

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401
CITY PLANNING COMMISSION

WILLIAM ROSCHEN
PRESIDENT
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VICE-PRESIDENT
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FR. SPENCER T. KEZIOS
BARBARA ROMERO
CINDY MONTAÑEZ
MICHAEL K. WOO
JAMES WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE OFFICES

S. GAIL GOLDBERG, AICP
DIRECTOR
(213) 978-1271
VINCENT P. BERTONI, AICP
DEPUTY DIRECTOR
(213) 978-1272
JOHN M. DUGAN, AICP
DEPUTY DIRECTOR
(213) 978-1274
EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273
FAX: (213) 978-1275
INFORMATION
(213) 978-1270
www.planning.lacity.org

July 10, 2009

Planning and Land Use Management Committee
City of Los Angeles
Room 395, City Hall
Los Angeles, CA 90012

Case No. VTT-63403-2A
Council File No. 07-4099-S2
Council District No. 14
Central City North Community Plan Area

Dear Honorable Members:

**TRANSMITTAL OF CORRECTIVE ACTION OF THE CITY COUNCIL FOR THE PROPERTY
LOCATED AT 695 SOUTH SANTA FE AVENUE WITHIN THE CENTRAL CITY NORTH
COMMUNITY PLAN AREA**

The attached report is in response the directive by the Planning and Land Use Management Committee of the City Council at its meeting held on June 16, 2009, instructing the Department of City Planning to prepare a draft action to correct the determinations related to the live-work project located at 695 Santa Fe Avenue in downtown Los Angeles to reflect the correct description in the grant clauses, Conditions of Approval and findings

S. GAIL GOLDBERG, AICP
Director of Planning


JIM TOKUNAGA
Senior City Planner

History

The history of the determinations of Vesting Tentative Tract Map 63403 and Zoning Administrator Case No ZA 2005-6616(ZV)ZAA)(ZAD)(SPR) for the subject property is as follows:

- April 26, 2006 The Deputy Advisory Agency disapproved the vesting tentative tract map for 182 Joint Living and Working Quarters Condominiums. The Zoning Administrator's Office denied the proposed new construction of 182 joint living and work quarters project for artists and artisans in the M3-1 Zone, a variance a to permit the buildable lot area to include the area for highway dedications and the area for yard setbacks, a variance from Section 12.21.1 A 1 to permit a 1.8 to 1 Floor Area Ratio (FAR) in lieu of the maximum allowable FAR of 1.5:1, an adjustment for a reduction in the required side yard setback to permit a five feet setback in lieu of the required 10 feet setback and a reduction in the required rear yard setback to permit a zero feet setback in lieu of the required 15 feet setback.
- December 13, 2007 The City Planning Commission held a hearing on the appeal of the Vesting Tentative Tract and Zoning Administrator's determination. The City Planning Commission failed to reach a consensus with a vote of 3-3. The Commissioners failure to act resulted in the automatic reaffirmation of the Deputy Advisory Agency's and Zoning Administrator's Determinations dated April 26, 2006.
- December 18, 2007 Pursuant to Charter Section 245, the Council District 14 entered a motion asserting jurisdiction over the 12-13-07 CPC's failure to act relative to the Zoning Administrator's determination.
- December 28, 2007 The applicant filed an appeal of the City Planning Commission failure to act relative to the Vesting Tentative Tract determination.
- January 8, 2008 City Council adopted the motion asserting jurisdiction over the December 13, 2007 City Planning Commission's failure to act.
- January 18, 2008 City Council granted the appeal of the Vesting Tentative Tract Map 63403 and Zoning Administrator Case No. ZA 2005-6616(ZV)(ZAA)(ZAD)(SPR) with modified conditions.
- May 2008 The applicant's representative made an inquiry to the Planning Department staff relative to corrections that should be made to the City Council determinations.
- November 5, 2008 The Planning and Land Use Management (PLUM) Committee of the City Council introduced a motion instructing (Motion by Huizar - Reyes) the Department of City Planning to prepare a draft action to correct the determinations related to the live-work project located at 695 Santa Fe Avenue in downtown Los Angeles to reflect the correct description in the grant clauses, Conditions of Approval and findings.
- June 16, 2009 The Planning and Land Use Management (PLUM) Committee of the City Council adopted the motion instructing (Motion by Huizar - Reyes) the Department of City Planning to prepare a draft action

to correct the determinations relateu to the live-work project located at 695 Santa Fe Avenue in downtown Los Angeles to reflect the correct description in the grant clauses, Conditions of Approval and findings.

Staff Recommendation:

Staff recommends the corrected determinations be adopted and approved.

Staff recommends that the effective date of the approval be amended to match the date the action is adopted by the City Council.

City Council Adopted Conditions and Findings Tentative Tract 63403

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That a 20-foot to 2-foot variable width strip of land be dedicated along Santa Fe Avenue adjoining the subdivision to complete a 45-foot wide half street dedication in accordance with Secondary Highway Standards satisfactory to the City Engineer.
2. That a 5-foot wide strip of land be dedicated along 7th Street adjoining the subdivision to complete a 45-foot wide half street dedication in accordance with Secondary Highway Standards, including a 20-foot radius property line return at the intersection with Imperial Street all satisfactory to the City Engineer.
3. That a 7-foot wide strip of land be dedicated along Imperial Street adjoining the tract to complete a 32-foot wide half street dedication in accordance with Collector Street Standards satisfactory to the City Engineer.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

4. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site.

