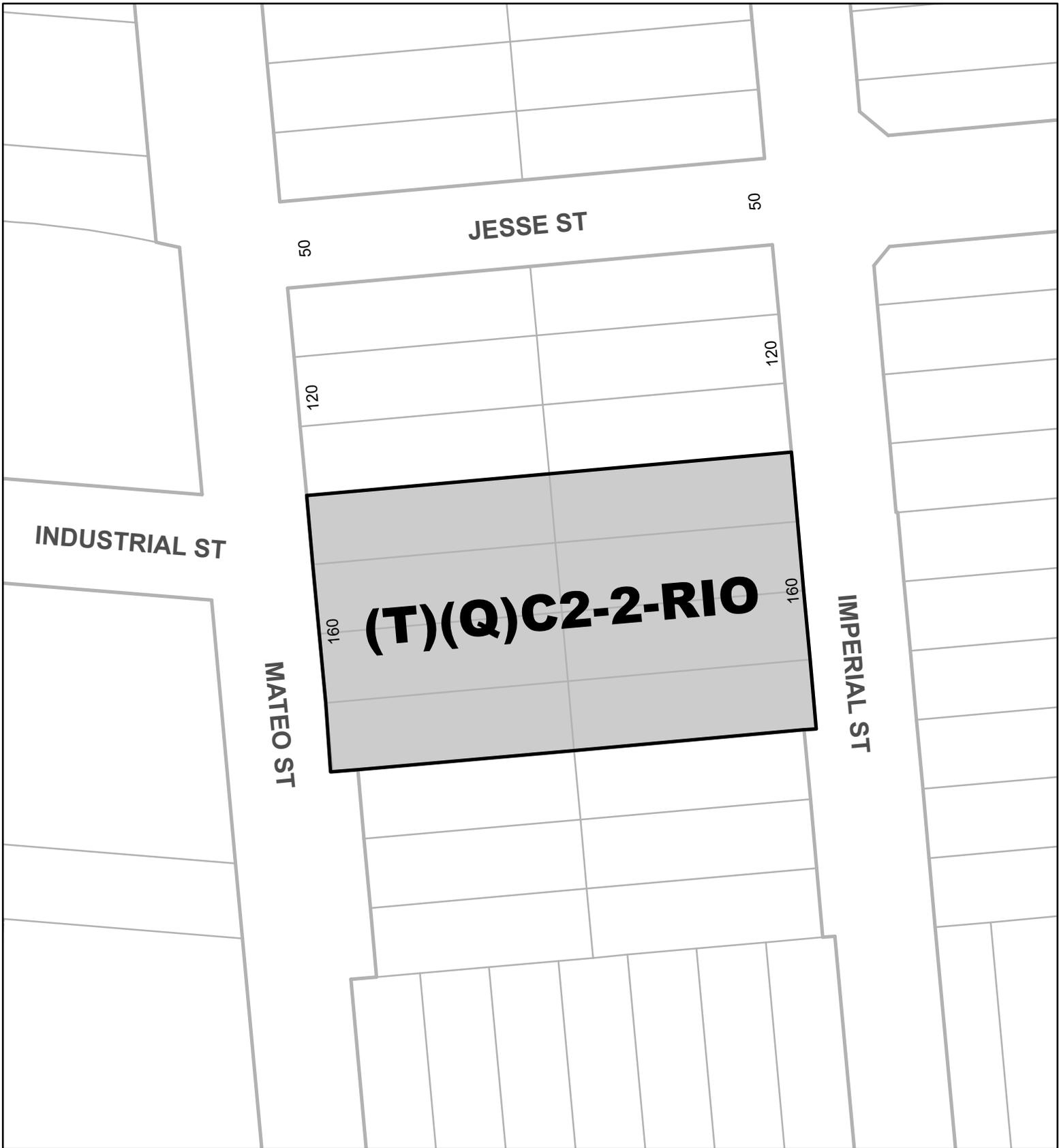
c: Milena Zasadzien, Senior City Planner  
Alan Como, City Planner  
Jivar Ashfar, City Planning Associate

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:

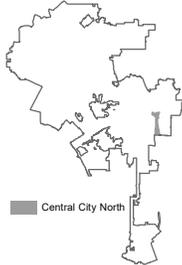


CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR

AA/Cf

110521

City of Los Angeles



## (Q) QUALIFIED CONDITIONS

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

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit A, dated October 15, 2021. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions. The Project shall be constructed in a manner consistent with the following:
  - a. A maximum of 185 live/work residential units, and a maximum of 23,380 square feet of art production and commercial floor area under the Project; or
  - b. A maximum of 159 live/work residential units, and a maximum of 45,873 square feet of art production and commercial floor area under the Flexibility Option.
2. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 11 percent (21 units under Project Option and 18 units under Flexibility Option) of the dwelling units proposed, available to Very Low Income households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA.
3. **Pedestrian Paseo.** A minimum 3,500 square foot ground floor publicly accessible landscaped paseo shall provide public access from Mateo Street to Imperial Street, as shown in Exhibit A - Project Plans, dated October 15, 2021. The pedestrian paseo shall remain open to the public during business hours.

## **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 the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

### Dedications/Improvements and Responsibilities/Guarantees.

Dedications and Improvements herein contained in these conditions which are in excess of street improvements contained in either the Mobility Element 2035 or any future Community Plan amendment or revision may be reduced to meet those plans with the concurrence of the Department of Transportation and the Bureau of Engineering:

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.** Street Dedications and Improvements shall be provided to the satisfaction of the City Engineer.
3. **Sewer.** Construction of necessary sewer facilities, or payment of sewer fees, shall be to the satisfaction of the City Engineer.
4. **Drainage.** Construction of necessary drainage and storm water runoff drainage facilities to the satisfaction of the City Engineer.
5. **Driveway/Parkway Area Plan.** Preparation of a parking plan and driveway plan to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
6. **Fire.** Incorporate into the building plans the recommendations of the Fire Department relative to fire safety, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.
7. **Cable.** Make any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05 N to the satisfaction of the Department of Telecommunications.
8. **Recreation and Park Fees.** The Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee. The application for Vesting Tentative Tract Map No. 74550-CN was deemed complete on October 20, 2016.
9. **Lighting.** Street lighting facilities shall be provided to the satisfaction of the Bureau of Street Lighting.
10. **Street Trees.** All trees in the public right-of-way shall be provided per the current Urban Forestry Division Standards.

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

## **CONDITIONS OF APPROVAL**

(As modified by the City Planning Commission at its meeting on October 28, 2021)

Pursuant to LAMC Sections 12.22 A.25, 12.24 W.1, and 16.05 and State Government Code Section 65915 (State Density Bonus Program), the following conditions are hereby imposed upon the use of the subject property.

### **Conditional Use for Alcohol Sales**

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit A dated October 15, 2021, except as may be revised as a result of this action.
3. 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.
4. Authorized herein is the sale and dispensing and consumption of a full line of alcoholic beverages for on-site consumption, in conjunction with the four restaurants.
5. 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.
6. 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.
7. Notwithstanding approved Exhibit A dated October 15, 2021 and the Conditions above, this grant recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger restaurants, different locations, and/or a reduced number of restaurants than those originally proposed and identified in Exhibit A. Such outcome is permitted provided that the other conditions noted herein, specifically those related to the combined maximum interior floor areas, maximum interior and exterior seating numbers, maximum (total) number of establishments authorized under this grant, and the maximum number of establishments approved for each type of grant in the Conditions above are not exceeded. The sale and dispensing of beer and wine may be provided in lieu of a full line of alcoholic beverages at any of the establishments approved for a full line of alcoholic beverages (but not the reverse), provided that the maximum (total) number of establishments authorized for alcoholic beverages is not exceeded, and subject to all other conditions of this grant.

8. After hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
10. 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 and are intended for use by the Los Angeles Police Department.
11. **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.
12. The Applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her/their control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, or business.
13. Loitering is prohibited on the 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.
14. 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.
15. The Applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
16. 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.
17. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.
18. All deliveries shall be made in the loading areas along Imperial Street. No loading or unloading of deliveries shall be permitted along Mateo street.

19. Trash pick-up, compacting, loading and unloading and receiving activities shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday. No deliveries or trash pick-up shall occur on Sunday.
20. The outside disposal of glass bottles and shall only occur between the hours of 7:00 a.m. to 6:00 p.m.
21. **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 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs 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.
22. Should there be a change in the ownership and/or the operator of the business, the property owner and/or the business owner or operator shall provide the prospective new property owner and the business owner or 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 property owner and/or business owner/operator shall be submitted to the Department of City Planning in a letter from the new property owner and/or business owner or operator indicating the date that the new property owner and/or business owner or operator/management began and attesting to the receipt of this approval and its conditions. The new property owner and/or business owner or operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her/their 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.
23. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her/their initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

### **Density Bonus Conditions**

1. **Affordable Units.** A minimum of 21 units (18 units under Flexibility Option), that is 11 percent of total units, shall be reserved as Very Low Income units, as defined by the State Density Bonus 65915(C)(2).
2. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d)
3. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 11 percent (21 units, or 18 units under the Flexibility Option) of the 185 dwelling units (or 159 units under the Flexibility Option) available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA.
4. **Open Space.** The requested On-Menu Incentive allows up to a 20 percent reduction in the required residential open space. Landscaping for the Housing Development Project shall qualify for the number of landscape points equivalent to 10 percent more than otherwise required by LAMC Section 12.40 and Landscape Ordinance Guidelines “O”.
5. **Parking.**
  - a. **Vehicle Parking.** The minimum number of residential and commercial automobile parking spaces shall be provided as required by LAMC Section 12.21 A.4.
  - b. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
  - c. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety.
  - d. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

### **Site Plan Review Conditions**

1. **Development Services Center.** Prior to sign-off on building permits by the Department of City Planning’s Development Services Center for the project, the Department of City Planning’s Major Projects Section shall confirm, via signature on the plans, that the project’s building plans substantially conform to the conceptual plans stamped as Exhibit A dated October 15, 2021.

2. **Public Paseo.** The public paseo shall in substantial conformance with Exhibit A dated October 15, 2021 .The paseo shall remain open and accessible to the public during business hours, seven (7) days a week. No motorized vehicles shall be permitted, except for emergency vehicles used during an emergency. The paseo area will be maintained in good condition for the life of the Project.
3. **Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A October 15, 2021. Minor deviations from the requirements provided below may be permitted by the Department of City Planning to permit the existing landscaping conditions provided that the plantings are well established and in good condition.
4. **Trees.** The Applicant shall provide a minimum of one 24-inch box tree for every four units, with a minimum 11 street trees to the satisfaction of Urban Forestry Division of the Bureau of Street Services.
5. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
  - a) Minimum depth for trees shall be 42 inches.
  - b) Minimum depth for shrubs shall be 30 inches.
  - c) Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
  - d) Minimum depth for an extensive green roof shall be three inches.

The minimum amount of soil volume for tree wells shall be based on the size of the tree at maturity as follows:

- e) 220 cubic feet for a tree 15 - 19 feet tall at maturity.
- f) 400 cubic feet for a tree 20 - 24 feet tall at maturity.
- g) 620 cubic feet for a medium tree or 25 - 29 feet tall at maturity.
- h) 900 cubic feet for a large tree or 30 - 34 feet tall at maturity.

Any trees that are required pursuant to LAMC Section 12.21 G and are planted on any podium or deck shall be planted in a minimum three-foot planter.

6. **Tree Maintenance.** New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.
7. **Solar Power.** The Project shall comply with the Los Angeles Green Building Code and ensure that 15 percent of the total roof area will be solar ready. Solar panels may be installed on all rooftop areas and/or rooftop decks with the exception of areas occupied by rooftop mechanical equipment.
8. **Utilities.** All utilities shall be fully screened from view of any abutting properties and the public right-of-way.
9. **River Improvement Overlay.** The project shall comply with the River Improvement Overlay (RIO) requirements set forth in LAMC Section 13.17. RIO approval shall be obtained prior to the issuance of Building Permits.

**10. Open Space.** The Project shall provide open space as follows:

- a. A minimum of 15,320 square feet (approximately 14,160 square feet under Flexibility Option) of residential open space shall be provided, and the design and placement of landscaping shall be in substantial conformance with the landscape plans stamped as a part of Exhibit A, dated October 15, 2021.
- b. All residents of the Project shall have access to all residential open space amenities.

**11. Local Hire and Prevailing Wages.** The Project Applicant shall work in good faith to ensure the Project hires local construction workers and offers prevailing wages.**Environmental Conditions**

**1. Implementation.** The Mitigation Monitoring Program (MMP), attached as “Exhibit C” and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

**2. Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant’s compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant’s Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

**3. Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the

modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

4. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
  - a. Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
  - b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - c. The Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably conclude that the tribe's recommendations are reasonable and feasible.
  - d. The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
  - e. If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
  - f. The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.

- 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.
- h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

### **Administrative Conditions of Approval**

1. **Approval, Verification and Submittals.** Copies of any approvals guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **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 Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
7. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in Site Plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
8. **Indemnification and Reimbursement of Litigation Costs.** The 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 (ii).
  - d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.
- 9.** 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.
- 10.** 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 includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

## FINDINGS

(As amended by the City Planning Commission at its meeting on October 28, 2021)

### **General Plan/Charter Findings**

The Director-initiated General Plan Amendment and requested Zone and Height District Change are in substantial conformance with the purposes, intent, and provisions of the General Plan as explained below:

#### **1. General Plan Land Use Designation**

The Project Site is located within the Central City North Community Plan, which was adopted by the City Council on December 15, 2000. The subject property is comprised of eight contiguous lots, totaling 44,867 square feet (1.03 acres) in size. The Community Plan currently designates the Project Site for Heavy Industrial land uses, corresponding to the M3 Zone. The Site is presently zoned M3-1-RIO, consistent with the range of zones under the land use designation.

As proposed, the General Plan Amendment would re-designate the Project Site from Heavy Industrial to Regional Commercial land uses. In addition, a Vesting Zone Change and Height District Change would modify the existing zoning from M3-1-RIO to (T)(Q)C2-2-RIO. The proposed Regional Commercial land use designation has the following corresponding zones: CR, C1.5, C2, C4, RAS3, RAS4, R3, R4, and R5. Thus, the recommended (T)(Q)C2-2-RIO Zone would be consistent with the adoption of the proposed land use designation and in substantial conformance with the purpose, intent, and provisions of the General Plan as it is reflected within the Central City North Community Plan.

#### **2. General Plan Text**

The Los Angeles General Plan sets forth goals, objectives and programs that guide both citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. The Project is in compliance with the following Elements of the General Plan: Framework Element, Housing Element, Mobility Element, Health and Wellness and Air Quality Elements and the Land Use Element – Central City North Community Plan.

### **Framework Element**

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

#### **Chapter 3: Land Use**

The Land Use Chapter of the Framework Element identifies objectives and supporting policies relevant to the Project Site. Those objectives and policies seek, in part, to encourage the development of commercial and residential uses and structures that integrate housing units with

commercial uses. The Project supports and will be generally consistent with the General Plan Framework Land Use Chapter as it accommodates development of residential and commercial uses in accordance with the applicable policies of the Central City North Community Plan. Specifically, the Project would be consistent with the following goals, objective and policies, as set forth in the General Plan Framework Land Use Chapter:

**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 livable city.*

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

**Objective 3.2:** *Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.*

**Policy 3.2.3:** *Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.*

**Objective 3.4:** *Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

**Policy 3.4.1:** *Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located:*

- a. *in a network of neighborhood districts, community, regional, and downtown centers,*
- b. *in proximity to rail and bus transit stations and corridors, and*
- c. *along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.*

The Project would support the above goal, objectives and policy of the Framework Element through the provision of a complementary mix of uses on site, including 185 live/work units, 23,380 square feet of commercial space, and associated parking facilities on a 44,839 square foot lot. Eleven percent of the units (21 live/work units) would be deed-restricted for Very Low-Income households. The proposed building would be 116 feet in height to the top of the parapet (eight above-ground levels) plus three levels of subterranean parking.

The Project also proposes the ability to implement an increased commercial option (Flexibility Option) that would provide the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet within the same building parameters (i.e., 197,355-square-foot floor area, 116 feet in height to the top of the parapet with eight-above ground levels and three-level subterranean parking structure) and, in turn, reduce the overall

amount of live/work units from 185 live/work units to 159 live/work units. Eleven percent of the units (18 live/work units) would be deed-restricted for Very Low-Income households.

