

**ARMBRUSTER GOLDSMITH & DELVAC LLP**  
LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

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November 20, 2017

BY EMAIL AND U.S. MAIL

The Honorable Planning and Land Use Management  
Committee of the City Council  
Room 395 City Hall  
200 N. Spring Street  
Los Angeles, California 90012

Attn: Zina Cheng (zina.cheng@lacity.org)

Date: 11/21/17  
Submitted in PLUM Committee  
Council File No: 17-1031 / 17-1031-S1  
Item No.: 8  
Communication from  
Applicant Representative

Re: 1525 Industrial Street/CF 17-0131 and CF 17-1031-S1  
(Scheduled for the November 21, 2017 PLUM Committee Meeting)

Dear Committee Members:

As you know, we represent Camden USA, Inc. ("Camden") the owner of the above-reference property ("Property") and the applicant in the above cases. On behalf of Camden, we are writing to respectfully request the following minor technical changes to the conditions of approval.

**1. Delete Condition 7.f of VTTM 74112-1A, which provides as follows:**

The submitted map does not comply with the maximum density (400 square feet of lot area/dwelling unit) requirement for the proposed C2 Zone. Revise the map to show compliance with the above requirement based on the lot area after required street dedication is taken or obtain approval from the Department of City Planning.

**Justification:** Camden is seeking approval of a zone change to C2-2D and a General Plan amendment to Regional Commercial. The Project would include up to 344 live/work units. Residential uses within the C2 Zone are generally permitted to be developed under the R4 development standards, which has a minimum lot area requirement of 400 square feet per unit. However, LAMC Section 12.22 A.18 provides for an R5 density (200 square feet of lot area per

dwelling unit) for mixed-use projects on sites designated as Regional Center. As the Project is mixed use, the R5 density standards will apply with approval of the proposed General Plan amendment. The Project Site has a net lot area of 112,843 square feet, which yields an allowable density of 564 units, which is greater than the 344 units proposed. Therefore, the proposed density is consistent with applicable maximum density of the C2 zone.

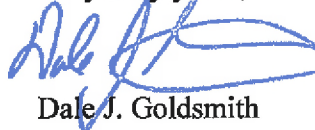
**2. Revise "Q" Condition 12 as follows:**

12. Public Open Space. The project shall provide a 4,305 square-foot ~~publically~~ publicly accessible plaza fronting Industrial Street and 8,359 square feet of ~~publically~~ publicly accessible open space in the paseo and eastern parcel between Building A and Building B. Public open space shall be open and ungated between the hours of ~~6:00~~ 8:00 A.M. and ~~9:00~~ 8:00 P.M., at minimum. Public open space shall be landscaped in accordance with Exhibit A.

**Justification:** Use of the public open space at 6:00 A.M. could disturb residents and also present security concerns during times of the year when the sun does not rise until around 7:00 A.M. Therefore, we are requesting that access in the morning be provided no later than 8:00 A.M., in addition to correcting the typographical errors above.

Thank you for your consideration. Please let us know if you need any additional information.

Very truly yours,



Dale J. Goldsmith

cc: Shawn Kuk  
Clare Eberle  
Michael Sin  
Camden USA

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The Honorable Planning and Land Use Management  
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Room 395 City Hall  
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Attn: Zina Cheng (zina.cheng@lacity.org)

Re: 1525 Industrial Street/CF 17-0131 and CF 17-1031-S1  
(Item No. 8 on the November 21, 2017 PLUM Committee Agenda)


Date: 11/21/17  
Submitted in PLUM Committee  
Council File No: 17-1031 / 17-1031-S1  
Item No.: 8  
Communication  
from Applicant  
Representative

Dear Committee Members:

As you know, we represent Camden USA, Inc., the applicant in the above cases. The Planning Department has submitted to the Committee a supplemental Staff Report with modified findings. We believe that these findings are excellent. However, in order to provide for the clearest and most complete record, we are writing to respectfully request that you adopt the attached additional and revised findings.

Thank you for your consideration.

Very truly yours,

  
Dale J. Goldsmith

cc: Councilmember Jose Huizar's Office  
Planning Department  
Camden USA

## REVISED FINDINGS

### General Plan/Charter Findings

#### 2. General Plan Text.

##### Framework Element

##### *Land Use Chapter*

#### **ADD THE FOLLOWING TO THE BOTTOM OF PAGE F-2 OF PLANNING'S MODIFIED FINDINGS:**

As indicated in the *Economic Development* Chapter of the Framework Element, some existing industrially zoned lands may be inappropriate for new industries and should be converted for other land uses considering such criteria as demonstrating existing parcelization precludes effective use for industrial or supporting functions and where there is no available method to assemble parcels into a unified site that will support viable industrial development; where the size and/or the configuration of assembled parcels are insufficient to accommodate viable industrial development; and where the conversion of industrial lands to an alternative use will not create a fragmented pattern of development and reduce the integrity and viability of existing industrial areas (Policy 3.14.6).