DEPARTMENT OF TRANSPORTATION

5. That prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
 - a. A minimum of 40-foot reservoir space be provided between any security gate(s) and the property line.
 - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
 - c. Driveways and vehicular access to any non commercial/retail spaces shall be provided from Imperial Street.
 - d. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3.
 - e. No on-site loading dock is required

FIRE DEPARTMENT

6. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
- a. Submit plot plans for Fire Department approval and review prior to recordation of Tract Map Action.
 - b. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
 - c. All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code.
 - d. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 - e. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
 - f. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - g. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - h. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
 - i. All structures should be fully sprinklered.
 - j. Adequate public and private fire hydrants shall be required.

- k. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- l. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
- m. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- n. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.
- o. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- p. Private streets shall be recorded as Private Streets, **AND** Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
- q. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- r. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- s. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)

- 7. That prior to the issuance of any demolition or grading permit or any other permit allowing site preparation and/or construction activities on the site, satisfactory arrangements shall be made with the Los Angeles Unified School District, implementing the measures for demolition and construction contained in the LAUSD letter dated October 31, 2005 attached to the Tract file. The project site is located on the pedestrian and bus routes for students attending Metropolitan High School. Therefore, the applicant shall make timely contact for coordination to safeguard pedestrians/ motorists with the LAUSD Transportation Branch, phone no. 323.342.1400, and the principals or designees of Metropolitan High School. (This condition may be cleared by a written communication from the

LAUSD Transportation Branch attesting to the required coordination and/or the principals of the above referenced schools and to the satisfaction of the Advisory Agency).

DEPARTMENT OF WATER AND POWER

8. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (c).)

BUREAU OF STREET LIGHTING

9. Street light improvements shall be made to the satisfaction of the Bureau of Street Lighting and/or the following street lighting improvements shall be required. (This condition shall be deemed cleared at the time the City Engineer clears Condition S-3. (c).)

BUREAU OF SANITATION

10. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

11. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the Los Angeles Municipal Code Section 17.05N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 N. Main Street, 12th Floor, Los Angeles, CA 90012, (213) 922-8379.

DEPARTMENT OF RECREATION AND PARKS

12. That the Quimby fee be based on the R3-1 Zone. (MM)
13. That the Quimby fee be paid to the Department of Recreation and Parks. The Advisory Agency will issue a prorated Recreation & Park Fee at 33 percent of the total fee as the residential living area occupies 33 percent of the total floor area.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

14. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Limit the proposed development to a maximum of 180 joint live-work condominium units with 5% Low Income units and 10% Workforce (see Ordinance No. 179076) units as volunteer by the applicant.
- b. Provide a minimum of 361 off-street parking spaces with two (2) spaces per each market rate and workforce unit, one (1) parking space per affordable unit and commercial parking based on the LAMC. All retail spaces shall be readily accessible, conveniently located, specifically reserved for retail parking, posted and maintained satisfactory to the Department of Building and Safety.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 No. Spring Street, Room 750).

- c. That prior to the issuance of the building permit or the recordation of the final map, a copy of the ZA-2005-6616 (ZV)(ZAA)(ZAD) shall be submitted to the satisfaction of the Advisory Agency. In the event that ZA-2005-6616 (ZV)(ZAA)(ZAD) is not approved, the subdivider shall submit a tract modification.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

15. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition No(s). 6, 12, 16 and 17 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

16. Prior to the recordation of the final map, the subdivider will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a

manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- MM-1 All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.
- MM-2 Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
- MM-3 The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 8 or better in order to reduce the effects of diminished air quality on the occupants of the project.
- MM-4 The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.
- MM-5 All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- MM-6 The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- MM-7 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- MM-8 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- MM-9 All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- MM-10 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

- MM-11 The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- MM-12 Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- MM-13 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.
- MM-14 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- MM-15 The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- MM-16 Prior to the issuance of any demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other State and Federal rules and regulations.
- MM-17 The applicant shall comply with mitigation measures required by this MND.
- MM-18 Concrete, not metal, shall be used for construction of parking ramps.
- MM-19 The interior ramps shall be textured to prevent tire squeal at turning areas.
- MM-20 The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
- MM-21 The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities,

walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

MM-22 The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

MM-23 The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation.

MM-24 The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

17. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing.
- b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible,

and remains in that condition throughout the entire construction period.

- c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.

CM-2 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.

CM-3 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

CM-4 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

CM-5 Pavement shall not be hosed down at material spills.

CM-6 Dry cleanup methods shall be used whenever possible.

CM-7 Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

CM-8 Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.

CM-9 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains.

CM-10 All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

DEPARTMENT OF CITY PLANNING-STANDARD JOINT LIVING AND WORK CONDITIONS

LW-1. That prior to recordation of the final map, the subdivider shall make arrangements with the Housing Authority for certification of the development in accordance with Section 12.39A of the Los Angeles Municipal Code relating to low and moderate housing. The Housing Authority shall transmit a copy of its determination to the Bureau of Engineering and the Department of Building and Safety.