The commercial and residential uses would be located in close proximity to public transit, including multiple local and regional bus lines, within convenient walking distance along 7<sup>th</sup> Street. Public transit service in the immediate Project study area is currently provided by the Los Angeles County Metropolitan Transit Authority (Metro). The bus lines include Metro Local Lines 18, 53, 60, 62, 66 and Metro Rapid 720 and 760. Additionally, the Project Site is located approximately one mile of the Metro L (Formerly Gold) Line Little Tokyo/Arts District Station.

It is the intent of the General Plan Framework Element to preserve industrial lands for the retention and expansion of existing and attraction of new industrial uses that provide job opportunities for the City's residents. Where such lands are to be converted, their appropriate use shall be the subject of future planning studies. Policies provide for the consideration of a broader array of uses within the industrial zones than has traditionally been acceptable to facilitate the clustering of uses.

**GOAL 7A**

*A vibrant economically revitalized City.*

**GOAL 7B**

*A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.*

***Policy 3.14.5:*** Consider the potential re-designation of marginal industrial land for alternative uses by amending the community plans based on the following criteria:

- a. *Where it can be demonstrated that the existing parcelization precludes effective use for industrial or supporting functions and where there is no available method to assemble parcels into a unified Site that will support viable industrial development;*
- b. *Where the size and/or the configuration of assembled parcels are insufficient to accommodate viable industrial development;*
- c. *Where the size, use, and/or configuration of the industrial parcels adversely impact adjacent residential neighborhoods;*
- d. *Where available infrastructure is inadequate and improvements are economically infeasible to support the needs of industrial uses;*
- e. *Where the conversion of industrial lands to an alternative use will not create a fragmented pattern of development and reduce the integrity and viability of existing industrial areas;*
- f. *Where the conversion of industrial lands to an alternative use will not result in an adverse impact on adjacent residential neighborhoods, commercial districts, or other land uses;*
- g. *Where it can be demonstrated that the reduction of industrial lands will not adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents or incur adverse fiscal impacts; and/or*
- h. *Where existing industrial uses constitute a hazard to adjacent residential or natural areas.*

The proposed Project includes a request to amend the General Plan land use for the subject property from Heavy Industrial to Regional Commercial. The Regional Commercial land use designation would allow for the development of new residential uses on the Project Site. As indicated in the Economic Development Chapter of the Framework Element, some existing industrially zoned lands may be inappropriate for new industries and should be converted for other

land uses. Where such lands are to be converted, their appropriate use shall be the subject of future planning studies. This is satisfied in several ways.

First, around 2007, the Department of City Planning, in conjunction with the Community Redevelopment Agency drafted an Industrial Land Use Policy (ILUP) that was intended to preserve certain industrially-zoned land in the City for industrial use. The ILUP addressed multiple areas of the City, among them the Greater Downtown, which encompasses the Project Site, located within Analysis Area 5 of the ILUP. The ILUP Map for Analysis Area 5 shows that the Project Site land use at the time was predominantly office and light industrial. Currently, the site is comprised of a warehouse and associated parking lot. The Project is consistent with and would complement the land use patterns and uses in the immediate area, which is developed with a variety of commercial, residential, and live/work uses on properties zoned for industrial uses. The 1.03-acre Project Site is also not well-suited for modern large-scale industrial operations, and the site is no longer being fully utilized for industrial related purposes. The Project would include community benefits, recommended in the ILUP Memo for approving the conversion of industrially zoned land in designated Industrial/Commercial Mixed Use (IMU) Districts. The IMU District is applied to areas appropriate for a mix of industrial and commercial activities and provides for a full range of goods and services to the community located along portions of industrial/commercial thoroughfares, in conformance with the general plan. This district allows for a mix of industrial and commercial or just industrial or commercial (stand alone) land uses. In addition, the Project would incorporate ILUP guidelines for providing community benefits through jobs-producing space and affordable and artist-oriented housing (live/work space), including live/work units deed-restricted for Very Low Income households. Therefore, the Project would not conflict with the policies of the ILUP.

In 2014, the City began an update of the Central City and Central City North Community Plans which includes studying land use and zoning in those plans, as well as the supporting policies and objectives. The Project Site is proposed to be designated "Hybrid Industrial (HI)" under the Downtown Community Plan. According to the Draft Plan, Hybrid Industrial areas preserve existing structures that characterize the existing unique form and development patterns, promote productive, creative, manufacturing, fabrication, and light industrial uses, encourage the development of live/work units, and support walkable neighborhoods with active and livable pedestrian realm.

The proposed Project includes a request to amend the General Plan land use for the subject property from Heavy Industrial to Regional Commercial. The Project prepared an Environmental Impact Report, which assessed the surrounding land uses, as well as an analysis of the proposed land use in relation to the General Plan and the CEQA Guidelines threshold for land use compatibility. As demonstrated therein, while the majority of properties in the surrounding area are designated and zoned heavy industrial and manufacturing, the implementation of the Adaptive Reuse Ordinance has allowed for residential uses within the live/work components, with neighborhood commercial uses to complement the residential population. Although the Project Site is currently zoned industrial, as described above, the existing uses of the site are not prime industrial uses that generate a significant number of quality industrial jobs. Specifically, while the ILUP survey categorized the Project Site as currently containing "light industry" uses, existing uses are a combination of industrial and office. The Project would include approximately 23,830 square feet of commercial uses (general commercial, restaurant, retail, office and art production-related uses), which would generate 73 new jobs, including management positions, in addition to the creative production work opportunities provided by the live/work units. As such, the Project would be consistent with the purpose of the ILUP to implement Goals 7A and 7B of the Framework Element for industrial growth that provides job opportunities for the City's residents and maintain the City's fiscal viability, including the City's intent to: protect industrial zoned land; retain and expand existing businesses (by bringing new customers to existing businesses); attract new uses that provide job opportunities for the City's residents; and maintain a healthy jobs/household ratio

that supports the General Fund and its capacity to pay for essential services and programs for the City's existing and future population.

Approval of the land use amendment and development of the Project would not physically divide an established community. Specifically, the surrounding area includes residential, retail, restaurant, hotel, and office uses, as well as a school. The immediate vicinity includes residential uses located on land designated and zoned for industrial uses. Residential uses close to the Project Site include the six-story mixed-use Toy Factory Lofts, the seven-story mixed-use Biscuit Company Lofts to the west of the Project site across Mateo Street, located at 1855 and 1850 Industrial Street, the three-story Brick Lofts to the north of the Project site across Jesse street located at 562 Mateo Street, and to the east of the Project site, AMP Lofts, a recently constructed seven-story mixed-use building, located at 695 S. Santa Fe Avenue. Immediately to the south of the Project Site are single-story industrial and commercial buildings with associated surface parking lots, and across 7th Street are structures that have been adaptively reused for office, restaurant, and retail uses. Given this mix of surrounding uses, the conversion of industrial land to residential live/work, office and commercial uses, will be compatible with and complementary to adjacent land uses.

According to the Central City North Community Plan, there are 914 acres planned for industrial use (approximately 45.5 percent of the 2,010 acre total) in the Community Plan area. The Project Site comprises 1.03 acres or approximately 0.11 percent of the industrially-zoned land in the Community Plan. The Project would result in an increase of 92 net new employees under Project and 151 new employees under Flexibility option and would generate ongoing revenue to the City in the form of sales and property taxes. Therefore, the Project would not adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents or cause the City to incur adverse fiscal impacts. Furthermore, for this specific site, based on the immediately surrounding uses and the small lot size of the Project Site, the Project Site is not suited to a large-scale industrial operation. Therefore, the Project would not conflict with policy listed above.

In sum, the Project is consistent with the directions relative to industrial land set forth in the Framework Element in that it will provide for a mix of job-producing uses that are allowed for in industrial zones, along with the careful introduction of live/work uses, as is recognized in the adopted Central City North Community Plan and the Downtown Community Plan Update. The proposed uses are compatible with and complement the existing mix of industrial, live/work, arts production, and retail uses within the immediately surrounding area.

#### Chapter 4: Housing

The Project will be consistent with the relevant goals and objectives of the Framework Element (Chapter 4), including the following:

**Goal 4A:** *An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.*

**Objective 4.1:** *Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population to the year 2010.*

**Objective 4.2:** *Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.*

***Policy 4.2.1 Offer incentives to include housing for very low- and low-income households in mixed-use developments.***

As proposed, the Project would include up to 185 live/work units in the dense urban community of the Arts District in downtown Los Angeles, in close proximity to Metro bus services that are within walking distance of the Project Site. Furthermore, in recognition of the need for within the Community Plan area, the Project would set aside 11 percent, or 21 units, to be deed-restricted for Very Low Income households. The long-term affordability of these units would be guaranteed in conformance with the requirements of the City's Housing and Community Investment Department. The above analysis is equally applicable to the Flexibility Option, which would include 159 live/work units (with 11 percent, or 18 units deed-restricted for Very Low Income Households), as the overall design, configuration, and operation would be to the same as the Project. Thus, the Project would provide a range of housing opportunities by type and cost and would support the production of an adequate supply of housing. The Project would be located within an infill area in proximity to employment centers, entertainment, and amenities within the Arts District neighborhood, and would provide the future residents with convenient access to employment and commercial uses.

**Chapter 5: Urban Form and Neighborhood Design**

***Goal 5A: A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.***

***Objective 5.5: Enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.***

***Objective 5.9: Encourage proper design and effective use of the built environment to help increase personal safety at all times of the day.***

The building elevations utilize a variety of architectural features, building materials and changes in depth to break up massing and create a consistent architectural theme for the development. The publicly accessible pedestrian paseo would provide connectivity through the site from Mateo Street to Imperial Street. In addition, the ground floor commercial space is designed to be transparent and open to the paseo and feature dining areas and access to the terrace on the second level. The materials palette complement the decorative brick of surrounding buildings and the texture of corrugated metal to ensure the proposed building would be integrated with the surrounding development. Overall, the Project's contemporary architecture complements and enhances the surrounding developments. In addition, the Project will be a mixed-use development that provides for continuous activity during commercial business hours through the development of ground floor retail and restaurant uses. The Project has been designed such that outdoor gathering and recreation areas within the Project Site are visible and accessible by Project residents, visitors and employees. Appropriate lighting and other security measures would be incorporated into the design of the building, and the residential areas of the site would be secured during nighttime hours with 24-hour security provided at the site. The above analysis is equally applicable to the Flexibility Option as the design, configuration, and operation would be comparable to the Project and would therefore be similarly consistent.

### Chapter 7: Economic Development

The Project's consistency with the relevant goals, objectives, and policies in the of the Framework Element (Chapter 7), is provided below:

**Goal 7B:** *A City with land appropriately and sufficiently designed to sustain a robust commercial and industrial base.*

**Objective 7.2:** *Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

**Policy 7.2.2:** *Concentrate commercial development entitlements in areas best able to support them, including community and regional centers, transit stations and mixed-use corridors. This concentration prevents commercial development from encroaching on existing residential neighborhoods.*

The Project would support this goal, objective, and policy by providing a mixed-use development consisting of 185 live/work units and up to 23,380 square feet of commercial uses that would serve the community and future businesses. The proposed neighborhood-serving retail, restaurant, and office and art production-related uses would complement the employment base of the Central City North Community Plan area, meet the needs of local residents, and foster continued economic investment. In addition, the Project Site would have convenient access to public transit and opportunities for walking and biking, thereby facilitating a reduction in vehicle trips, vehicle miles traveled, and air pollution to ensure maximum feasible environmental quality. Furthermore, the Project would integrate sustainable and green building techniques by incorporating various standards and guidelines to reduce resources and energy consumption. The Flexibility Option would consist of 159 live/work units and up to 45,873 square feet of commercial uses that would also serve the community and future businesses, and would be similarly consistent with the cited goal, objective, and policy.

The Project would provide for a mix of job-producing uses that are permitted in commercial zones, along with the careful introduction of live/work units, as is recognized in the adopted Central City North Community Plan and the Downtown Community Plan Update. The Project would provide a balance of uses that provides for productive commercial development including office, retail, and restaurant uses that would result in an increase of 946 net new on-site jobs and would generate ongoing revenue to the City in the form of sales and property taxes.

The proposed uses are compatible with and complement the existing mix of residential (including live/work), office, restaurant and retail uses within the immediately surrounding area. The development is located within an infill site in proximity to employment, entertainment, and various amenities within the Arts District neighborhood. Access to public transit is provided throughout Downtown, including multiple local lines and regional lines via stops within convenient walking distance along 7<sup>th</sup> Street. Public transit service in the immediate Project study area is currently provided by the Los Angeles County Metropolitan Transit Authority (Metro). The bus lines include Metro Local Lines 18, 53, 60, 62, 66 and Metro Rapid 720 and 760. Additionally, the Project Site is located approximately one mile south of the Metro L (Formerly Gold) Line Little Tokyo/Arts District Station. The co-location of residential, retail, and restaurant uses will support the objective listed above by establishing a balance of land uses that provides for commercial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.

The Project is retaining job-producing uses as well as including new commercial uses that would sustain economic growth and a robust commercial base in an area where similar uses currently exist, and is developing an underutilized Site, all of which satisfies numerous objectives and policies regarding the provision of new housing and productive commercial uses within proximity to existing activity centers and transit.

**Goal 7C:** *A City with thriving and expanding businesses.*

**Objective 7.3:** *Maintain and enhance the existing businesses in the City.*

**Policy 7.3.2:** *Retain existing neighborhood commercial activities within walking distance of residential areas.*

**Policy 7.3.3:** *Prioritize the retention and renewal of existing industrial businesses.*

The Project would be consistent with the above goal, objective and policies because it would provide 185 new live/work units, 23,380 square feet of commercial space to be used for art production, retail and restaurants, thus supporting a City with thriving and expanding businesses. These commercial activities would be sited in proximity to existing residential and employment centers in the adjacent Downtown Center, as well as to the proposed residential uses on-site and within walking distance to existing residential buildings nearby, such as the Amp Lofts (695 South Santa Fe Avenue), the Brick Lofts (562 Mateo street ), the Toy Factory Lofts (1855 Industrial street) and the Biscuit Company Lofts (1850 Industrial street). The proposed mix of productive uses would support the goal of a City with a renewed and enhanced base of expanding businesses in a manner that is complementary to the existing mix of uses which would be retained on-site and in the immediately surrounding area.

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

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

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

The proposed Regional Commercial land use designation and C2 Zone would enable the redevelopment of the site with 185 new live/work units, including studio, one and two-bedroom units. Of the 185 new live/work units, 11 percent of the total proposed rental units (up to 21 units) would be set aside for Very Low-Income Households. The Project also proposes a Flexibility Option which enables enable the redevelopment of the site with 159 new live/work units, including studio ,one and three-bedroom units. Of the 185 new live/work units, 11 percent of the total proposed rental units (up to 18 units) would be set aside for Very Low-Income Households Thus, the Project would provide a range of housing opportunities by type and cost, and would support the production of an adequate supply of housing. By enabling the construction of a supply of both market-rate and covenanted affordable housing in proximity to jobs and services, the Project would be consistent with the above listed goal, objective and policy of the Framework Element.

## **Housing Element**

The Housing Element 2013-2021 was adopted on December 3, 2013 and identifies the City's housing conditions and needs, and establishes the goals, objectives and policies that are the foundation of the City's housing and growth strategy. The Project would be in conformance with the objectives and policies of the Housing Element as described below.

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

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

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

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

**Goal 2:** Safe, Livable, and Sustainable Neighborhoods.

**Objective 2.1:** Promote safety and health within neighborhoods.

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

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

As a mixed-use development, the Project provides for a balance of housing and jobs and provides activity and natural surveillance during and after commercial business hours. The ground floor commercial uses would activate the streets, while the residential units are oriented outward, providing eyes on the street during all hours of the day to create a safer environment for residents, workers, and visitors to the area. The Project would provide 185 new live/work units, 11 percent of the total proposed rental units (up to 21 units) would be set aside for Very Low-Income Households, and 23,380 square feet of commercial floor area and art-production space. The Project also proposes a Flexibility Option which provides 159 new live/work units, including studio, one and three-bedroom units, in addition to 48,873 square feet of commercial floor area and art-production space. Under the Flexibility Option, 11 percent of the total proposed rental units (up to 18 units) would be set aside for Very Low-Income Households. This would help meet the critical demand for new housing in the Central City North Community Plan area and would increase the City's stock of rent controlled units. As such, the Project would support the goals, objectives, and policies by providing an adequate supply of housing types and affordability levels, to meet the current and projected housing needs of the City.

