

CF 12-1022 CPC-2009-3210-GPA-ZC-HDF-1

FINDINGS

- A. **General Plan.** The subject property is located within the Boyle Heights Community Plan, which was adopted by the City Council on Nov. 10, 1998 (City Planning Case No. 94-0210 CPU; Council File No. 95-1302). The Boyle Heights Community Plan map designates the subject property as Public Facility (Corresponding zone includes PF).

- B. **General Plan Text.** The Boyle Heights Community Plan text includes the following relevant land use Objectives, policies and programs:

Objectives:

To conserve and improve existing viable housing for persons desiring to live in Boyle Heights, especially low and moderate income families.

To provide new housing opportunities that accommodate a range of income needs, provide public amenities, and maximize the opportunities for individual choice.

To improve the relationship between residential uses, the circulation system and the service system facilities (streets, highways, schools, parks, fire, police, utilities).

Policy

It is the City's policy: That Medium density housing be located near commercial corridors where access to public transportation and shopping services is convenient and where a buffer from, or a transition between, low-density housing can be achieved to the extent feasible.

Program(s):

The Plan recommends: Initiation of residential zone re-designations which will conform to the land use policies of this Plan as indicated on the Plan Map.

The proposed project meets the Objectives, Policies and Programs of the Boyle Heights Community Plan as follows:

The proposed General Plan Amendment, Zone Change and Height District will permit development of a new, 40 unit apartment complex located two blocks south of 1st Street and one block west of Boyle Avenue, (within .06 miles of a MTA transit station-Mariachi Plaza-Gold Line Eastside Extension) which will offer modern amenities comparable to other new housing in the City, but at rental rates that should be attainable for moderate income renters. The project location is within walking distance of neighborhood serving commercial uses along 1st Street, White Memorial Hospital to the north and Pecan Recreation Center/Park located just to the east of the Hollywood Freeway. Requested General Plan Amendment from Public Facility to Medium Density Residential and Zone/Height District change from PF-1XL to R3-1, is consistent with planned and existing land uses in the immediate area, and is also consistent with the Boyle Heights Community Plan Footnotes as indicated below.

- C. **City Charter Sections 556 and 558.** The recommended General Plan Amendment from Public Facilities to Medium Density Residential **complies** with Charter Sections 556 and 558 in that the recommended amendment reflects the land use patterns and trends and uses in the immediate area and furthers the intent, purposes and objectives of the Boyle Heights Community Plan. The proposed General Plan Amendment to Medium Density Residential is consistent with the Boyle Heights Community Plan in that it supports the development of the proposed 40 unit multiple family use and is further consistent with the following Footnotes, which state:

Boyle Heights Community Plan Footnote No. 10. - *The Public Facility (PF) planning land use designation is premised on the ownership and use of the property by a government agency. The designation of the PF Zone as a corresponding zone is based on the same premise. The Plan also intends that when a board or governing body of a government agency officially determines that a property zoned PF is surplus, and no other public agency has indicated an intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent within 500 feet of the property boundary and still be considered consistent with the adopted Plan.*

Boyle Heights Community Plan Footnote No 8. - *With respect to those properties, the plan contemplates that the existing development may continue to be maintained and may be reconstructed in the event of accidental destruction, but that upon the abandonment of such existing development, the property may thereafter be used only for the uses and at the density permitted under the Plan designation.*

The existing General Plan Designations within 500 feet of the subject property include Medium Density, Low Medium II and Low Medium I Residential Land Use Designations whose parcels include development ranging from 1 to 125 dwelling units per site.

- D. **Zone/Height District Change Findings.** Pursuant to Section 12.32 C 7 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The recommended Zone/Height District Change from PF-1XL to (T)(Q)R3-1 is consistent with the proposed General Plan Land Use Designation of Medium Density Residential and is within the range of corresponding zone(s) (which include R3) permitted by such. The subject site is located within the Boyle Heights Community Plan area on Third Street west of Boyle Avenue.