The subject property is an under-utilized site containing an obsolete and vacant cold storage building that is too small to support a viable modern cold storage business. Based on testimony in the record: (a) the average capacity of public cold storage facilities in the US is 6 million cu. ft.; (b) the existing building only provides about 20% of this square footage; and (c) the unusual flag shape of the site and narrow north-south dimension makes the project site unsuitable for other industrial uses in that this unusual shape does not allow for a "cross dock" (i.e., an area that can be accessed on both sides by trucks to facilitate the efficient transfer of goods between trucks), which is a key feature of modern light industrial, distribution and warehouse uses. Moreover, it is not feasible to assemble parcels into a larger unified site that will support viable industrial development, as the subject property is surrounded by public rights of way and a recently developed brewpub. The applicant does not own or control the brewpub site.

#### **ADD THE FOLLOWING TO PAGE F-3 OF PLANNING'S MODIFIED FINDINGS ABOVE THE FINDING REGARDING GOAL 3F:**

*Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more livable city.*

The proposed project would be an addition to the Arts District area, which is undergoing rapid transformation in the form of former industrial and warehouse buildings being restored and converted, as well as through the development of new mixed-use projects.



The project would remove the existing obsolete and vacant cold storage building within the project site and redevelop the project site with a physically balanced mix of uses, including market rate and affordable live/work units, and creative offices, arts production space, and restaurants, thereby revitalizing the project site and expanding the diversity of uses within the Arts District area. The project would be developed with sustainability features and landscaped open space for both the public and project residents. The project would be well-served by public transit as it is located in a High Quality Transit Corridor and Transit Priority Area. In addition, the project's circulation improvements would improve access for the surrounding area. Overall, the project would create a new development that would be attractive to future investment, as well as contribute to a transit-oriented mixed-use neighborhood of the City.

**ADD THE FOLLOWING TO PAGE F-4 OF PLANNING'S MODIFIED FINDINGS ABOVE THE FINDING REGARDING THE HOUSING CHAPTER:**

*Goal 3N: Mixed-use, multi-family residential and commercial areas that enhance the quality of life for the City's existing and future residents and businesses.*

The project would remove the obsolete and vacant cold storage building and redevelop the project site with a mix of uses, including affordable and market rate live/work units, and creative office, arts production, and restaurant used, that would revitalize the project site and expand the offering of uses and services within the Arts District area. The project would also include a variety of open space areas for residents and visitors. In addition, the proposed uses would be located in proximity to a variety of transit options. Overall, the project would create a new development that would enhance the area for the City's existing and future residents. Also, agencies providing public services and utilities to the project site would have capacity to serve the project within their existing infrastructure

**ADD THE FOLLOWING TO PAGE F-6 OF PLANNING'S MODIFIED FINDINGS ABOVE THE FINDING REGARDING GOAL 7G:**

*Economic Development Chapter*

*Goal 7A: A vibrant economically revitalized City.*

The proposed project would replace an obsolete and vacant cold storage building with a mixed-use development containing 344 live/work units, including needed affordable units, resident production space, approximately 4,000 square feet of restaurant space, and approximately 25,000 square feet of creative office. The addition of creative office, restaurant space, and live-work units, which can contain small businesses and home-based occupations, will contribute meeting this goal.

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

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

*Policy 7.2.3: Encourage new commercial development in proximity to rail and bus transit corridors and stations.*

*Policy 7.2.9. Limit the redesignation of existing industrial land to other land uses except in cases where such redesignation serves to mitigate existing land use conflicts, and where it meets the criteria spelled out in Policy 3.14.6 of Chapter 3: Land Use.*

The project will further the above goal, objective and policies through the introduction of 344 live/work units, including needed affordable units, on-site resident production space, approximately 4,000 square feet of restaurant space, and approximately 25,000 square feet of creative office. The live/work units will be designed to comply with Section 419 of the Building Code and will be able to accommodate up to five employees in each unit. The units are designed to be larger than average with taller floor to ceiling heights to accommodate arts and production uses and a minimum 150 square-foot designated work area in each unit. The on-site resident production space will also provide an on-site workshop or gallery amenity for use by residents and employees of the live/work units for art production and/or display, materials and good fabrication, and other similar production activities. Additionally, the project provides a range creative office spaces, including smaller spaces designed to accommodate small businesses. All of this will promote job creation and economic growth, strengthen the commercial sector, and contribute to a better balance of land uses that meets the needs of residents while redeveloping an underutilized site that is not well suited for industrial development, as noted above.