LW-3. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

LW-4. In order to expedite the development, the applicant may apply for a building permit for a joint living and work building. However, prior to issuance of a building permit for joint living and work units, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for joint living and work units will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for a joint living and work building and intends to acquire a building permit for a joint living and work condominium building(s). Such letter is sufficient to clear this condition.

LW-5. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.

2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Municipal Code.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract comply with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceed 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
- (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division ((213) 485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - 1. Improve Santa Fe Avenue being dedicated and adjoining the subdivision by the construction of the following:
 - a) Concrete curbs, concrete gutters, and 10-foot wide concrete sidewalk adjacent to the curb with tree wells and an additional 10-foot wide landscape strip with additional trees behind the sidewalk.
 - b) Suitable surfacing to join the existing pavements and to maintain the existing 17-foot wide singular vehicular travel lane and provide a new (8-foot wide) parking lane.
 - c) Any necessary removal and reconstruction of existing improvements.
 - d) The necessary transitions to join the existing improvements all satisfactory to the City Engineer.
 - 2. Improve 7th Street being dedicated and adjoining the subdivision by the construction of the following:
 - a) Concrete curbs, concrete gutters, and 17-foot full width concrete sidewalks with tree wells.

- b) Maintain the existing 28-foot roadway.
 - c) Any necessary removal and reconstruction of existing improvements.
 - d) The necessary transitions to join the existing improvements all satisfactory to the City Engineer.
3. Improve Imperial Street being dedicated and adjoining the subdivision by the construction of the following:
- a) A concrete curb, a concrete gutter, and a 5-foot concrete sidewalk adjacent to the curb and a 10-foot wide landscaped area.
 - b) Maintain the existing a 17-foot half roadway.
 - c) Any necessary removal and reconstruction of existing improvements.
 - d) The necessary transitions to join the existing improvements.

Note: Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Street Tree Division.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05N of the Los Angeles Municipal Code.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

No building permit will be issued until the subdivider has secured a certification from the Housing Authority that the development complies with the requirements for low-and moderate-income housing, per Section 12.39-A of the LAMC.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

The Environmental Staff Advisory Committee issued Mitigated Negative Declaration ENV 2005-6596 MND on October 31, 2005. The Committee found that potential negative impact could occur from the project's implementation due to:

- Aesthetics (Landscaping, Light)
- Air Pollution (Stationary)
- Seismic
- Erosion/Grading/Short-Term Construction Impacts
- Explosion/Release (Asbestos Containing Materials)
- Land Use
- Increased Noise Levels (Parking Structure Ramps)
- Severe Noise Levels (Residential Only)
- Public Services (Fire, Police General, Schools)
- Public Services (Street Improvements Not Required By DOT)
- Recreation (Increase Demand for Parks or Recreational Facilities)
- Inadequate Emergency Access

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV 2005-6596 MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition **No(s). 6, 12, 16 and 17** of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The Initial Study prepared for the project identifies no potential adverse impacts on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset is are concerned. Furthermore, the project site, as well as the surrounding area are presently developed with manufacturing structures and do not provide a natural habitat for either fish or wildlife. In light of the above, the project qualifies for the De Minimis Exemption for Fish and Game fees (AB 3158)

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 15.

Furthermore, the Advisory Agency hereby finds that modification(s) to and/or correction(s) of specific mitigation measures have been required in order to assure appropriate and adequate mitigation of potential environmental impacts of the proposed use of this subdivision.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 63403, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

a) The proposed map will be/is consistent with applicable General and Specific Plans.

The project is consistent with various elements and objectives of the General Plan. The project is consistent with the General Plan, Central City North Community Plan ("Community Plan"), the Housing Element, the Redevelopment Plan for the Central Industrial Redevelopment Plan and the Planning and Zoning Code.

The site falls within the Central City North ("CCN") Community Plan area. The Community Plan specifically identifies the Artists-in-Residence (AIR) District as occupying "a large area of Central City North between the Santa Ana Freeway and the Santa Monica Freeway and between Alameda Street and the Los Angeles River." The Plan notes that the "largest concentration of artists" is located in the area between "First Street and Palmetto Street and Alameda Street and the Los Angeles River identified as the Artist-in-Residence District." The purpose of the boundaries is to identify the presence of the artists as a distinct and integral part of the Central City North Community. The Plan notes that "although a large population of artists (is) located within these boundaries, they are not restricted to the boundary." Many projects that provide residential units within the industrial zone have already been approved and located within an area that is within two blocks of the defined AIR District and already populated by artists and artisans.

Residential loft projects have existed in the area for over 25 years. The approval of prior similar projects demonstrates that the Applicant's current request is proper in relation to the adjacent uses and development in the area. In May, 2004, the City of Los Angeles in ZA 2003-6888-ZAD approved the creation of 95 AIR condominiums in the M3-1 Zone at a site located at 530 Molino Street. That same year the Nabisco Lofts ((ZA 2004-3332 (ZV)(ZAD)(SPR)) application for 229 condominium units was approved at 673 Mateo Street. The Nabisco Lofts is directly across the street from the 130 condominium units approved at 1855 Industrial Street (ZA 2002-4041 (ZAD)(ZV)(YV)) in 2003 and one block from the proposed project. The inclusion of residential in the area demonstrates that this project is in

proper relationship to the existing development. These units and their residents have become a part of the community's fabric.