Additionally, the Project would incorporate environmentally sustainable building features and construction protocols required by the Los Angeles Green Building Code and CALGreen, which would reduce energy and water usage, reducing greenhouse gas emissions. Sustainability features that would be incorporated into the Project would include, 30% of provided parking to be EV-ready (86 spaces), Electric Vehicle charging stations (EVSE) in ten percent of the total parking spaces (29 spaces), Energy-efficient elevators, Low-flow faucets, shower heads, and toilets; Energy-efficient mechanical systems, Energy-efficient glazing and window frames, and Energy-efficient lighting. The Project as proposed would be consistent with the goals of the Housing Element by providing a mixed-use, mixed-income Project that provides affordable housing to Very

Low Income groups, facilitates a range of different housing types, and promotes a sustainable building that facilitate the reduction of energy consumption.

### **Mobility Plan 2035**

The Mobility Element 2035 (Mobility Element), adopted in September 2016, guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods and recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit. The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities and sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The Proposed Project would be in conformance with following objectives and policies of the Mobility Element as described below.

#### **Chapter 2: World Class Infrastructure**

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

#### **Chapter 3: Access for All Angelenos**

***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 3.3: Promote Equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.***

***Policy 3.5: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.***

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

The Project would provide access for all modes of travel, focusing on pedestrians and cyclists. Pedestrian entrances are prominently located along Mateo Street and Imperial Street and the landscaped paseo connecting Mateo Street and Imperial Street along the southern boundary of the Project Site in an east-west orientation and perpendicular to adjacent streets. The Project introduces new commercial uses such as restaurants to the area, which would reduce the vehicle miles travel to the site as residents and visitors would be able to walk to these commercial uses. Further, the Project site is located in a Transit Priority Area and adjacent to several bus lines and in the vicinity of the Metro L (Formerly Gold) Line Little Tokyo/Arts District Station (approximately 1 mile north of the project site), increasing accessibility to and from the site via walking and other transit. In addition, the project site would be adjacent to many other mixed-use buildings with similar commercial and residential uses.

As mentioned previously, the project would also improve the streetscape surrounding the Project Site with improved sidewalks, street lighting, street trees, short-term bicycle parking, and landscaping. The project will also activate the street for pedestrians with a pedestrian paseo which

provides access through the site from Mateo Street to Imperial Street, and contains outdoor seating and landscaping. The building's orientation also contributes to a walkable environment as the entrances to the commercial uses are located directly on Mateo Street and from the paseo, while the residential entrances are located on Mateo Street and Imperial Street. There is only one vehicular driveway on Imperial Street. In general, the site design creates an active environment by supporting a variety of pedestrian activities, and the building is oriented and easily accessible from adjacent public streets and open spaces. These on- and off-site project features and improvements will lend themselves to create a safe and engaging pedestrian environment, and will enrich the quality of the public realm, consistent with the objectives of the Mobility Element.

The Project, with the requested General Plan Amendment and Vesting Zone Change, proposes to construct a new eight-story mixed-use building between Mateo Street and Imperial Street. The Los Angeles Bureau of Engineering has indicated that Imperial Street adjacent to the Property is classified as an Industrial Collector Street, which requires a 9-foot dedication to complete a 34-foot-wide half right-of-way, 24-foot half roadway, and a 10-foot-wide sidewalk. Imperial Street adjacent to the Property has an existing 25-foot-wide half right-of-way, 17-foot-wide half roadway, and an 8-foot-wide sidewalk. Accordingly, as part of the Vesting Tentative Tract Map for the Project, the Applicant requested to waive the required 9 foot dedication and instead to provide an 8-foot dedication which would be consistent with the Mobility Plan's Collector Street dimensions.

The Project, like many others in the surrounding area represents the changing nature of the Arts District from primarily industrial uses to a mix of commercial and residential uses. As a result, the streets in this area would no longer require the street dimensions of an Industrial Collector Street, which are meant to accommodate large truck traffic. Rather, the Collector Street standard is more conducive to the residential and commercial mix of uses, for which wider sidewalks and a slightly narrower roadway are more appropriate. For example, the property immediately to the south of the Project Site was only required to provide a 7-foot dedication to complete a 32-foot half-roadway in 1985, while the properties east of the Project Site were more recently only required to provide either a 7-foot or an 8-foot dedication to complete a 33-foot half-roadway in 1997 and 2016, respectively. The 33-foot half-roadway condition is consistent along the entire length of the eastern side of Imperial Street from 7<sup>th</sup> Street to Jesse Street. Therefore, allowing for the Project to similarly be subject to a 33-foot half-roadway condition would be consistent with requirements for similar adjacent development projects.

Furthermore, the additional 1-foot dedication to complete the Industrial Collector half-right-of-way dimensions rather than the Collector dimensions along the Project's Imperial Street frontage is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines established by the Streets Standards. The Project incorporates mobility-friendly design elements such as expanded, landscaped sidewalks, a pedestrian pathway connecting Mateo Street and Imperial Street, and bicycle parking facilities consistent with the City's Bicycle Parking Ordinance to provide friendly, safe, and convenient access to nearby neighborhood uses and various nearby transit options. The Project site is located within a Transit Priority Area, as defined by Public Resources Code Section 21099. These Project and neighborhood elements would further support the purpose of the Streets Standards Committee's guidelines, which is to ensure that "safety, accessibility, and convenience for all transportation users pedestrians, bicyclists, transit riders, and motorists is accommodated."

Therefore, the Deputy Advisory Agency modified the required dedication and improvements on Imperial Street to require an 8-foot dedication to provide a 33-foot half right-of-way, 20-foot half roadway, and 13-foot-wide sidewalk consistent with the Collector Street dimensions of the Mobility Plan.

## **Health and Wellness Element and Air Quality Element**

Adopted in March 2015, the Plan for a Healthy Los Angeles lays the foundation to create healthier communities for all Angelenos. As the Health and Wellness Element of the General Plan, it provides high-level policy vision, along with measurable objectives and implementation programs, to elevate health as a priority for the City's future growth and development. Through a new focus on public health from the perspective of the built environment and City services, the City of Los Angeles will strive to achieve better health and social equity through its programs, policies, plans, budgeting, and community engagement. The Project is consistent with the following:

### **Chapter 2: A City Built for Health**

***Policy 2.2:*** *Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.*

### **Chapter 5: An Environment Where Life Thrives**

***Policy 5.1:*** *Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.*

***Policy 5.7:*** *Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and other susceptible to respiratory diseases.*

### **Air Quality Element**

***Policy 4.2.3*** *Ensure that new development is compatible with pedestrians, bicycles, transit, and alternative fuel vehicles.*

***Policy 5.1.2*** *Effect a reduction in energy consumption and shift to non-polluting sources of energy in its buildings and operations,*

The Project would comply with applicable provisions of the CALGreen Code and the Los Angeles Green Building Code, which will serve to reduce the Project's energy usage. Furthermore, as conditioned and in compliance with Code requirements, a minimum of 30 percent of the total code-required parking spaces will be capable of supporting future electric vehicle supply equipment (EVSE), and 10 percent of the total code-required parking spaces will be equipped with EV chargers.

In addition to adhering to smart growth principles of locating infill development adjacent to existing employment centers and public transportation options, the Project would incorporate a wide range of building technologies and design features, such as high efficiency toilet and urinals, low flow showerheads and private and commercial faucets, drought tolerant and native plants, drip/subsurface, zoned irrigation with weather-based irrigation controllers, water conserving turf, high-efficiency residential and commercial clothes washers, water-saving pool filters, and leak detection systems for pools and jacuzzies, that would protect the environment by saving energy (which would also reduce air emissions associated with electricity generation), reducing water consumption, making use of recycled materials, and producing better indoor and outdoor environmental quality.

The Project's energy efficiency features and location near major transit facilities, which designates it in a TPA, could help reduce the energy and emission footprint of the Project and the per capita GHG emissions of the residents and visitors from private automobile travel. The above analysis is equally applicable to the Flexibility Option as the design, configuration, and operation would be comparable to the Project. As conditioned, the Project would be consistent with the aforementioned policies, as well as Policy 5.1.2 of the Air Quality Element mentioned above, by ensuring that future developments are energy efficient and shift to efficient and non-polluting sources of energy. The solar-panel roof space and EV-parking are also good zoning practices because they provide a convenient service amenity to the occupants or visitors who utilize electricity on site for other functions. As such, the Project provides service amenities to improve habitability for future residents of the Project and to minimize impacts on neighboring properties. Therefore, the Project would promote a healthy built environment, encourage healthy living and working conditions, reduce air pollution, and promote land use policies that reduce per capita greenhouse gas emissions.

### **Land Use Element – Central City North Community Plan.**

The development of the Project would support the overarching goals of the Central City North Community Plan. The proposed development furthers the following Community Plan objectives and policies:

#### **Residential**

**Objective 1-1:** To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Central City North Plan area to the year 2010.

**Objective 1-2:** To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.

**Policy 1-2.1:** Encourage multiple residential development in commercial zones.

**Policy 1-3.1:** Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

**Policy 1-3.2:** Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.

**Objective 1-4:** To promote and insure the provision of adequate housing for all persons regardless of income, age, or ethnic background.

**Policy 1-4.1:** Promote greater individual choice in type, quality, price, and location of housing.

**Policy 1-4.2:** Ensure that new housing opportunities minimize displacement of the existing residents.

The Project would provide 185 new live/work units, 11 percent of the total proposed rental units (up to 21 units) would be set aside for Very Low-Income Households, and 23,380 square feet of commercial floor area and art-production space. The Project also proposes a Flexibility Option

which provides 159 new live/work units, including studio, one and three-bedroom units, in addition to 45,873 square feet of commercial floor area and art-production space. Under the Flexibility Option, 11 percent of the total proposed rental units (up to 18 units) would be set aside for Very Low-Income Households. As a result, the Project would develop new housing to meet the diverse economic and physical needs of the existing and projected future population of the Community Plan area, and would promote individual choice in the available type, quality, and price of housing. As such, the Project would support the goals, objectives, and policies by providing an adequate supply of housing types and affordability levels, to meet the current and projected housing needs of the City.

The Project would locate new housing in an area that is accessible to existing and proposed services and facilities, which will reduce the number and length of vehicular trips. The area surrounding the Project Site is urbanized and is characterized by a mix of office, industrial, commercial, retail, and residential uses contained in low-rise and mid-rise buildings. The range of uses in the surrounding area, proximity to the Downtown core and public transportation, including several regional and local bus lines and bike/share hubs, would reduce vehicular trips and facilitate access to services and employment for future residents, employees, and visitors of the Project.

The Project would include the construction of a new mixed-use development, comprised of a eight-story residential tower with a maximum height of 116 feet with ground floor commercial space. The new building would be designed with a contemporary architectural style. The Project would feature sculptural elements, including a custom-shaped building that emerges from a single-story base, oriented west toward the Industrial Street/Mateo Street T-intersection, connecting to the rest of the Project from the third floor and above. The corner building would consist of metal and glass. The remainder of the Mateo Street façade above ground level would consist of masonry and a regular grid of large windows. The Imperial Street facade would consist of the same glass, metal, and masonry as well as channel glass surrounding the ground-floor entrance to the subterranean parking structure. The materials palette is intended to complement the decorative brick of surrounding buildings and the texture of corrugated metal.

The Project has been designed to create a pedestrian-oriented streetscape. The Project's building frontage would provide a variety of commercial uses along Mateo Street and Imperial Street. In addition, the publicly accessible pedestrian paseo would provide connectivity between the building's frontages and the two public streets. The Project would include approximately 15,320 square feet of useable open space (approximately 14,160 square feet under the Flexibility Option), of which approximately 9,290 square feet would be outdoor common space, including the pedestrian paseo. The paseo would be accessible to the public and would provide access to ground-floor commercial uses and to open space dining areas and terrace on the second level. The paseo would provide a landscaped connection through the Project from Mateo Street to Imperial Street. These proposed distinctive textures, colors, materials, and architectural features add visual interest and complement the neighborhood identity.

### Commercial

**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:** New commercial uses shall be located in existing established commercial areas or existing shopping centers.

**Policy 2-1.4:** Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

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

**Policy 2-2.2:** New development needs to add to and enhance the existing pedestrian street activity.

**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 2-3.4:** Require that the first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented areas incorporate commercial uses.

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

**Policy 2-4.3:** Improve safety and aesthetics of parking areas in commercial areas.

### Industrial

**Goal 3:** Sufficient land for a variety of industrial uses with maximum employment opportunities which are safe for the environment and the work force and which have minimal adverse impact on adjacent uses.

**Objective 3-1:** To provide for existing and future industrial uses which contribute job opportunities for residents and which minimize environmental and visual impacts to the community.

**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.

**Policy 3-2.1:** Support the existing artists-in-residence in Central City North as a cultural resource for the community.

**Objective 3-3:** To retain industrial plan designations to maintain the industrial employment base for community residents and to increase it whenever possible.

The Project would support the Community Plan's overall goals, objectives and policies relative to commercial and industrial land uses. The Project's development of the new 185 live/work units, 23,380 square feet (or 45,873 square feet under the Flexibility Option) of new commercial floor area to be used for art production, retail and restaurants would strengthen existing nearby commercial development, provide opportunities for new commercial development and services, and strengthen the economic base by expanding market opportunities for existing and new businesses. These commercial activities would be sited in proximity to existing residential and employment centers in the nearby Downtown Center, as well as to existing nearby residential uses located throughout the Arts District neighborhood. Parking would be fully provided in subterranean levels, improving the safety and aesthetics of parking areas in commercial areas.

The mixed-use Project's ground-floor street frontage would incorporate art production, commercial and retail uses, with design features such as the courtyard located mid-paseo that would draw interest from pedestrians walking along Mateo and Imperial Streets. This small commercial space is designed to be transparent and open up to the paseo. In addition the ground floor plaza was designed with a three dimensional volume in mind creating an architecturally significant space that provides ground space for future furniture such as bench seating, dining tables and chairs, and other pedestrian friendly amenities.

The location of commercial uses within the building helps to create a strong urban context, which will give opportunities to small businesses. Additionally, the Project would create an inviting pedestrian environment through the provision of a 3,500 square foot ground floor paseo that would be activated with a variety of seating and planters, display areas for public art, and lighting.

According to the Central City North Community Plan, there are 914 acres planned for industrial use (approximately 45.5 percent of the 2,010 acre total) in the Community Plan area. The Project Site comprises 1.03 acres or approximately 0.11 percent of the industrially-zoned land in the Community Plan. The Project would result in an increase of 92 jobs onsite via office, commercial and art production use that would generate ongoing revenue for the City in the form of sales and property taxes. Therefore, the Project would not adversely impact the ability of the Community Plan Area to provide sufficient land for a variety of industrial uses with maximum employment opportunities. Furthermore, for this specific site, based on the immediately surrounding uses and the size and lot configuration, the Project Site is not well-suited to a large-scale industrial operation.

In order to provide the new 185 live/work residential units the Project would not retain the current industrial land use designation; however, the Project includes job producing uses that will maximize employment opportunities which are safe for the environment and the work force, and which have minimal adverse impact on adjacent uses. Surrounding uses include retail, restaurant, a hotel, and office uses. The proposed uses are compatible with and complement the existing mix of industrial, live/work, arts production, and retail uses within the immediately surrounding area.

Through the provision of 185 live/work units, which include productive as well as residential components, and through the on-site provision of amenities usable as artist production space and art gallery space, the Project and proposed General Plan Amendment would encourage the continued development and maintenance of the artists-in-residence community in industrial areas of the plan, and through these new available live/work units and art spaces, support the artists-in-residence community.

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," and notes as an opportunity for "potential for artists-in-residence buildings to locate within industrially zoned areas of the plan." The Project's live/work units, art gallery and production space would support these provisions of the Community Plan.

In sum, the Project is consistent with the above residential, commercial, and industrial policies in that it will provide for a mixed-use development with job-producing uses that are allowed for in commercial zones, along with the careful introduction of live/work uses, as is recognized in the adopted Central City North Community Plan and the Downtown Community Plan update. The proposed uses are compatible with and complement the existing mix of office, industrial, live/work, arts production, and retail uses within the immediately surrounding area.

For the reasons discussed above, the Project would be consistent with the overarching goals, objectives, and policies of the Central City North Community Plan.

### **Sewerage Facilities Element**

The Sewerage Facilities Element of the General Plan will not be affected by the recommended action. The sewer system will be able to accommodate the total flows for the 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 Applicant 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.

