

Google Groups

Re: Council File No. 16-1411-S1

Zina Cheng

Mar 20, 2017 11:11 AM

Posted in group: **Clerk-PLUM-Committee**

Communication from Applicant Representative

Please be aware that the correct email address for your written response is clerk.plumcommittee@lacity.org
For your convenience, I have included the correct email address for you.

The Office of the City Clerk is in receipt of your letter. It is included in the public record.

*****NOTE TO LA CITY STAFF**********Please Cc sharon.dickinson@lacity.org on all emails related to PLUM Committee.*****

Zina Cheng, Legislative Assistant
Planning and Land Use Management Committee

City of Los Angeles, Office of the City Clerk
Council and Public Services
(213) 978-1537
zina.cheng@lacity.org

On Mon, Mar 20, 2017 at 10:46 AM, Phenh Lam <phenh.lam@lacity.org> wrote:

----- Forwarded message -----

From: **Perry, Patrick** <pperry@allenmatkins.com>
Date: Mon, Mar 20, 2017 at 10:31 AM
Subject: Council File No. 16-1411-S1
To: "CityClerk@lacity.org" <CityClerk@lacity.org>
Cc: "william.lamborn@lacity.org" <william.lamborn@lacity.org>, Jenna Monterrosa <jenna.monterrosa@lacity.org>

Please see the attached correspondence of today's date regarding Council File No. 16-1411-S1. Thank you.

Patrick A. Perry Esq.

Partner

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Via Electronic Mail

March 20, 2017

Los Angeles City Council
200 North Spring Street
Los Angeles, California 90012

Re: Council File No. 16-1411-S1

Dear Members of the Los Angeles City Council:

This firm represents PIMA Alameda Partners, LLC ("PIMA"), owner of the property located at 4051 Alameda Street (the "Property"). On September 3, 2016, the Director of City Planning and the Advisory Agency certified the final environmental impact report ("FEIR") and approved Case Nos. AA-2012-919-PMLA and DIR-2013-887-SPR for the development on the Property of four industrial buildings containing a total of 480,120 square feet of floor area (the "Project"). The decisions of the Planning Director and Advisory Agency were appealed to the City Planning Commission, which denied the appeal following a public hearing on November 10, 2016. The decision of the City Planning Commission to certify the FEIR for the Project has been appealed to the City Council. On March 7, 2017, the Planning and Land Use Management ("PLUM") Committee conducted a public hearing at which it voted to recommend to the full City Council that the appeal be denied. The City Council is scheduled to consider the recommendation of the PLUM Committee on March 21, 2017.

Additional correspondence has been submitted on behalf of the appellant, much of which repeats earlier arguments to which written responses have already been made in the FEIR or have been submitted on behalf of PIMA or by Planning Department staff. In prior correspondence commenting on the Draft EIR, supporters of the appellant have asserted that the FEIR did not adequately consider the Project's consistency with the Open Space and Conservation Element of the City's General Plan. Although a response to this comment was provided in the FEIR, supporters of the appellant have made additional assertions in this regard by citing specific policies that they claim are set forth in the Open Space and Conservation Element. As set forth in detail below, such assertions are misplaced and inapplicable and should be disregarded. As such, these assertions do not constitute valid grounds on which to challenge the adequacy of the FEIR, and the appeal should accordingly be denied.

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As an initial matter, it should be noted that the various policies identified by the appellant are not contained in the Open Space and Conservation Element of the City's General Plan. Indeed, there is no Open Space and Conservation Element of the General Plan. There is currently an Open Space Element, which was adopted in June 1973, and a Conservation Element, which was adopted in September 2001. Neither Element contains the policies identified by the appellant relating to open space. Instead, the policies identified by appellant are contained in the Framework Element of the General Plan, which was adopted in August 2001. As set forth in Chapter 1 of the Framework Element,

The Framework Element establishes the broad overall policy and direction for the entire general plan. . . . It provides a citywide context and a comprehensive long-range strategy to guide the comprehensive update of the general plan's other elements -- including the community plans which collectively comprise the Land Use Element. . . . The Framework Element is not sufficiently detailed to impact requests for entitlements on individual parcels. Community plans will be more specific and will be the major documents to be looked to for consistency with the general plan for land use entitlements.

The Framework Element also includes the following and policies regarding the retention of existing and attraction of new industries:

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

Policy 3.14.4 Limit the introduction of new commercial and other non-industrial uses in existing commercial manufacturing zones to uses which support the primary industrial function of the location in which they are located.

Policy 3.14.9 Initiate programs for lot consolidation and implement improvements to assist in the retention/expansion of existing and attraction of new industrial uses, where feasible.