The Industrial Section of the Land Use Policies and Programs recognizes, as discussed below, the need to encourage the continued development of the artists-in-residence community in "industrial areas of the proposed redevelopment plan areas and of the plan, as appropriate." The Plan also recognizes the existing industrial lands are in "older areas that pose unique problems and disadvantages." Many of the industrial buildings in Plan area lack the "design and amenities of the newer industrial park developments in adjacent cities." The Plan area's industrial sector is characterized by "smaller parcels, piecemeal development, and substandard streets, restricting the potential for site expansion required by newer industries." Though it may wish to encourage the industrial sector, the Plan clearly recognizes the innumerable problems and drawbacks of Central City North as a viable industrial area. As noted in discussion below, this industrial area has experienced a transformation to AIR units and Joint Live and Work Quarters because traditional industrial uses no longer flourish in this area, preferring to seek out suitable industrial land elsewhere that is conducive to larger parcels for manufacturing and for easier access to transportation and storage.

General Plan

Chapter III of the General Plan ("Plan") promotes industrial growth that provides job opportunities for the City's residents and maintains the City's fiscal viability. The creation of 180 artists-in-residence units at this site not only creates jobs it also promotes the fiscal viability of the City. The Plan also calls for flexible zoning to promote clustering of industries and discusses permitting additional uses in marginal industrial lands. This project achieves the Plan by fostering the growth of jobs with the Artists-in-Residence District, while at the same time promoting the City's financial viability all without public subsidies.

The creation of 180 new units in the area will foster the growth of new businesses, including artistic endeavors that provide high quality jobs and wages to City residents, in excess of the 35 jobs existing on the site today. For reasons discussed below the existing parts distribution company, American Moving Parts ("AMP"), is required to relocate to a new site in order to be competitive. It is important to note, that AMP is working with the Mayor's business team to relocate within the City of Los Angeles, who also happens to be one of AMP's best clients. If only ½ of the new occupants of the 180 artist-in-residence units open the own company, the proposed use will create substantially more jobs than exist today on the site. Projects such as this foster the growth of small businesses, not to mention that these residents will generate a demand for additional services in the area expanding the breadth of commerce in the area. Not only does the area benefit from the creation of new jobs, it also gains from new revenue sources to the City. While it is difficult to estimate the number of new jobs, it is clear that it will exceed the 35 that exist today. It is conservatively estimated by the applicant that the proposed project's work component will double the number of existing jobs, providing tangible economic benefits to the area and the City. This does not even take in to account the jobs and revenues generated by the site's 5,000 square foot retail component.

Section 3.14.2 of the General Plan discusses the need for flexible zoning to facilitate the clustering of industries. This project proposes to strengthen the art-related industries, which includes architects, designers and graphic designers, within the Artists-in-Residence District,

by providing 180 new ownership opportunities. By clustering the AIR development near the Artists-in-Residence District, a synergy of ideas and economic benefit is realized. The Applicant is utilizing provisions of the Zoning Code that provides the flexibility to cluster artists with in the Artists-in-Residence District by approving new residential uses.

Section 3.14.6 of the General Plan discusses the appropriateness of converting existing marginal industrial lands in certain circumstances. Per subsection (d.), one of those circumstances is “where infrastructure is inadequate and improvements are economically infeasible”. According to the Community Plan, the area is “characterized by smaller parcels, piecemeal development, and substandard streets, restricting the potential for site expansion required by newer industries”¹. Substandard streets and other critical infrastructure elements are a major impediment to doing business in the area. Delivery trucks are forced to circumvent narrow streets that are poorly maintained to access area businesses, such as this one, that rarely provide on-site loading. This inability to efficiently load and unload goods on-site exasperates traffic congestion in the area. AMP was also forced to install on-site emergency power generation equipment in order to compensate for the faulty distribution lines in the area. Finally, the site’s existing facilities are also inadequate to permit the efficient operation of the AMP’s business. AMP’s business focus is on distribution of parts for all vehicles types. One of the key challenges of this business is to efficiently maintain its inventory so that it can easily locate and distribute parts. Unfortunately, the site consists of a series of small derelict buildings spreading out the inventory over the entire site. These existing conditions have forced the owners of AMP to begin a search for a site with a single approximately 35,000 square foot facility in order to locate the entire inventory under one roof.

The redevelopment of this site utilizes the flexible provisions of the L.A.M.C to strengthen the Arts District, while at the same time creating jobs and increasing tax revenues to the City. This project provides another innovation in that it will be the first in the Arts District to provide the affordable component of workforce housing.

The proposed project is also consistent with the Land Use/Transportation Policies from the Transportation Element of the General Plan, which include objectives such as, 1) Focus on future growth of the City around transit stations, 2) Increase land use intensity in transit station areas, where appropriate, 3) Provide for places of employment, and 4) Reduce reliance on the automobile. (Transportation Element, Objectives Page 3.) This type of proposed development, located in proximity to downtown and to a number of bus lines, will reduce the demand for automobile vehicles and will reduce the number of trips to and from the site, especially since AIR unit residents both live and work at their quarters.