### **Central Industrial Redevelopment Plan Compliance Findings**

#### Section 502 - Redevelopment Plan Map

This section defers to the General Plan, Community Plan, and any applicable zoning ordinance regarding allowable land uses. The Project Site is designated as Heavy Industrial in the Central City North Community Plan and is located in the M3-1-RIO zone. The proposed General Plan Amendment would change the Site's land use designation from Heavy Industrial to Regional Commercial and the proposed Vesting Zone and Height District Change would change the zoning from M3-1-RIO to (T)(Q)C2-2-RIO. Pursuant to Section 502 of the Redevelopment Plan, and pending City Council approval, changes to the General Plan, Community Plan and any applicable Ordinances are automatically incorporated into the Redevelopment Plan. Therefore, the requested actions would be incorporated into the Plan, making the Project request and designation consistent with the Redevelopment Plan Map.

#### Section 503.1 – Industrial Uses

This section states that industrial areas shown on the Redevelopment Map Plan shall be maintained, consistent with the Community Plan. The Project Site is designated as Heavy Industrial in the Central City North Community Plan and is zoned M3-1-RIO. The proposed General Plan Amendment would change the Site's land use designation from Heavy Industrial to Regional Commercial. In addition, the Project includes a Vesting Zone Change and Height District Change which would change the existing zoning from M3-1-RIO to (T)(Q)C2-2-RIO. The proposed Regional Commercial land use designation has the following corresponding zones: CR, C1.5, C2, C4, RAS3, RAS4, R3, R4, and R5. Thus, the recommended (T)(Q)C2-2-RIO Zone would be consistent with the adoption of the proposed land use designation and in substantial conformance with the purpose, intent, and provisions of the General Plan as it is reflected within the Central City North Community Plan. As discussed above, while the majority of properties in the surrounding area are designated and zoned heavy industrial and manufacturing, the implementation of the Adaptive Reuse Ordinance has allowed for residential uses within the live/work components, with neighborhood commercial uses to complement the residential population.

Specifically, the immediate vicinity includes residential uses located on land designated and zoned for industrial uses. Residential uses close to the Project Site include the six-story mixed-use Toy Factory Lofts, the seven-story mixed-use Biscuit Company Lofts to the west of the Project site across Mateo Street, located at 1855 and 1850 Industrial Street, the three-story Brick Lofts to the north of the Project site across Jesse street located at 562 Mateo Street, and to the east of the Project site, AMP Lofts, a recently constructed seven-story mixed-use building, located at 695 S. Santa Fe Avenue. Immediately to the south of the Project Site are single-story industrial and commercial buildings with associated surface parking lots, and across 7th Street are structures that have been adaptively reused for office, restaurant, and retail uses. Given this mix of surrounding uses, the conversion of industrial land to residential live/work, office and commercial uses, will be compatible with and complementary to adjacent land uses.

According to the Central City North Community Plan, there are 914 acres planned for industrial use (approximately 45.5 percent of the 2,010 acre total) in the Community Plan area. The Project Site comprises 1.03 acres or approximately 0.11 percent of the industrially-zoned land in the Community Plan. The Project would result in an increase of 92 net new employees under Project and 151 new employees under Flexibility option and would generate ongoing revenue to the City in the form of sales and property taxes. Therefore, the Project would not adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents or cause the City to incur adverse fiscal impacts. Furthermore, for this specific site, based on the immediately surrounding uses and the small lot size of the Project Site, the Project Site is not suited to a large-scale industrial operation. Therefore, the Project would comply with Section 503 of the Redevelopment Plan.

#### Section 504.2 – Public Street Layout, Rights-of-Way and Easements

This section requires that roadway dedications as illustrated in Exhibit 1 of the Redevelopment Plan Map shall remain substantially in existing configuration, however additional public streets, rights-of-way, and easements may be created in the Project as needed for development and circulation. The Bureau of Engineering has indicated that Imperial Street adjacent to the Property is classified as an Industrial Collector Street, which requires a 9-foot dedication to complete a 34-foot-wide half right-of-way, 24-foot half roadway, and a 10-foot-wide sidewalk. Imperial Street adjacent to the Property has an existing 25-foot-wide half right-of-way, 17-foot-wide half roadway, and an 8-foot-wide sidewalk. Accordingly, as part of the Vesting Tentative Tract Map for the Project, the Applicant requested to waive the required 9 foot dedication and instead to provide an 8-foot dedication which would be consistent with the Mobility Plan's Collector Street dimensions.

The Project, like many others in the surrounding area represents the changing nature of the Arts District from primarily industrial uses to a mix of commercial and residential uses. As a result, the streets in this area would no longer require the street dimensions of an Industrial Collector Street, which are meant to accommodate large truck traffic. Rather, the Collector Street standard is more conducive to the residential and commercial mix of uses, for which wider sidewalks and a slightly narrower roadway are more appropriate. The 33-foot half-roadway condition is consistent along the entire length of the eastern side of Imperial Street from 7<sup>th</sup> Street to Jesse Street. Therefore, the Project would be consistent with requirements for similar adjacent development projects with a 33-foot half-roadway condition.

Furthermore, the additional 1-foot dedication to complete the Industrial Collector half-right-of-way dimensions rather than the Collector dimensions is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines established by the Streets Standards. The Project incorporates mobility-friendly design elements such as expanded, landscaped sidewalks, a pedestrian pathway connecting Mateo Street and Imperial Street, and bicycle parking facilities consistent with the City's Bicycle Parking Ordinance to provide friendly, safe, and convenient access to nearby neighborhood uses and various nearby transit options. The Deputy Advisory Agency modified the required dedication and improvements on Imperial Street to require an 8-foot dedication to provide a 33-foot half right-of-way, 20-foot half roadway, and 13-foot-wide sidewalk consistent with the Collector Street dimensions of the Mobility Plan. Therefore, the Project would comply with Section 504.2 of the Redevelopment Plan.

#### Section 507 – New Construction and Rehabilitation of Properties

This section requires that new construction and rehabilitation of existing structures located in the Project Area shall comply with all existing regulations. The Project is required to comply with all applicable federal, state, and local regulations. Therefore, the Project would comply with Section 507 of the Redevelopment Plan.

### Section 509 – Limitation on Type, Size, and Height of Buildings

This section requires that the type, size and height of buildings shall be limited by applicable federal, state, and local statutes, codes, ordinances and regulations and as generally diagrammed in Exhibit No. 4 of the Redevelopment Plan. The Project would be consistent with the intent of the Redevelopment Plan as well as the Central City North Community Plan and applicable sections of the LAMC. The Project Site is zoned M3-1-RIO. While Height District 1 limits the FAR to 1.5:1 and does not establish a maximum building height, the Project is requesting a Vesting Zone and Height District Change to (T)(Q)C2-2-RIO which would permit a maximum FAR of 6:1 and would not establish a maximum building height.

The recommended General Plan Amendment would change the Site's land use designation from Heavy Industrial to Regional Center Commercial and the recommended Vesting Zone and Height District Change would change the zoning from M3-1-RIO to [T][Q]C2-2-RIO, allowing for the proposed residential, commercial and office uses, unlimited height, and a maximum FAR of 6:1. Therefore, the Project would comply with Section 509 of the Redevelopment Plan with FAR of 4.63:1.

### Section 512.1 – Maximum Floor Area Ratios

This section requires that the maximum floor area ratios for any parcel in the Redevelopment Plan Area to be no more than three times the parcel area. In total, the Project would contain up to 42,598 net square feet of floor area on a 44,867 square feet (1.03 net acre) lot. Contingent on the approval of the General Plan Amendment and Vesting Zone and Height District Change, the Project would be permitted a maximum 6:1 FAR. As stated in Section 502 of the Redevelopment Plan, "in the event that the General Plan, the applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regard to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment process." Thus, with approval of the requested General Plan Amendment and Vesting Zone and Height District Change, the Project would comply with Section 512.1 of the Redevelopment Plan.

### Section 513 - Open Space, Landscaping, Light, Air and Privacy

This section defines the approximate amount of total open space to be provided in the Redevelopment Plan area and also states that sufficient space shall be maintained between buildings to provide adequate light, air, and privacy. While this provision applies to the entire CRA Project Area and is not meant to be directly applied to individual development projects, the Project would provide open space areas to generally support this plan provision. The ground floor public paseo, second floor dining and seating area and rooftop amenities would provide light, air, and privacy to the Project site. Landscaping would be provided in the public paseo and amenity decks. The Project would also comply with open space requirements under LAMC Section 12.21 G. Therefore, the Project complies with Section 513 of the Redevelopment Plan.

### Section 514 – Signs and Billboards

This section prohibits billboards and requires that all other signage conform to the City's signage standards. No billboards are proposed for the Project, and all future commercial tenant signage would comply with the City's sign regulations. Therefore, the Project conforms with Section 514 of the Redevelopment Plan.

### Section 515 – Utilities

This section requires that all utilities be placed underground if physically and economically feasible. The Project conforms to Section 515 as all utility lines would be placed underground or screened from public view.

### Section 516 – Parking and Loading Facilities

This section requires that all parking be provided consistent with the standards of the LAMC and that parking and loading areas be screened/out of view from the public. The Project would provide commercial and residential parking that meets the requirements of the LAMC. Parking for the Project would be located on-site within a three-level subterranean garage. In addition, the loading areas for the residential and commercial ground floor space would be located on-site, in the northeast corner of the Site. Therefore, the Project conforms with Section 516 of the Redevelopment Plan.

### Section 517 – Setbacks

This section requires that all setback areas be landscaped, paved for accessibility, and maintained by the owner. The C2 Zone defaults to the R4 Zone for residential setbacks, measured at the first residential level. The Project provides a 15 foot side yard setback along the southern property line, and a 10 foot to 10 foot 6 inch side yard setback along the northern property line. The building along the Mateo Street and Imperial Street frontages will observe a zero foot setback, in compliance with LAMC regulations. The Project would include a landscaped and hardscaped public paseo that traverses the Site. Therefore, the Project conforms with Section 517 of the Redevelopment Plan.

### Section 518 – Incompatible Uses

This section prohibits the construction/operation of incompatible uses with the surrounding area and/or the extraction of oil, gas, or other mineral substances. The Project would involve the demolition of an existing warehouse and surface parking lot, and the construction of a 197,355-square-foot mixed-use building including 185 live/work units, 23,380 square feet of commercial space, and associated parking facilities on a 44,839 square foot lot. The Project also proposes the ability to implement a Flexibility Option that would provide the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet, which would reduce the overall amount of live/work units from 185 to 159. The Project Site is located within the South Industrial subarea, which is bounded by the City of Vernon to the south, the Los Angeles River to the east, 3rd Street to the north, and Alameda Street to the west, is primarily made up of industrial uses with large warehouses, and truck and railroad yards. The Alameda Corridor terminates in this area of the Community Plan. Numerous warehouses, in the South Industrial subarea, have been recently converted to commercial uses and artists' lofts and studios. This area borders an area commonly referred to as the Arts District of downtown Los Angeles. The Arts District encompasses an area that has been transitioning from predominantly industrial warehouses to also include creative spaces, including live/work units, commercial uses (e.g., retail shops, restaurants, and studios), multi-family residential, etc. The Project Site has frontage along Mateo Street and Imperial Street, which are lined with industrial, commercial, and live/work uses. The land uses within the Property's general vicinity are characterized by a mix of low- to medium-intensity industrial, commercial, and live/work uses which vary widely in building style and period of construction. The surrounding properties include industrial, commercial retail, studio, bar, café, restaurant, low-rise and mid-rise adaptive reuse buildings with live/work components, and surface parking lots. In addition as a mixed-use Project, there would be no oil, gas and other mineral substances extractions. Therefore, the Project would not introduce any

incompatible uses and/or result in the extraction of oil, gas, or other mineral substances. Therefore, the Project conforms with Section 518 of the Redevelopment Plan.

#### Section 519 – Resubdivision of Parcels

This section states that no parcel shall be resubdivided without Agency approval. The Project includes the associated tract map case VTT-74550-CN, for a merger and re-subdivision of eight existing lots into one ground lot, for 185 live/work units, 23,380 square feet of commercial space on a 44,839 square foot lot. On September 16, 2021, the Letter of Determination for Case No. VTT-74550-CN was issued. The determination of the Deputy Advisory Agency was appealed on September 23, 2021 and is part of the actions of the City Planning Commission concurrent with the subject case. Pursuant to the City Planning Commission decision regarding the appeal, the Project would conform with Section 519 of the Redevelopment Plan.

#### Section 522 – Design Guidelines and Development Controls

This section requires that all new improvements to existing and proposed developments be in accordance with the Redevelopment Plan and any other applicable design guidelines and development controls. As clarified by CRA/LA, land use regulations, shall defer to and are superseded by the underlying General Plan, Community Plan, and Zoning Ordinance, including the codified sections of the RIO Overlay. The Project would include a public paseo, street trees, and employ high quality and distinguishable architecture while minimizing the quantity and appearance of parking and loading areas. Therefore, the Project conforms to Section 522 of the Redevelopment Plan.

#### Section 523 - Variances, Conditional Use Permits, Building Permits and Other Land Development Entitlements

This section requires that no zoning variance, conditional use permit, building permit, demolition permit or other land development entitlement be issued without approval from the CRA/LA. The Project requests the following entitlements: a General Plan Amendment, Vesting Zone and Height District Change, a Main Conditional Use Permit for alcohol sales, a Density Bonus Compliance Review, and Site Plan Review. As stated in Ordinance No. 186,325, the City Planning Department has assumed the roles and authority of the former CRA/LA. As part of the requirement for this Project, Redevelopment Plan compliance findings have been provided herein. Therefore, the Project conforms to Section 523 of the Redevelopment Plan.

#### Section 524 – Buildings of Architectural and Historical Significance

This section states that prior to redevelopment or rehabilitation of any parcel within the Project Area, the Agency shall determine if any structures located on the applicable parcel(s) are of architectural or historic significance. As determined in the Project's Cultural Resources Section of the Draft EIR, the existing building on-site is not of architectural or historical significance, and therefore, the demolition of the existing warehouse would not directly cause a change in the significance of a historic resources. Therefore, the Project would comply with Section 524 of the Redevelopment Plan.

#### Section 525 – Design for Development

This section authorizes the Agency to establish FAR, height, setback, design, access, and other applicable development and design controls as necessary for both private and public parcels located within the Project Area. With approval of the requested entitlements, the Project conforms to Section 525 of the Redevelopment Plan.

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

**Amendment in Whole or in Part.** The requested General Plan Amendment is an Amendment in Part of the Central City North Community Plan, as it is for the subject site and not the entire Community Plan. The Project's requested amendment from Heavy Manufacturing to Regional Commercial, and concurrent Vesting Zone Change and Height District Change would allow for the proposed mix of live/work units and commercial uses, supporting the City's efforts to provide housing in appropriate infill locations near existing activity centers.

The Project Site is comprised of eight contiguous parcels totaling approximately 44,867 square feet of lot area (1.03 acres) and is currently improved with a 26,740 square foot warehouse and office building. The site is surrounded by a mix of residential, retail, restaurant, and office uses. The proposed uses are compatible with and complement the existing mix of office, industrial, live/work, arts production, and retail uses within the immediate vicinity.

The Project will help the City achieve land use goals of increasing density near transit and existing activity centers. The Project Site is located within a Transit Priority Area and would be located in close proximity to public transit, including multiple local and regional bus lines, several of which provide connections to the Metro L (Formerly Gold) Little Tokyo/Arts District Station, located approximately one mile north of the site. Public transit service in the vicinity of the Project Site is currently provided by multiple local lines and regional lines via stops within convenient walking distance along 7th Street. Public transit service in the immediate Project area is provided by the Metro, and includes Metro Local Lines 18, 53, 60, 62, 66 and Metro Rapid 720 and 760. Additionally, a bus stop for the Metro Local Line 60 is located at the corner of Santa Fe Avenue and Violet Street, approximately 200 feet west of the Project Site.

The Project would provide 185 new live/work units, 11 percent of the total proposed rental units (up to 21 units) would be set aside for Very Low-Income Households, and 23,380 square feet of commercial floor area and art-production space. The Project also proposes a Flexibility Option which provides 159 new live/work units, including studio, one and three-bedroom units, in addition to 45,873 square feet of commercial floor area and art-production space. Under the Flexibility Option, 11 percent of the total proposed rental units (up to 18 units) would be set aside for Very Low-Income Households. The Project represents an opportunity to provide new housing for a mix of incomes, and job-producing commercial uses including office, retail, and restaurants, which are compatible and complementary to the uses in the immediate vicinity.