The Property is located within the Southeast Los Angeles Community Plan area. According to the Southeast Los Angeles Community Plan, the land use designation for the Property is Light Industrial. The City's zoning designation for the Property is M2, Light Industrial, which is consistent with the Light Industrial land use designation in the Southeast Los Angeles Community Plan. As set forth in the FEIR, the Project is consistent with the goals and policies of the Southeast Los Angeles Community Plan, which discourage nonindustrial uses and uses that compromise job-producing potential. Plan Goal 3 supports 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 impacts on adjacent uses. The South East Los Angeles Community

Plan further supports the retention and redevelopment of the industrial sector through Objective 3-1, Policy 3-1.1, and Objective 3-2, Policy 3-2.1:

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.

Policies 3-1.1 Designate lands for the continuation of existing industry and development of new industrial parks, research and development uses, light manufacturing, and similar uses which provide employment opportunities.

Objective 3-2 To retain industrial plan designations to maintain the industrial employment base for community residents and to increase it whenever possible.

Policies 3-2.1 The significant, large industrially planned parcels located in predominantly industrial areas associated with the railroad transportation facilities along Alameda and in the Slauson area should be protected from development by other uses which do not support the industrial base of the community, and the City.

Although the Southeast Los Angeles Community Plan's open space goals and objectives support the preservation of existing open space and the development of new open space, the objectives also note that the "Plan Map designates lands for open spaces including parklands." As noted above, however, the Property is designated Light Industrial and is not designated for open space on the plan map. The area surrounding the Property is developed almost exclusively with light and heavy industrial uses. The Alameda Corridor rail line is located directly to the east and runs below grade in the Project area, and also includes the Southern Pacific Railroad right-of-way across South Alameda Street. The Metro Blue Line light rail line is located immediately to the west of the Property. The nearest designated open space is the Ross Snyder Recreation Center, located 0.2 mile west of the Property.

In connection with a prior development proposal for the Property, the City Council determined in 2011 that establishment of an active use park on the Project site would be inappropriate due to the Property's location in an industrial corridor which is isolated to the west and east by major rail lines and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the Property.

The plain language of the Framework Element clearly defers to the Southeast Los Angeles Community Plan with respect to consistency of the Project with the applicable goals and policies of the General Plan. The City Council has also determined that use of the Property for open space or recreational purposes is not consistent with the Property's industrial land use and zoning designations. Appellant's assertions to the contrary are accordingly misplaced and should be disregarded.

Even if the policies of the Framework Element were applicable in this context, it is well settled that "it is beyond cavil that no project could completely satisfy every policy stated in the [general plan], and that state law does not impose such a requirement. A general plan must try to accommodate a wide range of competing interests--including those of developers, neighboring homeowners, prospective homebuyers, environmentalists, current and prospective business owners, jobseekers, taxpayers, and providers and recipients of all types of city-provided services--and to present a clear and comprehensive set of principles to guide development decisions. Once a general plan is in place, it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be 'in harmony' with the policies stated in the plan. It is, emphatically, not the role of the courts to micromanage these development decisions." The role of the courts "is simply to decide whether the city officials considered the applicable policies and the extent to which the proposed project conforms with those policies, whether the city officials made appropriate findings on this issue, and whether those findings are supported by substantial evidence." *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 719-720 (internal citations omitted).

Here, the Planning Commission made the following explicit findings on the basis of substantial evidence that the Project is in substantial conformance with the purposes, intent and provisions of the City's General Plan and the Southeast Los Angeles Community Plan.

- The proposed use as a light industrial park that will contain garment manufacturing and supportive uses is consistent with the Light Manufacturing land use designation and is permitted within its underlying zones.
- As described in the Southeast Los Angeles Community Plan, an overarching goal related to industrial designated land is that the Plan's industrial base is a major economic asset that should be preserved or redeveloped to accommodate emerging technologies, thus providing enhanced job base for the Community's population. The plan identifies that the existing industrial base is in poor condition and identifies opportunities for industrial growth in existing under-utilized and vacant industrial parcels, much like the subject site. The consolidation of the subject site to allow for the construction of a light industrial complex will address the Community Plan's identified issue of small lot sizes and will seize an identified opportunity to develop new industrial parks that contain more than one operator.
- In addition to being consistent with the Southeast Los Angeles Community Plan, the proposed industrial project is further in line with the City's General Plan framework Element, which sets forth a comprehensive long-range growth strategy for the City and defines citywide policies regarding such pertinent issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. With regards to industrial land, it is the intent of the

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law


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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.

The Project accordingly complies with the goals and policies of both the Framework Element of the General Plan and the Southeast Los Angeles Community Plan. The City Council has also previously found on the basis of substantial evidence that use of the Property for open space and recreation purposes is not appropriate due to the location of the Property in an industrial corridor which is isolated to the west and east by major rail lines. Appellant's assertions that the Project is inconsistent with the open space and conservation elements of the City's General Plan are therefore inaccurate and misleading. Appellant's assertions in this regard should accordingly be disregarded in their entirety, and the appeal should be denied.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Patrick A. Perry".

Patrick A. Perry

PAP