Community Plan

OBJECTIVE 1-1 of the Community Plan, states, “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.”

¹ Chapter III of the Central City North Community Plan within the discussion of Industrial land.

The Applicant proposes to construct 180 joint living and work quarters, along with some commercial retail space that will serve the residents and the neighborhood. These units will provide shelter and a working space for aspiring artists, artisans and designers. In response to a need in the industrial area, the project is volunteering to set aside 15% of its units for affordable housing, including 5% low income units and 10% workforce housing, thereby permitting a more diverse income population. The area has become a magnet for artists, artisans, and designers as demonstrated by the relocation of the Southern California Institute of Architecture (Sci-ARC) to the historic Santa Fe Freight Depot located at Santa Fe and 3rd Street and FIDM on the corner of 9th Street and Grand Avenue. Student, Teachers, Staff and other artist need to have a place to live, create and refine their work. Joint living and working quarters have been developed in numerous projects in the area, including the Toy Factory Lofts, Biscuit Lofts, Federal Industrial Lofts, 6th Street Lofts and 652 Mateo Lofts, which strive to fulfill this objective of the Community Plan.

The Applicant recognizes that the existing site is no longer viable for traditional industrial uses and recognizes that providing live work opportunities at the site generate economic value for the property owner, the area, and the City. In addition to replacing blighted underutilized and outdated manufacturing buildings, the Applicant proposes to increase Los Angeles' housing stock and types of jobs. The project directly satisfies this objective.

OBJECTIVE 1-2 of the Community Plan, states, "To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities."

By their nature live work units reduce traffic congestion because they allow owners to live and work in the same place. This site is also proximately located to numerous transit alternatives such as the MTA Number 60, 360, and 362 bus lines, which run along 7th Street. These bus lines connect with the Metro Blue and Red Lines at the 7th/Metro Center transportation terminal which is located only one and two-thirds miles from the site. Additionally, the Metro Rapid Wilshire Bus (720 Metro Rapid) runs along 6th street, a block north of the subject site, with designated stops at Commerce Center, 6th Street and Main (Downtown LA), Wilshire and Western, Wilshire and La Cienega, Wilshire and Westwood, and completes its route at 6th and Colorado in the City of Santa Monica. The Number 720 Metro Rapid bus line connects to the MTA rail system, Red Line, Gold Line and Blue Line at Union Station.

OBJECTIVE 1-4 of the Community Plan, states, "To promote and insure the provision of adequate housing for all persons regardless of income, age, or ethnic background."

The applicant proposes to construct 180 joint living and working quarters which will provide shelter and working space for aspiring artists, artisans and designers. These artists are part of a diverse community with varying income and ages, and they need a place to live and to create and display their art. The project offers an effective counterbalanced to the more gentrified rental housing being developed around most of downtown Los Angeles. In response to the downtown workforce population's need for affordable housing, the Applicant has volunteered to a **15% set-aside of the residential units for affordable housing** including 5% low income and 10% workforce housing. The Applicant intends to work cooperatively with area industrial employers to target provision of affordable workforce

housing to downtown industrial workers. This project would be the first Arts District project committed to provide on-site affordable workforce housing.

OBJECTIVE 3-2 "Encourage the continued development and maintenance of the Artists-in-Residence community in industrial areas of the proposed redevelopment plan areas and of the plan, as appropriate."

The project is carefully replacing outdated manufacturing buildings with new live/work uses that respect the industrial character of the area, providing a much needed use for residents in the area, and meeting goals and objectives of the Community Plan by adding AIR units to this particular area. The project is constructing not only new buildings with 180 AIR units, including low income and affordable workforce housing, but also needed retail space to serve the needs of the community. The project will be designed in a manner that enhances and preserves the distinctive character of the community. The Plan recognizes that the AIR community occupies the large area of Central City North between the Santa Ana Freeway and the Santa Monica Freeway and between Alameda Street and the Los Angeles River. The AIR District is an expansive area that extends beyond the more restrictive boundaries that place the southern end of the artist community at Sixth Street. With many AIR projects developed to the south of Sixth Street and within this general vicinity, the proposed project is not outside of the boundaries established for the development of an AIR community. The proposed project is fully consistent with developing the AIR community, and as such this development directly satisfies this objective.

OBJECTIVE 8-2 of the Community Plan, states, "To increase the community's... ability to minimize crime and provide adequate security."

The Applicant is proposing to replace warehouse buildings that have been neglected and underutilized by constructing new Joint Living and Working apartments. The project's 24-hour population will help to deter criminal activity in the area with more "eyes on the street."

The proposed 180 unit joint live and work mixed use project contributes to the vitality of the industrial area by contributing to job opportunities for residents. The joint live and work quarters will insure that jobs are brought to the community and that the new residents will help stimulate other businesses in the neighborhood. 180 joint live and work units will provide far more jobs to the community than the limited number of jobs provided by the existing parts distribution company located on the site, which in any event desires to relocate because the area's industrial base detracts from competitiveness and suffers from far too many insurmountable problems of infrastructure and physical limitations. More suitable locations for maintaining industrial uses are likely to be found beyond the broader boundaries of the AIR community, which at its southern end extends to the Santa Monica Freeway. The proposed project does not displace the industrial employment base for community residents, but rather it brings more jobs to an area which remains underutilized and neglected by industrial users.