The Arts District is a neighborhood of Downtown Los Angeles that has historically been characterized by industrial, warehousing, and distribution uses, and is an important part of the City's physical identity. The requested General Plan Amendment would allow the Project Site to provide a mix of commercial, live/work residential, retail, and restaurant uses to strengthen the economic identity of the surrounding area, which currently includes these uses. The Project would result in an active street life, while also maintaining office, retail, and residential uses on the Project Site, thereby contributing to the conservation of the significant economic identity of the Site while introducing new commercial and residential uses that contribute to the significant social and physical identity of the district.

Multiple properties in the vicinity of the Project site are designated for heavy industrial uses, however, the immediate vicinity is characterized by a mix of office, residential, industrial, retail, restaurants, and other commercial uses. The Project Site itself is no longer being utilized for

industrial related purposes, as it is currently vacant. Nearby residential buildings include the Brick lofts located at 652 Mateo Street, the Amp Lofts located 695 South Santa Fe Avenue, the Biscuit Company lofts located at 1850 Industrial Street and the Toy Factory lofts located at 1855 Industrial Street, all within 500 feet radius of the Project site.

Re-designating the land use of the Project Site reinforces an area that has its own economic and physical identity by: 1) contributing to the available housing stock within the City and helping to alleviate the housing crisis in the City, 2) furthering the General Plan Land Use Element's policies to focus development in areas that are accessible to existing activity centers and transit, providing compatible and complementary live/work and economically productive uses, which supports the provisions of the Central City North Community Plan.

Therefore, the General Plan should be amended in part through the Central City North Community Plan as the Project would contribute to and strengthen an area which has significant social, economic or physical identity.

#### **4. City Charter Finding 556**

The Project Site is located within the Central City North Community Plan area, which is one of the 35 community plans that comprise the Land Use Element of the General Plan. The Community Plan designates the Site as Heavy Industrial, which has a corresponding zone of M3. The site is presently zoned M3-1-RIO, consistent with the land use designation. As proposed, the Project would re-designate the Project Site from Heavy Industrial to Regional Commercial. The amendment, and corresponding Vesting Zone and Height District Change to (T)(Q)C2-2-RIO, would allow the redevelopment of the Site with a new mixed-use project comprised of 185 live/work units, approximately 15,320 square feet of open space for residents (14,160 square feet under Flexibility Option), up to 23,380 square feet of art-production and commercial space, and associated parking facilities. Eleven percent of the units (21 live/work units) would be deed-restricted for Very Low Income households. The Project also proposes the ability to implement a Flexibility Option that would provide the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet, which would reduce the overall amount of live/work units from 185 to 159.

The Project would be consistent with the land use patterns and uses in the immediate area, which is developed with a variety of commercial, residential, and live/work projects on properties zoned for industrial uses. Further, the 1.03-acre Project Site is not well-suited for modern large-scale industrial operations. 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 Project's proposed uses are generally consistent with the overarching vision of the adopted Community Plan.

As detailed above, the requested amendment is in substantial conformance with the purposes, intent and provision of the General Plan and its elements, including the Framework Element, Housing Element, Mobility Element, Health and Wellness and Air Quality Elements and the Land Use Element – Central City North Community Plan. The Project would increase housing choices at varying income levels and different unit types, which are compatible with similar residential uses in the immediate vicinity; introduce new land uses while providing economically productive uses that are complementary to similar uses in the immediate vicinity; and enhance the pedestrian environment by activating ground floor uses, within proximity to transit and existing employment, amenity, and commercial centers within and around the Downtown Center.

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

Public Necessity, Convenience, and General Welfare.

The recommended amendment to the Central City North Community Plan would re-designate the land use from Heavy Industrial to Regional Commercial. In conjunction with the requested amendment, the corresponding Vesting Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO would permit development of the Project Site with a new eight-story mixed-use project comprised of 185 live/work units, approximately 15,320 square feet of open space for residents (14,160 square feet under Flexibility Option), up to 23,380 square feet of art-production and commercial space, and associated parking facilities. The Project also proposes the ability to implement a Flexibility Option that would provide the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet, which would reduce the overall amount of live/work units from 185 to 159.

On April 8, 2015, Mayor Eric Garcetti released the Sustainable City pLAN, a roadmap to achieve short-term results while setting the path to strengthen the transformation of the City in the decades to come. As part of the plan, the Mayor set forth a goal of creating 100,000 new housing units by 2021. This same goal was carried forward in the Green New Deal Sustainable City pLAN 2019. The proposed amendment would allow the Site to be redeveloped with 185 live/work units, of which 11 percent (21 live/work units) would be deed-restricted for Very Low Income households. The Project would be an infill development in an area developed with a mixture of residential, commercial, and light manufacturing uses. Specifically, the Project Site is surrounded by mix of retail, restaurant, a hotel, office uses. As described by the Community Plan, the area includes several old warehouses, many of which have been converted to artist lofts and studios. The Project Site itself is no longer being utilized for industrial related purposes, as it currently incorporates vacant ware house and associated parking lot.

According to the Central City North Community Plan, there are 914 acres planned for industrial use (approximately 45.5 percent of the 2,010 acre total) in the Community Plan area. The Project Site comprises 1.03 acres or approximately 0.11 percent of the industrially-zoned land in the Community Plan. The Project would result in an increase of 92 jobs onsite via office, commercial and art production use that would generate ongoing revenue for the City in the form of sales and property taxes. Therefore, the Project would not adversely impact the ability of the Community Plan Area to provide sufficient land for a variety of industrial uses with maximum employment opportunities. Furthermore, based on the immediately surrounding uses and the lot configuration, the Project Site is not well-suited to a large-scale industrial operation. In order to provide the new 185 live/work residential units the Project would not retain the current industrial land use designation; however, the Project includes job producing uses that will maximize employment opportunities which are safe for the environment and the work force, and which have minimal adverse impact on adjacent uses. Surrounding uses include retail, restaurant, a hotel, and office uses. The proposed uses are compatible with and complement the existing mix of industrial, live/work, arts production, and retail uses within the immediately surrounding area.

The new mixed-use building Project would provide approximately 15,320 square feet of usable open space (approximately 14,160 square feet of open space under the Flexibility Option) in compliance with LAMC requirements, which would include landscaping, a ground floor public paseo, private residential balconies, rooftop amenities, and 46 new trees (40 new trees under Flexibility Option). As proposed, the Project would improve the livability and general welfare of the future residents of the development through the provision of open

space, amenities, and commercial uses. The Project would further promote foot traffic through the development of ground floor commercial uses, new street trees, and a ground floor paseo through the site that would be open to the public and provide pedestrian access between Mateo Steet and Imperial Street.

The Project would place new housing near employment, amenities, and commercial areas within the Arts District and the greater Downtown core, as well as near public transit. The Project locates needed residential density near existing employment centers, entertainment, and services, and transit, creates new office, retail, and restaurant, for the neighborhood, and promotes pedestrian activity in the general area.

Approval of the requested General Plan Amendment from Heavy Industrial to Regional Commercial would allow the Project to help address the City's housing shortage and need for affordable housing by providing a mixed-income, mixed-use residential development. In addition, the Project would make more efficient use of land by providing new employment opportunities in direct proximity to residential uses. The Project accommodates for projected population growth in the area, and is compatible with its surrounding uses. Therefore, the requested amendment would be in conformity with public necessity, convenience, and general welfare.

#### Good Zoning Practice

Although the Site, as well as a number of other properties in the area, are designated for industrial uses, development in the immediate vicinity is characterized by a mix of retail, restaurant, hotel, office uses, and restaurants. The Project Site itself is no longer being utilized for industrial related purposes, as it currently incorporates vacant warehouse with associated parking lot. Nearby residential buildings include the Brick Lofts located at 652 Mateo Street, the Amp Lofts located 695 South Santa Fe Avenue, the Biscuit Company Lofts located at 1850 Industrial Street and the Toy Factory Lofts located at 1855 Industrial Street, all within 500 feet radius of the Project site.

The requested amendment would contribute to alleviating the City's housing shortage through the provision of 185 new live/work units (or 159 units under the Flexibility Option), of which 11 percent of the total proposed units (up to 21 units, or up to 18 under Flexibility Option) would be set aside for Very Low-Income Households. As the surrounding area is developed with a mixture of residential, commercial, office and light manufacturing uses, the Project would be compatible with the range of uses that exist in the vicinity. The proposed eight-story residential tower is similar in height to other buildings in the immediate surrounding area. As such, approval of the Project would allow for the development and use a mixed-use residential, and commercial building, consistent with the scale of existing and proposed developments in the surrounding neighborhood.

As proposed, the Project would provide new housing for a mix of incomes and would offer amenities that would improve the quality of life for existing and future residents as well as the surrounding community. The General Plan Amendment would result in a Project that will retain productive employment-generating uses on the site, which would complement existing uses in the vicinity, while also providing much-needed residential units and ground-floor commercial floor area. The Project promotes a more walkable neighborhood by locating office, commercial, and residential uses within proximity of transit, existing job centers and services, and similar commercial and art-production uses. Furthermore, the amendment would allow for residential and commercial uses that are consistent with the objectives and policies of the Central City North Community Plan. Therefore, the requested General Plan Amendment would represent good zoning practices and development patterns in this portion of Downtown Los Angeles.

### **Central Industrial Redevelopment Plan Consistency Findings**

The Project Site is located in the Central Industrial Redevelopment Plan (Redevelopment Plan) Area. The Redevelopment Plan was adopted on November 15, 2002, with an end date of November 15, 2032. The Central Industrial Redevelopment Plan's primary objective is to revitalize the area through new commercial, industrial, and residential development and the rehabilitation of existing development, to maintain and expand residential neighborhoods and preserve/reuse cultural resources, while eliminating blight.

Enacted on June 29, 2011, Assembly Bill 1x-26 (AB 26) revised provisions of the Community Redevelopment Law of the State of California, to dissolve all redevelopment agencies and community development agencies in existence and designate successor agencies, as defined, as successor entities. Among the revisions, the amendments to the law withdrew all authority to transact business or authorize powers previously granted under the Community Redevelopment Law (Section 34172.a.2), and vested successor agencies with all authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies (Section 34172.b).

Pursuant to Ordinance No. 186,325, as of November 11, 2019, the land use-related plans and functions of the Designated Local Authority, the former local CRA/LA, have been transferred to the City of Los Angeles. Therefore, the City can take action regarding any Redevelopment Plan Amendment or land use approval or entitlement pursuant to Section 11.5.14 and other applicable provisions of the LAMC, including LAMC Section 14.5.6. The Project would support and be consistent with the following goals identified in the Redevelopment Plan:

1. *A high quality of life for those who live and work in the Project Area.*
2. *Elimination of conditions of blight and deterioration within the Project Area, and prevention of the establishment of new blight through the removal of structures, removal of incompatible uses, rehabilitation of deteriorated structures and structures requirement modernization for appropriate use, and redevelopment of underutilized and vacant parcels, where appropriate.*

The Project Site is currently improved with an industrial building constructed in 1978 as warehouse and office building that occupies approximately 26,740 square feet of floor area and an associate surface parking lot. Security gates at Mateo Street and Imperial Street restrict vehicular and pedestrian access to the Project Site. Most of Project Site is hardscaped with concrete and asphalt. The Site is bound by Mateo Street to the west, Imperial Street to the east, a one-story warehouse building with associated surface parking lots, to the north, and single-story industrial and commercial buildings with associated surface parking lots to the south.

The Project would involve the demolition of an existing warehouse and surface parking lot, and the construction of a 197,355-square-foot mixed-use building including 185 live/work units, 23,380 square feet of commercial space, and associated parking facilities on a 44,839 square foot lot. The Project also proposes the ability to implement a Flexibility Option that would provide the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet, which would reduce the overall amount of live/work units from 185 to 159. The Project would introduce new pedestrian-scale improvements including lighting and landscaping, ground-floor commercial spaces and an inviting publicly accessible plaza and pedestrian paseo mid-block between Mateo and Imperial Streets that complements existing and future pedestrian activity in the Arts District. Therefore, the Project would develop several underutilized parcels, provide a high quality of life to residents, employees and patrons, and ensure no new blight occurs on-site.

3. *A healthy industrial environment which generates and attracts new private investment to increase job opportunities, property values, and tax revenues.*

The surrounding neighborhood of the Project Site has evolved from historically industrial and manufacturing uses to light industrial uses, and more recently non-industrial uses such as residential, creative office, and retail uses, reflecting larger employment and economic trends. The Project Site has not been used for industrial purposes since 2018. The Project would provide new employment opportunities and housing through a mixture of uses and would be located in an area where similar residential and commercial uses currently exist. The Project would satisfy the need for new housing, office, retail and restaurant uses that would support the growth of the Arts District.

4. *Sound housing stock, conserved through rehabilitation, and affordable permanent housing with support services where necessary and appropriate for residents of all income levels, including artists-in-residence and live/work residents.*

The Project includes the demolition of the existing warehouse and surface parking lot and the construction of a mixed-use building with 185 new live/work units, including studio, one and two-bedroom units, and 23,380 square feet of commercial and art-production floor area. Eleven percent of the total proposed rental units (up to 21 units) would be deed-restricted for Very Low-Income Households. The Project also proposes a Flexibility Option which enables the redevelopment of the Site with 159 new live/work units, including studio, one and three-bedroom units, and 45,873 square feet of commercial and art-production floor area. Under the Flexibility Option, 11 percent of the total proposed rental units (up to 18 units) would be deed-restricted for Very Low-Income Households. As a result, the Project would develop new housing to meet the diverse economic and physical needs of the existing and projected future population of the Community Plan Area, and would promote individual choice in the available type, quality, and price of housing.

5. *Maintenance of a thriving commercial environment to serve businesses, employees, residents, and visitors.*

6. *A safe and secure environment for businesses, employees, residents, and visitors, and which is sustainable by the Central Industrial community as a whole.*

The Project would involve the demolition of an existing warehouse and surface parking lot, and the construction of a 197,355-square-foot mixed-use building including 185 live/work units, 23,380 square feet of commercial space, and associated parking facilities on a 44,839 square foot lot. The Project also proposes the ability to implement a Flexibility Option that would provide the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet, which would reduce the overall amount of live/work units from 185 to 159.

Exterior pedestrian-scale lighting would be provided around the new building and along the ground floor public paseo for security and wayfinding purposes. Additionally, the Project would introduce new pedestrian-scale improvements including landscaping, ground-floor commercial spaces, and a publicly accessible plaza and pedestrian paseo mid-block between Mateo and Imperial Streets that complements existing and future pedestrian activity in the Arts District. The paseo would remain open to the public during business hours and provide a well-lit, landscaped pedestrian path through the site. Thus, the new building would include components to ensure a safe and secure environment for businesses, employees, residents, and visitors.

7. *A modern circulation system which is responsive to the needs of semi-trailer and truck movement and loading operations, and the needs of businesses, employees, residents, and visitors.*

*8. Adequate, convenient and safe parking facilities, in on- and off-street locations.*

The Project would provide up to 287 vehicle parking spaces within three subterranean parking levels. Access to the subterranean parking levels for both residential and commercial vehicle parking would be provided via a two way driveway accessible from Imperial Street. The loading area would be located to the north of the vehicle parking entrance along Imperial Street. As such, these would provide for appropriate site access, circulation, and safe and convenient parking.

*9. Accessible businesses, residences and other land uses via public and semi-public transportation that is affordable to employees, residents and visitors to promote jobs, businesses and housing opportunities.*

The Project would introduce approximately 197,355 square feet of floor area, 23,380 square-feet of new commercial space, and live/work units, including affordable units. The commercial and residential uses would be located in close proximity to public transit, including multiple local and regional bus lines, several of which provide connections to the Metro L (Formerly Gold) Little Tokyo/Arts District Station, located approximately one mile to the north. Public transit service in the immediate Project study area is currently provided by Metro. The bus lines include Metro Local Lines 18, 53, 60, 62, 66 and Metro Rapid 720 and 760. Therefore, the new uses would provide access to commercial and residential uses in close proximity to public transit.

*10. Development and rehabilitation of structures meet all code requirements of the City of Los Angeles, guided by urban design, land use and development standards that promote compatibility of industrial, commercial, and housing uses, and which preserve historic resources in the community.*

The Project would include the construction of a new mixed-use development, comprised of a 185 new live/work units (159 new live/work units under Flexibility Option), approximately 23,380 square feet to 45,873 square-feet of commercial space. The Project would comply with the surrounding industrial, commercial, and residential uses.