According to the Central City North Community Plan, there are 1,180 acres (approximately 60 percent of the 2,005-acre total) of industrially zoned property in the Plan area. The project site comprises only 2.59 areas, or 0.2 percent of the industrially-zoned property and 0.1 of the total land in the Plan area. Therefore, after approval of the recommended General Plan Amendment and Zone Change, there will be more than adequate quantities of land for emerging industrial sectors.

General Plan Framework Policy 3.14.6 provides for the potential re-designation of marginal industrial lands for alternative uses by amending the community plans based on specified criteria, including: (a) where it can be demonstrated that the existing parcelization precludes effective use for industrial or supporting functions and where there is no available method to assemble parcels into a unified site that will support viable industrial development; (b) where the size and/or the configuration of assembled parcels are insufficient to accommodate viable industrial development; (c) where the conversion of industrial lands to an alternative use will not create a fragmented pattern of development and reduce the integrity and viability of existing industrial areas; (d) where the conversion of industrial lands to an alternative use will not result in an adverse impact on adjacent residential neighborhoods, commercial districts, or other land uses; and/or (e) where it can be demonstrated that the reduction of industrial lands will not adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents or incur adverse fiscal impacts.

The above criteria are met with respect to the project. The subject property is an under-utilized site containing an obsolete and vacant cold storage building that is too small to support a viable modern cold storage business. Based on testimony in the record: (a) the average capacity of public cold storage facilities in the US is 6 million cu. ft.; (b) the existing building only provides about 20% of this square footage; and (c) the unusual flag shape of the site and narrow north-south dimension makes the project site unsuitable for other industrial uses in that this unusual shape does not allow for a "cross dock" (i.e., an area that can be accessed on both sides by trucks to facilitate the efficient transfer of

goods between trucks), which is a key feature of modern light industrial, distribution and warehouse uses. Moreover, it is not feasible to assemble parcels into a unified site that will support viable industrial development, as the subject property is surrounded on by public rights of way and a recently developed brewpub. The applicant does not own or control the brewpub site.

As shown by the project's Mitigated Negative Declaration and Sustainable Communities Environmental Assessment, the project will not result in an adverse impact to residential neighborhoods, commercial districts, or other land uses.

Development of the project will not result in a fragmented pattern of development. In general, the surrounding urban environment is comprised of a mix of industrial buildings, cold storage warehouses, residential lofts, commercial/retail, office, restaurant, parking, and neighborhood amenities. The subject site is located adjacent to a brewpub, and the sites located immediately to the north and south of the subject property are planned to be redeveloped with residential mixed-use projects. In general, the surrounding urban environment is comprised of a mix of industrial buildings, cold storage warehouses, residential lofts, commercial/retail, office, restaurant, parking, and neighborhood amenities. Development of the project will reinforce current development trends and allow for a mix of compatible uses on subject site.

The subject site represents only 0.2 percent of the industrially-zoned property and 0.1 of the total land in the Plan area, and the now vacant site is not suited for industrial use. In addition, the project will generate more jobs than are currently on site or that were on site when the cold storage building was operational. Therefore, development of the project will not adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents or incur adverse fiscal impacts.

The Industrial Land Use Policy (ILUP) does not preclude City Council approval of the recommended Zone Change and General Plan Amendment. Now over a decade old, the ILUP no longer reflects the City's land use objectives for this area. It was based on outdated data that does not reflect the evolution of the area that has resulted in numerous live/work and commercial development. Furthermore, the ILUP was never adopted by the City Council and in no way limits the City Council's ability to exercise its legislative authority to approve the recommended Zone Change and General Plan Amendment.

*Goal 7D: A City able to attract and maintain new land uses and businesses.*

The project will further the above goal, objective and policies through the introduction of 344 live/work units, including needed affordable units, on-site resident production space, approximately 4,000 square feet of restaurant space, and approximately 25,000 square feet of creative office. The live/work units will be designed to comply with Section 419 of the Building Code and will be able to accommodate up to five employees in each unit. The units are designed to be larger than average with taller floor to ceiling heights to accommodate arts and production uses and a minimum 150 square-foot designated work area in each unit. The on-site resident production space will also provide an on-site workshop or gallery amenity for use by residents and employees of the live/work units for art production and/or display, materials and good fabrication, and other similar production activities. Additionally, the project provides a range creative office spaces, including smaller spaces designed to accommodate small businesses.