The subject request includes a Zone and Height District Change from PF-1XL to R3-1 to permit the development of a 45 foot in height, 40 unit, multiple family use. The subject site is located within the existing right of way (ROW) of the Hollywood (Route 101) Freeway and was owned and maintained by Caltrans. The property was previously leased as an automobile repair yard. Pursuant to Section 12.04.09 of the Los Angeles Municipal Code, "It is the purpose of the "PF" Public Facilities Zone to provide regulations for the use and development of publicly owned land in order to implement the City's adopted General Plan, including, the circulation and service systems designations in the City's adopted district and community plans, and other relevant General Plan elements, including the circulation, public recreation and service systems elements." The LAMC further limits the types of development that can occur on PF zoned properties as follows:

1. Farming and nurseries, under power transmission rights-of-way.

2. Public parking facilities located under freeway rights-of-way.
3. Fire stations and police stations.
4. Government buildings, structures, offices and service facilities including maintenance yards, provided, however, that those uses identified in Section 12.24U21 shall require conditional use approval pursuant to that section.
5. Public libraries not located inside public parks.
6. Post offices and related facilities.
7. Public health facilities, including clinics and hospitals.
8. Public elementary and secondary schools.
9. Any joint public and private development uses permitted in the most restrictive adjoining zones if approved by the Director utilizing the procedures described in Section 16.05E to H.
10. Conditional uses as allowed pursuant to Section 12.24 U 21 and Section 12.24 W 49 of this Code when the location is approved pursuant to the provisions of the applicable section.

The eastern portion of the Caltrans site was sold to the Project Applicant, and the requested Zone Change is necessary to allow for the development and use of the property by a private owner. Pursuant to Footnote No. 10 of the Boyle Heights Community Plan, *"The Plan also intends that when a board or governing body of a government agency officially determines that a property zoned PF is surplus, and no other public agency has indicated an intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent within 500 feet of the property boundary and still be considered consistent with the adopted Plan."*

Properties to the north of the subject site are zoned [Q]R4-1, R3-1 and C2-1, planned for Medium Density Residential and Neighborhood Commercial uses and are improved with multiple family residential developments of 1 to 30 units. The MTA Gold Line Mariachi Plaza Station project is under construction at the corner of 1st Street and Boyle Avenue;

Properties to the east (abutting) are zoned [Q]R4-1, planned for Medium Density Residential, and improved with multiple family residential uses (1 to 30 dwelling units). These properties are subject to Footnote No. 8 of the Boyle Heights Community Plan:

Footnote No 8. - With respect to those properties, the plan contemplates that the existing development may continue to be maintained and may be reconstructed in the event of accidental destruction, but that upon the abandonment of such existing development, the property may thereafter be used only for the uses and at the density permitted under the Plan designation.

Uses to the east (across Boyle Avenue) are zoned [Q]R4-1 and RD1.5-1, planned for Medium and Low Medium II Density Residential uses and are improved with dwelling units ranging from 1 to 24 per parcel;

Properties to the south are zoned [Q]R4-1 and are planned for Medium Density Residential uses. These properties are improved with a very large Senior Health Care Facility/Assisted Living Facility, surface parking and multiple family uses (30 and 35 dwelling units per site);

Properties to the west (abutting) surplus Caltrans property (to remain Zoned PF-1XL/ Public Facilities GPLU) with auto repair; the Hollywood Freeway and Residential land uses Zoned RD2-1 and RD3-1. Commercial zoned properties (neighborhood serving uses such as market); A School (Delores Mission Catholic School) and the Pecan Recreation Center and Park (zoned OS-1XL/Open Space.

All properties zoned [Q]R4-1 are also subject to the following Q Limitation: Limited to existing uses, thereafter, must conform to the R3-1 Zone.

The requested Zone/Height District change from PF-1XL to [Q]R3-1 is therefore compatible with the planned development of the community, consistent with the Boyle Heights Community Plan and as such is consistent with public necessity, convenience, general welfare and good zoning practice. It should be noted that while the project has proposed development of 40 dwelling units on the site, the proposed project density exceeds the maximum permitted for the R3-1 Zone. The requested R3 Density (800 square feet per dwelling unit) would permit a maximum of 32 dwelling units (26,253 square feet of lot area/800sf per dwelling unit) on the site, and Condition A.2 **Density**, has been modified to reflect this.

The action, as recommended, has been made contingent upon compliance with the AT@ and AQ@ conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, 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.

E. CEQA Finding.

A Mitigated Negative Declaration (ENV-2009-2648-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.