*11. Sustainable development that utilizes precepts of energy efficiency, renewable energy, water resource conservation and reuse, and waste/urban runoff management, among other techniques of sustainability.*

The Project would incorporate environmentally sustainable building features and construction protocols as required by the Los Angeles Green Building Code and CALGreen, which would reduce energy and water usage, reducing the Project's greenhouse gas emissions. The Project would also be required to comply with the City's Low Impact Development (LID) Ordinance (Ordinance No. 181,899), which promotes the use of natural infiltration systems, evapotranspiration, and stormwater reuse. Specifically, the Project would include WaterSense-labeled plumbing fixtures, weather-based controller and drip irrigation systems, and water-efficient landscape design, to promote a reduction of indoor and outdoor water use; Energy Star-labeled appliances; and 15% of the total roof area will be solar ready. Furthermore, as conditioned and required by Code, a minimum of 30 percent of the total code-required parking spaces will be capable of supporting future electric vehicle supply equipment (EVSE), and 10 percent of the total code-required parking spaces will be equipped with EV chargers. Therefore, the Project incorporates energy efficiency, renewable energy, water resource conservation and reuse, waste/urban runoff management, and other sustainable features.

*12. Land which is free of impediments to development, including, but not limited to the encumbrances of toxics.*

A Phase I Environmental Site Assessment (ESA) was completed as part of the EIR prepared for the Project, which included a review of the Site's environmental records and a site reconnaissance to identify potential on-site hazards. Environmental concerns were identified during the on-site reconnaissance related to hazardous substance storage, Asbestos Containing Materials (ACMs), Lead Based Paint (LBP), and methane. The existing building on the Project Site was constructed in 1978. The presence of ACMs is assumed in building materials from this time period. Based on the age of the existing building on the Project Site, there is also a potential that LBP is present. However, interior and exterior painted surfaces were observed in good condition and can remain in place until removal is required for demolition of the building prior to construction of the Project. Therefore, the existence of LBPs is not expected to represent an environmental concern. No potential Polychlorinated Biphenyls (PCB) containing equipment was observed on the site, and the potential existence of PCBs is not expected to represent an environmental concern. With respect to methane, the Methane Investigation found that no methane mitigation system would be required for the Project, which would be required comply with Division 71 of the Los Angeles Building Code. Therefore, there are no on-site toxins and the Project's demolition activities would not result in the release of toxins.

*13. Open space, parks, and cultural recreational and educational facilities for the enjoyment of employees, residents, and visitors.*

Pursuant to LAMC Section 12.21 G, based on the number of units and the mix of unit types, the Project would be required to provide a minimum of 19,150 square feet of residential usable open space, and a total of 4,788 square feet of common open space.

However, the Project includes a density bonus entitlement, which based on the percent of affordable units provided, allows the Project an incentive to decrease the required open space by up to 20 percent. Therefore, the Project would provide a total of 15,320 square feet of open space (14,160 square feet under Flexibility Option), and a total of 9,290 outdoor common space, 3,180 square feet of indoor common space and 2,850 square feet of private open space (2,400 square feet under the Flexibility Option). The open space would include a 3,500 square-foot pedestrian paseo, of which 635 square-feet would count towards Project open space (1,285 square feet under Flexibility Option). Additionally, there would be a 1,360 square foot outside dining area accessible to commercial tenants on the second floor. The 10,825 square-foot amenity deck located on Floor 8 would provide amenities such as a pool deck, a fitness deck, private art production and gallery for residence, and an urban farm.

| <b>Open Space Provided (Sq. Ft.)</b>   |                    |
|--|--------------------|
| Private Open Space   | 2,850 <sup>1</sup> |
| Outdoor Common Open Space  | 9,290 <sup>2</sup> |
| Indoor Common Open Space   | 3,180              |
| <b>Total Common Open Space Provided</b>  | <b>12,470</b>      |
| <b>Total Residential Open Space Provided</b>   | <b>15,320</b>      |
| <sup>1</sup> Private open space under Flexibility option would be 2,400 square feet resulting in a total of 14,160 square feet of Open Space.<br><sup>2</sup> Outdoor common space under Flexibility option would be 8,580 square feet resulting in a total of 14,160 square feet of Open Space. |                    |

To ensure pedestrian connectivity throughout the ground level, the Project's building frontage would provide a variety of commercial uses along Mateo Street and Imperial Street. In addition,

the publicly accessible pedestrian paseo would provide connectivity between the building's frontages and the two public streets. The paseo would be accessible to the public and would provide access to ground-floor commercial uses and to open space dining areas and terrace on the second level. The paseo would provide a landscaped connection through the Project from Mateo Street to Imperial Street.

*14. A project area that projects a positive image to business operations, residents, employees, visitors, and investors.*

The Project Site is developed with a warehouse and associated surface parking lot which has been vacant since 2018. The Project would construct a new mixed-use development comprised of an eight-story residential building with 23,380 square feet of commercial space on the ground floor.

The Project has been designed to incorporate specific design standards to address the Arts District's unique urban form and architectural characteristics. The Project's proposed design is a contemporary architectural style. The Project would feature sculptural elements, including a custom-shaped building that emerges from a single-story base, oriented west toward the Industrial Street/Mateo Street T-intersection, connecting to the rest of the Project from the third floor and above. The corner building would consist of metal and glass. The remainder of the Mateo Street façade above ground level would consist of masonry and a regular grid of large windows. The Imperial Street facade would consist of the same glass, metal, and masonry as well as channel glass surrounding the ground-floor entrance to the subterranean parking structure. The materials palette is intended to complement the decorative brick of surrounding buildings and the texture of corrugated metal.

Thus, the Project would develop the surface parking lot area with a vacant warehouse with the mixed-use building, improved landscaping and on-site circulation, creating a positive image to surrounding and on-site businesses, residents, employees, and visitors.

## ENTITLEMENT FINDINGS

### **6. Zone Change, Height District Change, and "T" and "Q" Classification Findings.**

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

Public Necessity. The subject property is currently designated and zoned for Heavy Industrial, which prohibits residential uses. The recommended amendment to the Central City North Community Plan would re-designate the land use designation of the Project Site from Heavy manufacturing to Regional Center Commercial. The recommended Vesting Zone and Height District Change from M3-1-RIO to [T][Q]C2-2-RIO would permit the development of the Project Site with a new mixed-use project comprised of 185 new live/work units (159 under Flexibility Option), and 23,380 square feet (45,873 square-feet under Flexibility Option) of new art production and commercial uses. As the existing land use designation and zone would not permit new live/work units, the amendment is necessary to permit the redevelopment of the Site.

On April 8, 2015, Mayor Eric Garcetti released the Sustainable City pLAn, a roadmap to achieve short-term results while setting the path to strengthen the transformation of the City in the decades to come. As part of the plan, the Mayor set forth a goal of creating 100,000 new housing units by 2021. This same goal was carried forward in the Green New Deal Sustainable City pLAn 2019. The proposed amendment would allow the Site to

be redeveloped and to provide up to 185 new live/work units, of which 11 percent of the total proposed rental units (up to 21 units) would be set aside for Very Low-Income Households. The Project would be an infill development within an immediate vicinity that is developed with a mixture of residential, commercial, and light manufacturing uses. The Project Site is immediately surrounded by mix of residential, retail, restaurant, and office uses contained in low-rise and mid-rise buildings of widely varying age. As described by the Community Plan, the area includes several old warehouses now converted to artist lofts and studios. The Project Site itself is no longer being utilized for industrial related purposes, as it currently incorporates vacant warehouse and office. Accordingly, the proposed Vesting Zone and Height District Change would be in conformity with public necessity.

Convenience. Approval of the Vesting Zone and Height District Change would permit the development of the Project Site with a new mixed-use development, comprised of a residential tower and office building, with up to 185 new live/work units (159 under Flexibility Option), and 23,380 square feet (45,873 square-feet under Flexibility Option) of new art production and commercial uses. The Project would place housing within close proximity to employment, amenities, and commercial areas within the immediate vicinity as well as within the greater Downtown core, and near public transit. The Project also proposes the sale and on-site consumption of alcoholic beverages at up to four establishments for a total of up to 15,005 square feet of floor area. the Project would provide approximately 15,320 square feet of usable open space and the Flexibility Option would provide approximately 14,160 square feet of usable open space, which would include new landscaping, rooftop decks, a ground floor public paseo, private residential balconies, and planting of trees. As proposed, the Project would improve the livability and general welfare of the future residents and employees of the development. The Project would further promote foot traffic through the development new sidewalks and street trees, and a new ground floor public paseo that would provide pedestrian access from Mateo Street, and Imperial Street.

In sum, the Project locates needed residential density near existing employment centers, entertainment, and services, and transit. The Project creates new retail, restaurant, and art uses for the neighborhood, and promotes pedestrian activity in the general area. Accordingly, the proposed Zone and Height District Change would be in conformity with the public convenience.

General Welfare. Approval of the requested Vesting Zone Change and Height District Change would allow for the development of 185 new live/work units that would contribute to alleviating the City's housing shortage. Of the 185 new live/work units 11 percent of the total proposed rental units (up to 21 units) would be set aside for Very Low-Income Households. Thus the Project would help to address the City's need for affordable housing. In addition, the Project would make efficient use of land by adding density while still providing employment and residential uses, to the benefit of the future on-site residents as well as the existing neighborhood. Accordingly, the initiated General Plan Amendment would be in conformity with public necessity.

Good Zoning Practice. The Project Site is designated by the Community Plan for Heavy manufacturing land uses and is zoned M3-1-RIO. This zoning is consistent with the existing land use designation. Although the Site, as well as other properties in the immediate area, are designated for heavy industrial uses, the immediate vicinity is characterized by mix of retail, restaurant, office uses contained in low-rise and mid-rise buildings of widely varying age. The Project Site itself is no longer being utilized for industrial related purposes, as it currently incorporates vacant office and warehouse uses, which are consistent with the surrounding uses. Nearby residential buildings include the

include the Brick lofts located at 652 Mateo street, the Amp Lofts located 695 South Santa Fe Avenue, the Biscuit Company lofts located at 1850 Industrial Street and the Toy Factory lofts located at 1855 Industrial street, all within 500 feet radius of the Project site.

The proposed zone change would allow for the Project to contribute to alleviating the City's housing shortage through the provision of 185 new live/work units and affordable units, and would also include job-producing office and commercial uses. As the surrounding area is developed with a mixture of residential, commercial, retail and light manufacturing uses, the Project would introduce a complementary and compatible use with the range of uses that exist in the vicinity of the Project Site. As stated above, the Project would include the construction of a new mixed-use development, comprised of an eight-story mixed-use building with a maximum height of 116 feet. The Project would be consistent with the Arts District evolving neighborhood, originally comprised of low-scale manufacturing and industrial uses, but which now includes proposed projects such as 670 Mesquit with a 32-story tower, a nine-story mixed-use development located at 2136 Violet Street, and 6AM with a 58-story tower.

As proposed, the Project would provide new housing for a mix of incomes and would offer amenities that would improve the quality of life for existing and future residents as well as the surrounding community. The zone change would result in a Project that retains employment-generating uses on the site that complement existing uses in the vicinity, while also providing much-needed live/work units with commercial land uses on the ground level. The Project promotes a more walkable lifestyle by locating commercial and residential uses within proximity of transit and existing job centers and services. Furthermore, the zone change would allow the development of the Site with a residential use that is consistent with the objectives and policies of the Community Plan and is compatible with the existing and proposed development of the surrounding area. Therefore, the zone and height district change would be in conformity with good zoning practices and with development patterns in the immediate area.

In addition, the Project Site is located within the River Improvement Overlay Zone (RIO) and would be required to comply with the Los Angeles River Design Guidelines, which establishes best practices for designing projects located within the RIO District. The requested zone and height district change would maintain the RIO designation on the site. The Los Angeles River Design Guidelines consist of overarching objectives followed by a list of specific implementation strategies. These strategies address river-adjacent development. Although the Project is located within the boundaries of the RIO District, the Project Site is separated from the Los Angeles River by existing railroad tracks and is not immediately adjacent or accessible from the River. Nevertheless, the Project would further the relevant objectives of the Los Angeles River Design Guidelines, including employing high quality, attractive and distinguishable architecture and minimizing the quantity and appearance of parking and loading areas by locating all parking underground and placing loading areas within the building or away from public view.

**b. "T" and "Q" Classification Findings.**

Per LAMC Section 12.32 G.1 and 2, the current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the Project. The "T" Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this Site. The "Q" conditions that limit the scale and scope of future development on the Site are also necessary to protect the best interests of and to assure a development more compatible

with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

### **Master Conditional Use (On-Site Alcohol Sales) Findings**

In conjunction with the development of the Project, the Applicant is requesting a Main Conditional Use Permit (MCUP) to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption at up to four establishments. The following are the required findings to permit the sale and dispensing of alcoholic beverages as required by LAMC 12.24 E and 12.24 W.1.

#### **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 Project would involve the demolition of an existing warehouse and surface parking lot, and the construction of a 197,355-square-foot mixed-use building including 185 live/work units, 23,380 square feet of commercial space, and associated parking facilities on a 44,839 square foot lot. The Project also proposes the ability to implement a Flexibility Option that would provide the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet, which would reduce the overall amount of live/work units from 185 to 159. The Master Conditional Use Permit would allow for the sale and dispensing of a full line of alcoholic beverages of alcohol for on-site consumption at four (4) establishments within the commercial uses proposed for the Project, for a total of up to 15,005 square feet of floor area.

The Project Site is located within the Central City North Community Plan area, and is currently designated for Heavy Industrial land uses corresponding to the M3-1-RIO Zone. The Project is requesting a General Plan Amendment to change the land use designation on the Project Site to Regional Commercial, and a corresponding Vesting Zone and Height District Change to change the zoning on the Project Site to (T)(Q)C2-2-RIO.

The area surrounding the Project Site is urbanized and improved with a range of industrial, residential, restaurants, and commercial uses. The Project Site is bounded by Mateo Street to the west, Imperial Street to the east, a one-story warehouse building that has been converted into a small grocery/market use and associated surface parking lot to the north, and single-story industrial and commercial buildings and associated surface parking lots to the south. To the west, across Mateo Street, are a mix of seven and nine-story mixed-use buildings, one of which contains a bar on the ground floor. To the south, across 7<sup>th</sup> Street are a mix of one and two-story commercial and retail buildings, a hotel, and several bars and restaurants. To the east, across Imperial Street is a seven-story mixed-use building and a one story warehouse. To the north across from Jesse Street is the three-story Bricks Lofts and one-story warehouse. The residential in the immediate vicinity of the Project Site include the six-story mixed-use Toy Factory Lofts and the seven-story mixed-use Biscuit Company Lofts to the west of the Project site across Mateo Street, the three-story Brick Lofts to the north of the Project site across Jesse Street, and to the east of the Project site across Imperial Street, a seven-story mixed-use building.

The proposed commercial uses would be desirable to the public convenience and welfare as they will be in a convenient infill location accessible to nearby residents, employees, and visitors. The Project would provide convenient eating and shopping places to serve the residents, employees and visitors in the area, and add to the number of available dining venues. The offering of food and alcohol in conjunction with the proposed uses would be a benefit as an amenity to current and future residents and visitors and would also serve as an

attraction and amenity to future residents and guests, as other residential projects are also in development in proximity.

The proposed Regional Commercial land use designation and corresponding (T)(Q)C2-2-RIO Zone will allow for the proposed commercial uses. The ability for Project tenants to offer a full-line of alcoholic beverages would allow the restaurants to remain competitive with other similar uses serving the same area, since alcohol service is commonly expected by patrons as part of a restaurant. Further, patrons are drawn to the area due to the shopping, entertainment, and dining experiences available to them, and offering a full-line of alcoholic beverages at these uses on the Project Site would enhance the dining and entertainment experience for visitors, employees, and residents in the vicinity. Alcohol sales at this location would provide a function and beneficial service to patrons visiting the site, which would enhance the character of the area, and would be appropriate in the proposed Regional Commercial land use designation and C2 Zone.

The MCUP provides an umbrella entitlement with conditions that apply to the Project Site and in general to all venues, including the retail and restaurant uses. These conditions include, but are not limited to, security measures, such as a camera surveillance system, appropriate lighting in the evening hours, and prohibiting adult entertainment. In addition, all music, sound or noise which is under the control of the individual tenants shall be in compliance with the Citywide Noise Ordinance. Further, loitering is prohibited on and around the premises, and the Project Applicant will be required to maintain the premises and sidewalk in good condition. These conditions will be supplemented by more specific conditions designed to address the characteristics of each individual establishment, and a Plan Approval will be required, prior to the effectuation of the approval for each respective tenant, including more specific physical and operational restrictions. Under these Plan Approvals, the Zoning Administrator and LAPD have the opportunity to recommend conditions, including the maximum number of indoor seats, as determined by the Department of Building and Safety.