The proposed project will not displace viable industrial uses, nor will it substantially lessen the likelihood that the property will be available in the future for industrial uses. Unfortunately for the City of Los Angeles, there has been an exodus of manufacturing jobs

out of the City. This area is now characterized by underutilized and/or vacant buildings, many of which are being converted to AIR units.

While the exodus of manufacturing jobs is attributable to many factors, the City acknowledges that substandard roadways, reliance on aging utilities and small size of the lots are forcing manufacturing uses away from Downtown Los Angeles. The Central City North Community Plan (Page I-4) states the area is "less than desirable for "modern" industrial activity. These deficiencies include the physical condition of the streets, loading and unloading activities, and parking conditions. Other difficulties include poor design of intersections, the presence of dead end streets, and the lack of continuous north/south corridors." Substantial public and private monies are required for the City to convert this area into a functioning manufacturing district. This area's small and narrow street grid requires substantial improvements to permit the transport of materials and to increase the power capacity required to run modern equipment. Even if these types of infrastructure improvements are completed, the City is faced with the problem created by a patchwork ownership pattern. This pattern prohibits the lot consolidation needed to build modern industrial facilities with ample and efficient loading and unloading access. Consequently, many of the buildings in the area are being occupied by warehousing and non-traditional manufacturing uses if they are occupied at all.

Consistent with the character of this area, the configuration of the existing site creates a burden on a manufacturing use. The site currently consists of a series of small stand alone structures that would force an industrial user to disperse a manufacturing operation lacking the efficiency of a consolidated operation. The small size of the buildings limits the company's ability to store sufficient amounts of goods and materials. This forces an increased number of deliveries to accommodate these needs, which become more complicated as these materials are now spread throughout 9 buildings. The area's power grid does not provide sufficient or consistent electricity to the site. The applicant has had to spend substantial amounts of money to install a back up generator that maintains his computer records, but can not power his machinery. Numerous infrastructure problems render this site unsuitable for a viable industrial use.

For the reasons discussed above the construction of the 180 unit joint live and work mixed use project will provide more job opportunities to the community than are currently found in the existing industrial use. The proposed project will not undermine the objective of the continued development and maintenance of an AIR community in the industrial area. The proposed project does not displace any viable industrial land uses contemplated for this site.

Housing Element

The Housing Element of the General Plan encourages the production of housing and the proposed project does not conflict with such policies. The City's Housing Element (adopted by the City Council on December 18, 2001 and approved by the State of California Department of Housing and Redevelopment on February 27, 2002) states that the population of Los Angeles will grow by 821,165 persons between 1993 and 2010. The amount of housing needed to accommodate Citywide growth is estimated to be 60,280 dwelling units (from 1998-2005) or an annual need of 8,037 dwelling units.

Far from achieving this, according to the report by the City Council's Housing Crisis Task Force, Recommendations to Facilitate Housing Production (September 2000), there is a downward trend in terms of housing production (3,140 fewer units were built in 2000 than in 1999). Specifically, in the project area, Central LA, the population will grow by 41,245 during that same time. Combine the projected population growth of the Housing Element with the existing overcrowding in Los Angeles County and the construction of housing becomes a major public benefit.

The 180 new residential units help to address the housing shortage described in the Housing Element. In addition, as an AIR development, the project not only provides housing for people but also a convenient and unique opportunity to work at home. Another important consideration is that the project is setting aside 15% of its units for affordable housing, including 5% low income units and 10% workforce housing.

Central Industrial Redevelopment Project

As implied by its title, the goal of this redevelopment plan is to redevelop the Plan area. The proposed project is consistent with many of the goals and policies which try to reduce blight, increase property values and tax revenues, and provide a sound housing. The following will discuss where the vision of the project overlaps with goals stated in the Redevelopment project plan.

Goal 2: Elimination of conditions of blight and deterioration within the Project Area...

The project will convert an underutilized project site into a node of activity that includes a 24 hour a day population, generates more jobs and increase tax revenues for the City. This conversion will require the Applicant to invest substantial amounts of money into constructing new buildings with superior design quality, while reconstructing deteriorated infrastructure such as streets, curbs, sidewalks and street lighting. The project will also enhance the area's aesthetics by providing extensive landscaping. Illicit activity common in the area today will be deterred by the 24-hour population. The net affect of this project will be to eliminate blight from this site and the surrounding area.

Goal 2: A healthy industrial environment which generates and attracts new private investment and increase job opportunities, property values and tax revenues.

While this project is not a traditional manufacturing use, it will achieve the intent of many of the objectives of this proposed goal. The conversion to desperately needed housing is galvanizing private investment in the area that will have dramatic positive effect on the site's property value and will substantially increase the revenues generated from the site. For example, the conversion of the adjacent Toy Factory Lofts building increased its property taxes by approximately \$600,000 per year, from \$28,000 to over \$600,000. While it can be argued that the City sees little of the property tax increase, the public still benefits from the distribution of State and County services. It is also important to note that these small business owners and homeowners provide a substantial financial benefit to the City from sales, utilities, business licenses and other similar revenue sources. Artist-in-Residence units promote the growth of small start up businesses that are increasingly becoming critical

players in the economic landscape of Southern California. Overall, this project facilitates the productive use of this marginal industrial area that industry abandoned long ago.