**ADD THE FOLLOWING TO PAGE F-8 OF PLANNING'S MODIFIED FINDINGS ABOVE THE FINDING REGARDING URBAN DESIGN:**

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

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

*Policy 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 3.3.: To retain industrial plan designations to maintain the industrial employment base for community residents and to increase it whenever possible.*

*Policy 3-3.1 The numerous large rail yards and other industrially planned parcels located in predominantly industrial areas should be protected from development by other uses which do not support the industrial base of the City and the community.*

The subject property is an under-utilized site containing an obsolete and vacant cold storage building that is too small to support a viable modern cold storage business. Based on testimony in the record: (a) the average capacity of public cold storage facilities in the US is 6 million cu. ft.; (b) the existing building only provides about 20% of this square footage; and (c) the unusual flag shape of the site and narrow north-south dimension makes the project site unsuitable for other industrial uses in that this unusual shape does not allow for a "cross dock" (i.e., an area that can be accessed on both sides by trucks to facilitate the efficient transfer of goods between trucks), which is a key feature of modern light industrial, distribution and warehouse uses. Moreover, it is not feasible to assemble parcels into a unified site that will support viable industrial development, as the subject property is surrounded by public rights of way and a recently developed brewpub. The applicant does not own or control the brewpub site.

The project will further to through the introduction of 344 live/work units, including needed affordable units, on-site resident production space, approximately 4,000 square feet of restaurant space, and approximately 25,000 square feet of creative office. The live/work units will be designed to comply with Section 419 of the Building Code and will be able to accommodate up to five employees in each unit. The units are designed to be larger than average with taller floor to ceiling heights to accommodate arts and production uses and a minimum 150 square-foot designated work area in each unit. The on-site resident production space will also provide an on-site workshop or gallery amenity for use by residents and employees of the live/work units for art production and/or display, materials and good fabrication, and other similar production activities. Additionally, the project provides a range creative office spaces, including smaller spaces designed to accommodate small businesses. All of this will promote job creation and economic growth, while redeveloping an underutilized site that is not well suited for industrial development, as noted above. As the proposed project will generate more jobs on site than both the existing and former uses (even without counting the potential for up to five

employees in each live/work), it is consistent with the Community Plan's objectives to preserve and increase employment opportunities.

According to the Central City North Community Plan, there are 1,180 acres (approximately 60 percent of the 2,005-acre total) of industrially zoned property in the Plan area. The project site comprises only 2.59 acres, or 0.2 percent of the industrially-zoned property and 0.1 of the total land in the Plan area. Therefore, after approval of the recommended General Plan Amendment and Zone Change, there will be sufficient land for a variety of industrial uses in the Community Plan area.

**REPLACE THE CHARTER SECTIONS 555 AND 556 FINDINGS ON PAGES F-12 AND F-13 OF PLANNING'S MODIFIED FINDINGS WITH THE FOLLOWING:**

**3. City Charter Finding 555.**

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

The part of the General Plan being amended has significant social, economic and physical identity. The project site is located near the Arts District, a neighborhood originally planned and zoned for industrial uses that is rapidly transforming to include new residential, commercial, and mixed-use developments and converted industrial space. The project proposes a General Plan Amendment from Heavy Manufacturing to Regional Commercial. The project site is an under-utilized site containing an obsolete and vacant cold storage building that is too small to support a viable modern cold storage business. trucks), which is a key feature of modern light industrial, distribution and warehouse uses. Based on testimony in the record: (a) the average capacity of public cold storage facilities in the US is 6 million cu. ft.; (b) the existing building only provides about 20% of this square footage; and (c) the unusual flag shape of the site and narrow north-south dimension makes the project site unsuitable for other industrial uses in that this unusual shape does not allow for a "cross dock" (i.e., an area that can be accessed on both sides by trucks to facilitate the efficient transfer of goods between trucks), which is a key feature of modern light industrial, distribution and warehouse uses.

The project will remove the existing obsolete facility and replace it with a mixed-use development containing 344 live/work units, including needed affordable units, resident production space, approximately 4,000 square feet of restaurant space, and approximately 25,000 square feet of creative office. While the proposed General Plan Amendment will change an industrial land use designation, the project is still oriented around the production of jobs, which will contribute to the significant economic identity of the area.