As such, the on-site service of alcoholic beverages at up to four establishments within the Project's commercial uses, would enhance the built environment in the surrounding neighborhood, and would provide a function that is beneficial and compatible with the character of the community, and the commercial viability of the region as a whole.

**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 subject property is located within the Central City North Community Plan area and the Project includes an entitlement request to amend the Community Plan to Regional Commercial land uses, with a corresponding zone change to (T)(Q)C2-2-RIO. The area surrounding the Project Site is urbanized and improved with a range of industrial uses, residential uses, restaurants, and commercial uses. The Project would introduce new live/work, and art production and commercial uses to the Site, which would provide additional amenities to the surrounding businesses and residents in the area, as well as support projected growth.

The uses would continue to add to the multiple commercial establishments in the area as well as support the residential uses in close proximity to the site. The proposed hours of operation are typical of establishments of this type and are reasonable to expect in a mixed-use development in an area that contains commercial uses. The establishments will have trained staff and security. Alcohol sales in conjunction with restaurant establishments would be compatible with and continue to add to the diversification of commercial activities, which

further supports the growing residential population in the neighborhood as well as visitors to the area.

The sales of alcohol would not be detrimental to nearby residential uses, since the establishments serving alcohol would be carefully controlled and monitored. The conditions recommended herein would ensure that the establishments would not adversely affect or further degrade the surrounding neighborhood, or the public health, welfare, and safety. These conditions will be supplemented by more specific conditions designed to address the characteristics of each individual establishment, and a Plan Approval will be required, prior to the effectuation of the approval for each respective tenant, including more specific physical and operational restrictions. Under these Plan Approvals, the Zoning Administrator and LAPD have the opportunity to recommend conditions, including the maximum number of indoor seats, as determined by the Department of Building and Safety. Further, the sale of alcohol is regulated by the State of California through the issuance of an Alcohol Beverage Control (ABC) license. Thus, as conditioned, combined with the enforcement authority of ABC and LAPD, the operation of these establishments would not be detrimental to nearby schools, churches, recreation areas, or residential dwelling units, since the establishments will be carefully controlled and monitored. Other commercial uses in the area provide similar functions, and no evidence was presented at the hearing or in writing that alcohol-sales will be materially detrimental to the immediate neighborhood.

Thus, the Project would be compatible with development on adjacent and neighboring properties and its location, size height, and operations will be compatible with and would not adversely affect or further degrade surrounding properties and/or 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 applicable specific plan.**

The Project Site is located within the Central City North Community Plan area, which designates the site for Heavy Industrial land uses corresponding to the M3 Zone. The Site is currently zoned M3-1-RIO, consistent with the land use designation. The Project is requesting a General Plan Amendment to change the land use designation from Heavy Industrial to Regional Commercial, and a corresponding Vesting Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO, in order to implement the Project.

The Community Plan does not contain policies that specifically address requests for the sale of alcoholic beverages; however, the sale of alcohol is inherent in the operation of similar commercial uses within the vicinity of the Site. The proposed request for the sale and dispensing of a full line of alcoholic beverages for on-site consumption at up to four establishments is consistent with the following Central City North Community Plan goal and objective:

**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.

The Project would contribute to the area's viable commercial development by introducing new live/work units, retail restaurant and office uses adjacent to other similar uses. The area surrounding the Project Site is urbanized and improved with a range of residential,

commercial, and restaurants. Alcohol sales for on-site consumption, as part of the mixed-use Project would be desirable to the public convenience and welfare as the uses are in a convenient infill location accessible to nearby residents, workers, and visitors.

The commercial uses will create an active environment for residents by increasing the walkability of the streets. The project's commercial uses will directly front Mateo Street and Imperial Street, as well as the pedestrian paseo, activating the streets with pedestrian activity, creating an environment that would be safe, clean, attractive and lively. The ability for the site to offer a full line of alcoholic beverages will allow the retail and restaurant uses to remain competitive with other similar uses serving the same area, as alcohol service is a common as part of restaurant uses. Further, patrons are drawn to the Arts District and nearby Downtown neighborhoods due to the shopping, entertainment, and dining experiences available to them, and offering a full line of alcoholic beverages at these uses on the Project Site would be an added amenity for residents and patrons of the Project, and will help to strengthen economic development, and support a strong and competitive commercial sector in the Community Plan area.

As discussed above, the Project is consistent with the surrounding development within the Community Plan area. The Project Site is located within the River Improvement Overlay Zone (RIO), which does not contain regulations for alcohol sales. However, to the Project would comply with the Los Angeles River Design Guidelines, which establishes best practices for designing projects located within the RIO District. Based on the above, the requested Main Conditional Use Permit for the dispensing of alcohol would substantially conform with the purpose, intent and provisions of the General Plan and the applicable community plan.

**Additional findings required per LAMC Section 12.24 W.1 (Conditional Use for Alcoholic Beverages):**

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

The Project requests a Main Conditional Use Permit (MCUP) to allow for the sales and service of a full-line of alcoholic beverages for on-site consumption in conjunction with four commercial establishments. While the specific tenants or uses have not yet been identified, the Project would be limited to commercial uses permitted in the C2 Zone, pending approval of the Project's requested General Plan Amendment and Vesting Zone and Height District Change entitlements. The Main Conditional Use Permit provides an umbrella entitlement with general conditions that apply to up to four commercial establishments serving the Project. These conditions include, but are not limited to, security measures such as a camera surveillance system, appropriate lighting in the evening hours, hours of operation, prohibition of after-hours use, except routine clean-up, and prohibition of dancing and adult entertainment. Additionally, 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.

Additionally, the surrounding neighborhood contains similar mixed-use buildings that provide commercial uses which serve alcohol on-site, therefore the introduction of another such establishment would not create an adverse or unique condition. The Project's new establishments will help to enhance the availability of dining and entertainment options to residents on-site as well as those in the neighborhood. All music, sound or noise which is under the control of the tenant shall be in compliance with the Citywide Noise Ordinance. Further, loitering is prohibited on and around the premises, and the Project Applicant will be required to maintain the premises and sidewalk in good condition. These conditions will be

supplemented by more specific conditions designed to address the characteristics of each individual establishment, and a Plan Approval will be required, prior to the effectuation of the approval for each respective tenant, including more specific physical and operational restrictions. Under these Plan Approvals, the Zoning Administrator and LAPD have the opportunity to recommend conditions, including the maximum number of indoor seats, as determined by the Department of Building and Safety.

Therefore, as conditioned, the request to allow the sale of alcoholic beverages for on-site consumption within up to four establishments in conjunction with the proposed uses would not adversely affect the welfare of the 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 State Department of Alcoholic Beverage Control (ABC) licensing criteria, three (3) on-site and one (1) off-site licenses are authorized for the subject Census Tract Number 2060.31. Within the subject Census Tract there are currently a total of 93 active licenses, including, 81 on-sale and 12 off-sale licenses. As such, the number of existing on-sale licenses within the census tract where the Project Site is located exceeds ABC guidelines.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 1309, which has jurisdiction over the Project Site, a total of 466 crimes were reported in 2020 (313 Part I and 153 Part II crimes), compared to the citywide average of 141 crimes and the total High Crime Reporting Districts average of 169 crimes for the same reporting period. The vast majority of Part 1 Crimes are reported as larceny. Part II Crimes reported include, Narcotics (20), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (29) and other offenses (55).

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The ABC has discretion to approve an application if there is evidence that normal operations would not be contrary to the public welfare and will not interfere with the quiet enjoyment of property by residents in the area. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering, public drinking, driving under the influence, and public drunkenness. As stated above, the number of existing on-site licenses within the census tract where the Project Site is located exceeds ABC guidelines. However, as conditioned, allowing the sale, dispensing, and consumption of a full line of alcoholic beverages in conjunction with the proposed restaurant and retail uses and is not anticipated to create a law enforcement issue. Consequently, this approval would not result in an undue concentration of premises selling, dispensing, and consumption of a full-line of alcoholic beverages.

Additionally, the four proposed establishments are part of a larger development, which would benefit from oversight of the building complex as a whole. Moreover, included in this grant are

a number of general conditions that would act to minimize any impacts that might be generated by alcohol serving establishments including that each individual venue seeking to utilize a permit to sell alcoholic beverages for on-site consumption as a part of this MCUP must apply for a Plan Approval. The Plan Approval process will allow the Department of City Planning to tailor conditions to each individual Applicant and establishment, and create measures, which will minimize impacts. Likewise, concerns associated with any individual establishment can be addressed in more detail through the Plan Approval process, which will provide an opportunity to consider more specific operational characteristics when a tenant is identified and the details of each establishment are highlighted.

The Project will not adversely affect community welfare because the proposed restaurants are desirable uses, and would be located in an area that permits commercial uses. As such, the proposed uses in conjunction with the on-site sale, dispensing, and consumption of a full-line of alcoholic beverages would be compatible with the surrounding development and will not adversely affect the welfare of the surrounding community.

**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 area surrounding the Project Site is improved with a range of industrial uses, residential uses, restaurants, and commercial uses contained in low-rise and mid-rise buildings of varying ages.

The following sensitive uses are located within 1,000-foot radius of the Project Site:

- Toy Factory Lofts located Industrial Street;
- Biscuit Company Lofts located at 1850 Industrial Street;
- Brick Lofts located at 562 Mateo Street;
- AMP Lofts located at 695 S. Santa Fe Avenue; and
- Metropolitan High School located at 727 Wilson Street

As such, the proposed residential and commercial uses are located within proximity of sensitive uses, including residential and school uses. Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The project will provide adequate security measures to discourage loitering, theft, vandalism and other nuisances as imposed through the project condition. All sales employees will receive training in responsible alcohol sales; age verification devices and prompts will be part of the Point-of-Sale system to assist cashiers in prevention of sales to minors. The surrounding area is an urban environment that contains similar mixed-use buildings with residents in close proximity to restaurants and other establishments that serve alcohol. While the sale of alcoholic beverages is important to the restaurants that will be located within the Project, it will be incidental to primary operations and, as such, no detrimental effects should be expected from the proposed project. Potential effects of excessive noise or disruptive behavior is addressed by the imposition of Conditions of Approval.

Plans submitted by the Applicant show that the four potential establishments for which alcohol sales and/or service is being requested, would front Mateo Street as well as the Project's proposed internal facing public paseo. While properties along Mateo Street are developed with light industrial, residential and commercial uses, the proposed on-site sale of a full line of alcoholic beverages would be compatible with the existing and proposed neighborhood-

serving commercial uses (including the 2053 E. 7<sup>th</sup> Street which has requested a Conditional Use permit for the sale of a full-line of alcoholic beverages for consumption on the premises) within the Central City North Community Plan area. Moreover, included in this grant are several conditions that will act to minimize any impacts that might be generated by alcohol serving establishments including that each individual venue seeking to utilize a permit to sell alcoholic beverages for on-site consumption as a part of this MCUP must apply for a Plan Approval. The Plan Approval process will allow the Department of City Planning to tailor conditions to each individual Applicant and establishment, which will minimize any impact that might be generated. Therefore, as conditioned, the Project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

### **Density Bonus/Affordable Housing Incentives Compliance Findings**

As permitted by LAMC Section 12.22 A.25 the applicant is requesting one incentive that will facilitate the provision of affordable housing at the site: a 20 percent reduction in the amount of required open space. Pursuant to LAMC Section 12.22 A.25 (e)(2), in order to be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:

- a. *The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.*

As shown in Exhibit A, Site Plans, the Project has been designed to incorporate specific design standards to address the Arts District's unique urban form and architectural characteristics. The Project's proposed design is a contemporary architectural style. The Project would feature sculptural elements, including a custom-shaped building that emerges from a single-story base, oriented west toward the Industrial Street/Mateo Street T-intersection, connecting to the rest of the Project from the third floor and above. The corner building would consist of metal and glass. The remainder of the Mateo Street façade above ground level would consist of masonry and a regular grid of large windows. The Imperial Street facade would consist of the same glass, metal, and masonry as well as channel glass surrounding the ground-floor entrance to the subterranean parking structure. The materials palette is intended to complement the decorative brick of surrounding buildings and the texture of corrugated metal.

- b. *All buildings must be oriented to the street by providing entrances, windows architectural features and/or balconies on the front and along any street facing elevation.*

As shown in Exhibit A, the building is oriented to Mateo Street and Imperial Street, and includes a pedestrian paso through the site that provides entrance to the ground floor commercial spaces. Pedestrian access to the commercial spaces on the second level would be accessible from the Project's courtyard deck via elevators and stairs. Pedestrian access to the live/work component would also be accessible from Mateo Street and Imperial Street, with primary access to the live/work lobby from Mateo Street. Overall, the project will provide well-designed and will articulate pedestrian entrances.

- c. *The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HCM).*

The proposed project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a property that is designated as a City Historic-Cultural Monument.

- d. *The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.*

The project is not located in a Hillside Area, nor is it located in a Very High Fire Hazard Severity Zone.

**13. Pursuant to Section 12.22 A.25(c) of the LAMC and Government Code Section 65915(d), the Director shall approve a density bonus and requested incentive(s) unless the director finds that:**

- a) **The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units. The waiver or reduction of development standards will not have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted.**

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested on-menu incentive is not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

Based on the set-aside of 11 percent (21 units) of the total 185 units for Very Low Income households, the applicant is entitled to one incentive under both the Government Code and LAMC. The project will utilize one on-menu incentive to decrease the required open space by 20 percent. The requested incentive would provide cost reductions that provide for affordable housing costs because the incentive by its nature facilitates the creation of more affordable housing units and rentable space.

***Reduction in Required Open Space:*** The applicant has requested an On-Menu Incentive to allow a 20 percent reduction in required open space from approximately 19,150 square feet of open space (17,700 square feet of open space under the Flexibility Option) to approximately 15,320 square feet of open space (14,160 square feet under Flexibility Option), as permitted under LAMC Section 12.22 A.25(f). LAMC Section 12.22 A.25 (f)(6) sets forth an on-menu incentive for “[a] 20% decrease from an open space requirement, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines “O”” The Project has been conditioned to provide landscape sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required.

The decrease in required open space will allow the Project a larger building envelope so that the proposed residential units are of sufficient size, configuration, and quality, and will result in building design and construction efficiencies that facilitate affordable housing costs. Compliance with the LAMC required open space would require the provision of floor area that could otherwise be dedicated to the number, configuration and livability of affordable housing units; and would similarly reduce the building footprint

within which the Project could be built, the arrangement of amenities provided for the residential units proposed, and configuration of amenities that will be accessible to all of the residents within the affordable housing development. The increase in overall space that is dedicated to residential uses facilitates the creation of more residential units and enables the applicant to reserve more residential units for lower income levels. Therefore, the incentive supports the applicant's decision to set aside 11% of the dwelling units for Very Low Income Households. In addition, this request is included in the list of On-Menu Incentives in the LAMC, which were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Department of City Planning will always arrive at the conclusion that the density bonus On-Menu Incentives provide actual and identifiable cost reductions that provide for affordable housing costs because the incentives, by their nature, increase the building envelope so that the additional units can be constructed and the overall space dedicated to residential uses is increased.

- b) The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

As required by Section 12.22 A.25(e)(2), the Project meets the eligibility criterion that is required for projects requesting on-menu incentives in that the Project: i) provides facade articulation through the use of varying materials and architectural differentiation between the ground floor and upper stories of the building; ii) provides street orientation by including active street frontages with pedestrian features; iii) does not involve a contributing structure in a designated Historic Preservation Overlay Zone, or a structure listed on the National Register of Historic Places; and iv) is not located on a substandard street in a Hillside Area or Very High Fire Hazard Severity Zone, as recorded in the City's Zoning Information and Map Access System.

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. There is no substantial evidence that the incentive for the Project will have a specific adverse impact on the physical environment, or on public health and safety, or on any property listed in the California Register of Historical Resources. Based on all of the above, there is no basis to deny the requested incentive.

### **Site Plan Review Findings**

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

The Project would involve the demolition of an existing warehouse and surface parking lot, and the construction of a 197,355-square-foot mixed-use building including 185 live/work units, 23,380 square feet of commercial space, and associated parking facilities on a 44,839 square foot lot. The Project also proposes the ability to implement a Flexibility Option that would

provide the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet, which would reduce the overall amount of live/work units from 185 to 159.

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community-specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to Housing and Conservation, Land Use, Noise, Safety, and Transportation. The City's Land Use Element is divided into 35 Community Plans that establish parameters for land use decisions within those sub-areas of the City. The Project is consistent with the following Elements of the General Plan: Framework Element, Housing Element, Mobility Element, Health and Wellness Element, Air Quality Element and the Land Use Element- Central City North Community Plan.