Goal 4: Sound housing stock, conserved through rehabilitation and affordable housing with supportive services where necessary and appropriate for residents of all income levels, including artist-in-residence and live-work residents.

The creation of 180 units in a range of sizes and prices helps to create a stock of housing that will serve the diverse needs of the area and the City's population. To fulfill this goal, the project is volunteering to set aside 15% of its units as affordable housing, including 5% low income units and 10% workforce housing. These units will be constructed in three new structures that will rehabilitate the subject site with significant improvements. The project is well-designed to enhance the buildings' aesthetic qualities without altering the traditional industrial make up of the area. The project also includes a small amount of retail space that will provide services to the project's and area's residents.

Planning and Zoning Code

The Planning and Zoning Code recognizes the viability of converting existing manufacturing buildings into joint living and work quarters. Municipal Code Section 12.24 X 13 grants the Zoning Administrator permission to approve this type of use once certain findings are made. This type of residential project is also consistent with the M3 zones list of conditionally permitted uses.

Although the project site is not an adaptive reuse project, the intent is identical to the policy fostered citywide by the City's live/work ordinance and the adaptive reuse ordinance—promoting the conversion of obsolete commercial and industrial structures to provide housing opportunities in unique urban areas of the City.

For the reasons explained above, the project is consistent with the elements and objectives of the General Plan.

b) The design and improvement of the proposed subdivision are consistent with applicable General and Specific Plans:

The applicant is requesting approval for 180 joint live and work quarters and commercial space based on the applicable provisions of the LAMC, and which are consistent with the General and Specific Plans as noted extensively in the preceding section.

Although residential units are not permitted in the M3 zone, LAMC Section 12.24 X 13 conditionally permits the artist in residence use in the M3 zone. Under this approval the applicant can also request yard and parking deviations. Deviations to the yard requirements have been requested for the proposed project. The project will exceed the residential parking standard specified in the Central City Parking District and be consistent with the commercial standard specified in the Eastside Enterprise Zone. The project will provide more open space than required by the Code. The project will provide affordable housing units, including 5% low income and 10% workforce housing. Finally the applicant will utilize

Section 12.27 of the Code to increase the floor area of the project in excess of the 1.5 to 1 FAR prescribed to the site.

As stated in the discretionary requests application, there are surrounding properties which have been granted relief from the L.A.M.C. requirements for use, yards and other standards that have been obtained via various mechanisms such as Variances, Adjustments, and through the Adaptive Reuse Ordinance. For example, the project located at 2117 East 7th Place was approved on November 7, 2001 (ZA 2001-2828 (ZAD) to permit the conversion of five existing one- and two-story industrial buildings into 43 joint living and work quarters in the M3-1 zone. This project was permitted to provide zero yard setbacks in the front and the rear yard for the existing development and to permit 43 parking spaces (one space per unit). The Toy Factory Lofts located at 1855 Industrial Street (ZA-2002-4041-ZAD-ZV-YV) was approved on April 14, 2003 for a 130-unit Joint Live Work apartment development in an existing industrial building. The Toy Factory Lofts is in the Central City North Community Plan area and included the conversion of an existing structure. Also, on January 10, 2003, an 18 joint living and work quarters conversion project located at 652 Mateo Street in the Century City North Planning Area was approved (ZA 2002-4292 (ZAD). This project was granted approval to provide zero side and rear yards, no on-site parking and 18 off-site commercial spaces

By proposing a project designed with a 1.8 to 1 FAR, the proposed project exceeds the maximum 1.5 to 1 FAR established for the project site and surrounding area. However, quite notably, the project site is located in an area dominated by buildings exceeding the 1.5 to 1 floor area ratio limitation. In addition to the nearby Biscuit Lofts building and Toy Factory Lofts, buildings with floor area ratios greater than 1.5 to 1 dominate the area. The vast majority of the buildings in the area, including the Biscuit Lofts and Toy Factory Lofts, exceed the 1.5 to 1 FAR provided by the zoning code. For example, the 21-unit project located at 652 Mateo, approved in 2004, has a floor area ratio of 3 to 1. Just west of the subject site, at 1800 Industrial Street, is a 13,170 square foot AIR project on a 6,490 square foot lot generating a floor area ratio of 2 to 1. All of these surrounding property owners enjoy the benefit of floor areas in excess of the 1.5 to 1 limitation, with some as high as the range of 5 or 6 to 1 FAR. The Applicant is only requesting permission to construct a building that is comparable to the surrounding neighborhood and that does not create additional impacts that would adversely affect the neighborhood. The project needs to build approximately 30,586 square feet of additional floor area in order to build an 183,514 square foot project. This will result in an FAR of 1.8 to 1, which is still substantially less than many neighboring sites.

The project site is not located in the special flood hazard area, and as such it conforms with both the specific provisions and intent of the Specific Plan for the Management of Flood Hazards (Section 5 of Ordinance 172,081).

With designs and improvements that have been previously granted to other similar projects in the same area, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

c) The site is physically suitable for the proposed type of development.

Numerous properties in the surrounding area have been converted to similar joint live and work units, either via a conditional use permit process or under the Adaptive Re-Use

Ordinance. These projects have introduced a new economic vitality to the area by combining live and work uses together. The construction of new buildings to house 180 joint living and working quarters and 5,000 square feet of retail space will foster this development direction which is a healthy evolution for this economically challenged neighborhood. This project maintains the aesthetic character of the area while at the same time enhancing the economics and livability of the area. The project proposes to retain the industrial character of the neighborhood while constructing a project that is consistent with the surrounding area in terms of mass and scale. The project will enhance the quality of the neighborhood, and it will blend with some of the recent residential conversions that have taken place in such neighboring properties as the Federal Industrial Lofts, Biscuit Lofts, 652 Mateo Lofts and the Toy Factory Lofts.

Given that numerous properties in the surrounding area have been converted to live/work residential units, the site is physically suitable for the proposed type of development that brings 180 joint live and work quarters and 5,000 square feet of retail space. The character of the neighborhood has been changing to include a more dynamic mix of commercial, residential and warehousing use. The proposed project is similar to many of the recently approved and proposed projects that convert outdated industrial buildings to residential use. The construction of 180 new AIR units not only promotes the economic rejuvenation of the area, it is physically suitable to the improvements that have taken place in the surrounding area. The presence of 5,000 square feet of retail floor area also promotes economic vitality in the area. Residents will embrace the industrial nature of the area, helping to breathe vitality back into a community long since abandoned.

d) The site is physically suitable for the proposed density of development.

The site is known to be an under-improved and underutilized property in this industrial vicinity. The site is physically suitable for the proposed density of the joint live-work mixed use development with an existing industrial neighborhood where many properties exceed the 1.5 to 1 FAR. The applicant proposes the construction of a project in excess of the 1.5 to 1 floor area ratio (approximately 152,928 square feet of floor area) permitted on the site. The applicant seeks to construct a project with a floor area ratio (FAR) of 1.8 to 1, which generates a total of 183,514 square feet of floor area based on the lot area of 101,952 square feet.

This request to modestly increase the floor area allows for the construction of new buildings that are consistent with the surrounding community in terms of their bulk and efficiency. The 1.8 to 1 floor area ratio would provide buildings closer to the size of the adjacent buildings, thereby creating the larger units needed for residents utilizing their space for joint working and living quarters.

As evidenced by the nearby Toy Factory Lofts and the Nabisco Building and the other buildings in the vicinity of the project, the construction of this new project will be substantially less dense than its surrounding community. The Toy Factory Loft building contains approximately 251,031 square feet of floor area on a 42,000 square foot lot, generating a floor area ratio of 5.9 to 1. Meanwhile, the Biscuit Lofts Building's 167,745 square feet of floor area on a 35,988 square foot lot generates a floor area ratio of 4.7 to 1. Consequently, increasing the permitted floor area by approximately 30,586 square feet to an approximate

FAR of 1.8 to 1 still leaves the construction at a level substantially below that of some notable joint living and working quarters in the surrounding community.

The project applicant intends to build new buildings in order to create AIR units and workforce housing. If the intent of the Code is to create compatible development, then this request meets the spirit of that code. All of the adjacent buildings were built prior to the advent of a 3 to 1 floor area ratio and the approval of Proposition U. Proposition U imposed a 1.5 to 1 floor area ratio on all non-residential zones in Height District 1. The true intent of the proposition was to limit the floor areas of commercial districts near strictly residential uses. The area's recently approved Central Industrial Redevelopment Plan acknowledges that a floor area ratio of 3 to 1 is appropriate in the area. This Applicant is requesting only to increase the floor area by approximately 30,586 square feet to achieve a total floor area for the project of 183,514 square feet, which remains considerably less than the 3 to 1 FAR deemed appropriate by the Redevelopment Plan. The imposition of this limitation on M Zones and this specific project creates an unnecessary hardship.

The vast majority of buildings in this area have units that exceed the 1.5 to 1 FAR ratio and are built from property line to property line. As a result, the site is physically suitable for the proposed 1.8 to 1 FAR density of development with reduced setbacks and a density that exceeds that permitted by the R3 Zone but is less than that permitted by the R4 Zone.

The site is also physically suitable for the proposed development in that the property is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone.

e) The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidably injure fish or wildlife or their habitat.

The Initial Study prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset is concerned. Furthermore, the project site, as well as the surrounding area is presently developed with industrial structures and does not provide a natural habitat for either fish or wildlife. Therefore, the design of the subdivision and the proposed improvements of the new buildings are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

In light of the above, the project qualifies for the De Minimis Exemption for Fish and Game fees (AB 3158).

f) The design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

The design of the subdivision and proposed improvements of new buildings, parking and open space poses no potential public health problems.

The development will be required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Los Angeles Hyperion Treatment Plant, which is currently being upgraded to meet Statewide ocean discharge standards. The Bureau of

Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- g) The design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

Such easements are not known to exist on the subject property. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.

- h) The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. (REF. Section 66473.1)**

- a. In assessing the feasibility of passive or natural cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.
- b. Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.
- c. The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.
- d. The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.
- e. In addition, prior to obtaining a building permit, the subdivider will consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans, planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.