As discussed in Finding No. 2, the Project would be consistent with the purposes, intent and provisions of the General Plan and its elements, including the Framework Element, Housing Element, Mobility Element, Health and Wellness Element and the Land Use Element – Central City North Community Plan that relate to housing, economic vitality, and the Citywide Design Guidelines. In addition, the Project Applicant shall put forth a good faith effort for local hire and prevailing wage for construction workers on the site, in support of General Plan policies related to economic development. Approval of the Project would enhance the built environment in the surrounding neighborhood and would provide a function that is fitting and compatible with the character of the surrounding community and commercial viability of the region as a whole.

The Project Site is located within the River Improvement Overlay Zone (RIO) and would be required to comply with the Los Angeles River Design Guidelines, which establishes best practices for designing projects located within the RIO District. The Los Angeles River Design Guidelines consist of overarching objectives followed by a list of specific implementation strategies. These strategies address river-adjacent development. Although the Project is located within the boundaries of the RIO District, the Project Site is separated from the Los Angeles River by existing railroad tracks and is not immediately adjacent or accessible from the River. Nevertheless, the Project would further the relevant objectives of the Los Angeles River Design Guidelines, including employing high quality, attractive and distinguishable architecture and minimizing the quantity and appearance of parking and loading areas by locating all parking and loading areas underground or screened from public view.

Additionally, and as discussed under Finding 2 above, the Project would be in substantial conformance with the applicable CRA/LA Central Industrial Redevelopment Plan Goals and would provide a safe and secure environment for employees, residents, and visitors of the Site, while also introducing new development that increases job opportunities, property values, and tax revenues.

Based on the above, the Project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

**15. 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 in neighboring properties.**

The Project Site is located within the Central City North Community Plan Area. The area surrounding the Project Site is urbanized and improved with a range of industrial, residential, restaurants, and commercial uses. The Site is bound by Mateo Street to the west, Imperial Street to the east, a one-story warehouse building with associated surface parking lot to the

north, and single-story industrial and commercial buildings with associated surface parking lots to the south. Vehicular access to the Site is currently available at driveways along both Mateo Street and Imperial Street.

The Project Site is currently improved with an industrial building constructed in 1978 as warehouse and office building that occupies approximately 26,740 square feet of floor area which will be demolished, and an associated surface parking lot. The Project would include the construction of a 197,355-square-foot mixed-use building including 185 live/work units, 23,380 square feet of commercial space, and associated parking facilities on a 44,839 square foot lot. Eleven percent of the units (21 units) would be deed-restricted for Very Low-Income households. The proposed building would be 116 feet in height to the top of the parapet (eight above-ground levels) plus three levels of subterranean parking.

The Project also proposes the ability to implement a Flexibility Option that would provide the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square feet, and , reduce the overall amount of live/work units from 185 units to 159 units. Eleven percent (18 units) would be deed-restricted for Very Low-Income households. The building proposed under the Flexibility Option would have the same floor area, maximum height, and architectural design.

The Project would provide up to 287 vehicle parking spaces within three subterranean levels. Access to residential vehicle parking would be provided via Imperial Street located on the eastern side of the Site. The Project would also provide 154 bicycle parking spaces, comprised of 24 bicycle spaces for commercial uses (including 12 short-term spaces and 12 long-term spaces) and 130 spaces for the live/work uses (including 12 short-term and 118 long-term).

#### Height

The proposed building would be 116'-0" to the top of the parapet, with 8 above-ground levels, plus three levels of subterranean parking. The proposed mixed-use building would be a similar height as other buildings in the immediate surrounding area. The six-story mixed-use Toy Factory Lofts and the seven-story mixed-use Biscuit Company Lofts are located across Mateo Street to the west of the Project site and the seven-story Amp Lofts building is located across Imperial street to the east of the Project site. As such, approval of the Project would allow for the development and use of the Site for residential, retail, restaurant, and office uses consistent with the scale of existing and proposed developments within the surrounding neighborhood.

#### Bulk & Mass

The area surrounding the Project Site is characterized by a range of one- to nine-story buildings. The proposed Project is for a eight-story building that spans from Mateo Street to Imperial Street. The building is designed is intended to be complementary to surrounding structures and reflect traditional warehouse massing, form, and exterior façade design.

The building mass is predominately rectangular, with the exception of the northwest corner, which features an irregularly shaped element. This corner of the building features a two-level approximately 30 foot tall covered courtyard space at the ground level. Above, the façade shifts in volume as it rises, and includes a pattern of irregularly shaped windows, and an angled roofline. The remainder of the building is rectangular in form, with straight lines from the ground floor to the roof. The building features an open-air atrium space that begins on the second level, and is approximately 87 feet in depth as measured from the Mateo Street façade. This space provides for terraced seating and outdoor dining on the second level, as well as providing access to light and air for the 3<sup>rd</sup> through 8<sup>th</sup> levels. The ground floor pedestrian paseo along the Project's southern boundary provides access through the site,

and also reveals another open air atrium, located approximately 161 feet away from the Mateo Street frontage. This atrium space is approximately 66 feet deep and just over 68 feet wide, and would feature a private landscaped terrace on the second level and provide access to light and air, including private balconies for the 3<sup>rd</sup> through 8<sup>th</sup> levels. The northwest corner of the building would consist of metal and glass, while the remainder of the Mateo Street façade above ground level would consist of masonry and a regular grid of large windows. The Imperial Street facade would consist of the glass, metal, and masonry, as well as channel glass surrounding the ground-floor entrance to the subterranean parking structure. The materials palette is intended to complement the decorative brick of surrounding buildings and the texture of corrugated metal.

The proposed bulk and mass would be consistent with the scale of existing and future proposed developments within the surrounding neighborhood.

#### Setbacks

Pursuant to LAMC Section 12.14, front yard setbacks are not required in the C2 Zone for commercial uses. However, the C2 Zone defaults to the R4 Zone for residential setbacks, measured at the first residential level. The Project provides a 15 foot side yard setback along the southern property line, and a 10 foot to 10 foot 6 inch side yard setback along the northern property line. The building along the Mateo Street and Imperial Street frontages will observe a zero foot setback, in compliance with LAMC regulations.

#### Off-Street Parking and Loading Area

Vehicular access to the subterranean parking levels for the Project will be provided via one driveway on Imperial Street at the northeast corner of the site. The loading area will be located north of the vehicular driveway, along the northern property line, accessed from Imperial Street. Commercial delivery trucks would park on Imperial Street adjacent to the project site, providing for internal loading, rather than at the storefronts. This loading corridor would also provide residents additional access the elevator lobby for ease of moving in and out. The driveway and site access areas would be designed in accordance with the City of Los Angeles Department of Transportation (LADOT) standards. Operation hours for the loading corridor would be likely accessible 24 hours a day, seven days per week.

As required by Code, the Project would provide 287 parking spaces within three subterranean levels. By providing parking fully underground, the Project improves the pedestrian environment and overall aesthetic of the Project. The Project will include installation of Electric Vehicle (EV) charging stations for 10 percent of the total code-required parking spaces, while 30 percent of the total code-required parking spaces will be capable of supporting future electric vehicle supply equipment (EVSE).

#### Landscaping:

Pursuant to LAMC Section 12.21 G.2, the Project is required to provide approximately 19,150 square feet of open space, and approximately 17,700 square feet of open space under the Flexibility Option. LAMC Section 12.22 A.25 (f)(6) sets forth an on-menu incentive for “[a] 20% decrease from an open space requirement, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines “O”” The Project has been conditioned to provide landscape sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required. The Project would include 46 trees and landscaping on the ground floor, as well as throughout the outdoor amenity decks located on Floors 2 and 8 of the Project. However, as discussed above, because the Project is deed-restricting 11 percent of proposed units for Very Low Income Households, the Project qualifies for an on-menu incentives, to reduce the amount of required open space by 20 percent. After accounting for the requested open space reduction, the

Project would be required to provide approximately 15,320 square feet of open space, and approximately 14,160 square feet under the Flexibility Option. The Project would include 185 new live/work units, and pursuant to 12.21 G.2(a)(3), is required to provide a total of 46 trees on-site (40 trees under Flexibility Option). Additionally, the Project is required to landscape at least 25 percent of the required common open space. Additionally, the Project would create an inviting pedestrian environment through the provision of a 3,500 square foot ground floor paseo that would be activated with a variety of seating and planters, display areas for public art, lighting, and a vertical garden. The paseo would be open to the public during business hours and would be gated at each entrance, providing access to residents only, during non-business hours.

#### Trash Collection

As conditioned, all trash and recycling areas will be enclosed, accessed via the loading corridor, and not visible from the public right-of-way.

#### Lighting & Building Signage

The Project would add new live/work units, retail, restaurant, and office uses that would include accent and security lighting, in compliance with LAMC requirements, and similar to the existing adjacent residential, commercial, and industrial uses. Additionally, the Project Site is located adjacent to residential uses and has been designed and conditioned to protect nearby uses from potential lighting related impacts, including conditions for outdoor lighting to shine downward, be installed with shielding, and be directed onto the Project Site,

All signage shall be required to comply with LAMC requirements. In addition, the Project has been conditioned so that there shall be no off-site commercial signage on construction fencing during construction.

The Project, as an infill mixed-use project, would be compatible with existing and future development on adjacent and neighboring properties with regards to height, bulk, and setbacks, off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements. Therefore, the arrangement of the development would be consistent and compatible with existing and future development in neighboring properties.

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

Pursuant to LAMC Section 12.21 G, based on the number of units and the mix of unit types, the Project would be required to provide approximately 19,150 square feet of open space, and approximately 17,700 square feet of open space under the Flexibility Option.

However, the Project includes a Density Bonus incentive to decrease the required open space by 20 percent. Therefore, the Project would provide a total of 15,320 square feet of open space (14,160 square feet under Flexibility Option), and a total of 9,290 outdoor common space under both Project and Flexibility Option, 3,180 square feet of indoor common space under both Project and Flexibility Option and 2,850 square feet (2,400 square feet under Flexibility Option) of private open space. The open space would include a 3,500 square-foot ground floor paseo. The private balconies provide 2,500 square feet (2,050 under Flexibility Option) of open space to residents on levels three to seven. The 10,825 square-foot amenity deck located on Floor 8 would provide amenities such as a pool deck, a fitness deck, resident's art production and gallery, and a urban farm.

| <b>Open Space Provided<sup>1</sup> (Sq. Ft.)</b>  |               |
|---|---------------|
| Private Open Space  | 2,850         |
| Outdoor Common Open Space   | 9,290         |
| Indoor Common Open Space  | 3,180         |
| <b>Total Common Open Space Provided</b>   | <b>12,470</b> |
| <b>Total Residential Open Space Provided</b>  | <b>15,320</b> |
| <sup>1</sup> Private open space under Flexibility option would be 2,400 square feet resulting in a total of 14,160 square feet of Open Space. |               |

The Project would improve habitability for its residents by providing access to on-site recreational amenities. The paseo would be accessible to the public and would provide access to ground-floor commercial uses and to open space dining areas and terrace on the second level. The paseo would provide a landscaped connection through the Project from Mateo Street to Imperial Street.

The Project would include a variety of commercial uses and would provide outdoor seating and landscaping to accompany the commercial spaces. Short-term bike parking would be provided along the Mateo Street entrances on the ground level and long-term bike parking would be on first level of the subterranean parking. Residents would be able to dine on-site and use the public spaces during hours of operation.

As proposed, the Project has programmed the open space taking into consideration the varying recreational needs of the future residents and visitors. Therefore, the Project would provide recreational and service amenities to improve the habitability for its residents and minimize impacts on neighboring properties.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of the 676 Mateo Street Project by preparing an environmental impact report (EIR) ENV-2016-3691-EIR (SCH No. 2018021068). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The 676 Mateo Street Project EIR, consisting of the Draft EIR and Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of the 676 Mateo Street Project (Project), located at 668-678 S. Mateo Street, 669-679 S. Imperial Street, Los Angeles, CA 90021 (Project site). The Project as analyzed in the EIR, involves the construction and operation of a new mixed-use development on a 197,355 square-foot site (Project Site) located in the Central City North Community Plan area of the City of Los Angeles. The Project would include up to 185 live/work units, 23,380 square feet of commercial space, and associated parking facilities on a 44,839 square foot lot. Eleven percent of the units (21 units) would be deed-restricted for Very Low-Income households. The proposed building would be 116 feet in height to the top of the parapet (eight above-ground levels) plus three levels of subterranean parking with approximately 4.63:1 FAR.

The Project also proposes the ability to implement Flexibility Option that would provide the flexibility to increase the commercial square footage from 23,380 square feet to 45,873 square-

feet, and, reduce the overall amount of live/work units from 185 units to 159 units. Eleven percent of the units (18 units) would be deed-restricted for Very Low-Income households.

The Draft EIR was circulated for a 46-day public comment period beginning on December 10, 2020 and ending on January 25, 2021. A Notice of Completion and Availability (NOC/NOA) was distributed on December 10, 2020 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and could be accessed and reviewed by members of the public by appointment with the Planning Department. Additionally, due to the circumstances created by the COVID-19 pandemic, copies of the Draft EIR were made available to the public on CD-ROM or in hard copy upon request to the Department of City Planning at the contact information listed on the NOC/NOA. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on December 10, 2020 as a result of the COVID-19 pandemic pursuant to the Governor's Executive Order No. N-54-40.

The Final EIR was then distributed in August 2021. The Advisory Agency certified the EIR on September 16, 2021 ("Certified EIR") in conjunction with the approval of the Project's Tract Map (VTT-74550-CN). This decision was appealed and the appeal was denied and the EIR was certified by the City Planning Commission at its October 28, 2021 meeting. In connection with the certification of the EIR, the City Planning Commission adopted CEQA findings and a mitigation monitoring program. The City Planning Commission adopted the mitigation monitoring program in the EIR as a condition of approval. All mitigation measures in the Mitigation Monitoring Program are also imposed on the Project through Conditions of Approval of CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR, to mitigate or avoid significant effects of the Project on the environment and to ensure compliance during implementation of the Project.

### **NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - B. Significant effects previously examined will be substantially more severe than shown in

the previous EIR;

- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors has arisen since the approval of the Project. There are no substantial changes to the Project, and it is substantially the same as the approved project. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the approval of the Project. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the project.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Project.

Therefore, as the Project was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

## **RECORD OF PROCEEDINGS**

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR, Final EIR, and Errata, are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for the environmental case number). Due to government facility closures as a result of the COVID-19 crisis, the Draft and Final EIR documents could not be made available at a public library. However, consistent with state emergency orders, the public was notified of an ability to call or email the City for alternative modes to access the documents or to schedule an appointment to review the documents at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1450, Los Angeles, CA 90012, during office hours Monday - Friday, 9:00 a.m.

RESOLUTION

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

**WHEREAS**, the City Planning Commission, at its meeting on October 28, 2021, recommended approval of an amendment to re-designate the Project Site located at 668-678 S. Mateo Street, 669-679 S. Imperial Street, from Heavy Industrial to Regional Commercial; and recommended approval of a Vesting Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO; and

**WHEREAS**, the approved Project would involve the demolition of the existing warehouse and surface parking lot, and the construction of an up to 197,355-square-foot mixed-use building including up to 185 live/work units (including 21 units for Very Low-Income households), up to 23,380 square feet of art-production and commercial space, and associated parking facilities; or under an increased commercial option (Flexibility Option), up to 159 live/work units (including 18 units for Very Low-Income households), up to 45,873 square feet of art-production and commercial space, and associated parking facilities, on a 44,839 square foot lot; and

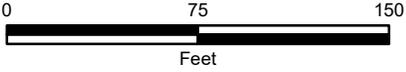
**WHEREAS**, pursuant to the provisions of the Los Angeles City Charter, the Mayor and City Planning Commission have transmitted their recommendations; and

**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 Regional Commercial land use designation and the (T)(Q)C2-2-RIO Zone will allow the Project as described above, which is consistent with the Plan and Zone; and

**WHEREAS**, the subject proposal has been assessed in the Environmental Impact Report (EIR) No. ENV-2016-3691-EIR (SCH. No. 2018021068) (Draft EIR dated December 10, 2021, Final EIR dated August 13, 2021 and Erratum dated October 22, 2021; collectively, 676 Mateo Street Project EIR), certified on October 28, 2021; and pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project.

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



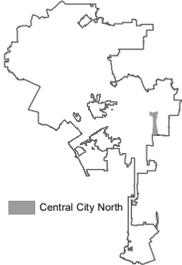
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CENTRAL CITY NORTH

110521

City of Los Angeles



# 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](https://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