The surrounding neighborhood has a significant economic identity from the industrial uses that have historically populated the area. As that economy has evolved, heavy manufacturing uses are transitioning to more digital and creative uses. This project is in keeping with this economic identity and evolution as it replaces a cold storage facility that has been vacant since the company declared bankruptcy with a project that will activate the area through the introduction of 344 live/work units, including needed affordable units, on-site resident production space, approximately 4,000 square feet of restaurant space, and approximately 25,000 square feet of creative office. The live/work units will be



designed to comply with Section 419 of the Building Code and will be able to accommodate up to five employees in each unit. The units are designed to be larger than average with taller floor to ceiling heights to accommodate arts and production uses. A minimum 150 square-foot designated work area in each unit will be provided. The on-site resident production space will also provide an on-site workshop or gallery amenity for use by residents and employees of the live/work units for art production and/or display, materials and good fabrication, and other similar production activities. Additionally, the project provides a range of creative office spaces, including smaller spaces designed to accommodate small businesses.

The proposed project also has significant physical identity as a mixed-use project near regional transit in the Los Angeles area. The project area is currently served by two Metro Rapid Bus Lines, including lines 720 and 760, and four Metro Local Bus Lines, including lines 18, 53, 60 and 62. These lines provide connections to the downtown subway stations, which include Pershing Square and 7th Street/Metro Center. Additionally, the Greyhound Bus Terminal is located one block south of the project site on 7th Street, which provides inter-city bus service to various locations outside of the Los Angeles area. The project site is also served by the Metro Gold Line rail system located at the Little Tokyo/Arts District station near 1st Street and Alameda Street. The Metro Gold Line offers service to East Los Angeles to the east and Pasadena to the northeast. The Metro Gold Line connects to Union Station, providing access to Metrolink, the Metro Silver Bus Line, and Metro Rail Red and Purple Lines.

In addition, Metro is currently considering extending both the Santa Ana Line and Purple Line through the Arts District, and is considering multiple stations in the project vicinity. Development of this mixed-use site would provide potential additional transit riders and will act as a further inducement for Metro to further improve transit in the area.

In addition, the proposed project provides the opportunity for significant pedestrian connections with proximity to jobs, including within walking distance to the Ford Factory at 7th and Santa Fe to which Warner Music will be relocating. Moreover, the site's unique flag shape, with frontages on Alameda, Industrial, and Mill Streets, enables the proposed project to provide a public paseo from Industrial Street to Mill Street that will enhance walkability in the area. The proposed project will contribute to the history of economic activity in this area by designing a project that will foster job production, while also introducing new live/work units in a manner that preserves the surrounding industrial and artistic character. The live/work units will support city-wide goals of increasing the housing stock while doing so in a way that is compatible with the surrounding context. The project will facilitate a wide range of jobs from the live/work units to the creative office space. The applicant is also working with HCID to provide a housing preference for artists, further contributing to the unique identity of the area. As such, the proposed General Plan Amendment will contribute to and strengthen the social and economic identity of the surrounding area.

Nothing in the City Charter, including Section 555, imposes a minimum geographic size restriction on General Plan Amendments or otherwise restricts the City Council from approving the proposed Zone Change and General Plan Amendment. Charter 555 does not contain a limitation that the "geographic area" cannot include specific parcels, or that the geographic area necessarily must be a recognized part of the city, a physically constrained area, or an economic hub. Charter 555 does not preclude a site-specific amendment as long as, as demonstrated above, the geographic area "involved has



significant social, economic or physical identity."

The Planning Director properly initiated the subject General Plan Amendment pursuant to City Charter Section 555(b).

**4. City Charter Finding 556.**

**When approving any matter listed in Section 558, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. If the Council does not adopt the City Planning Commission's findings and recommendations, the Council shall make its own findings.**

The project site is located within the Central City North Community Plan, which is one of 35 community plans comprising the Land Use Element of the General Plan. The Community Plan designates the project site with the Heavy Manufacturing land use designation, which lists the following corresponding zone: M3. The site is presently zoned M3-1-RIO and is thus consistent with the land use designation.

As proposed, the amendment would re-designate the project site from Heavy Manufacturing to Regional Commercial, which lists the following corresponding zones: CR, C1.5, C2, C4, RAS3, RAS4, R3, R4, and R5. The requested zone and height district change to [T][Q]C2-2D-RIO for the project site would be consistent with the adoption of the recommended plan amendment. The development of the project represents an opportunity to achieve the overarching goals of the Central City North Community Plan, which include improving the function, design, and economic vitality of the commercial corridors and uses a development opportunity site for needed job-producing uses and housing that will improve the economic and physical condition of the surrounding area. The project will also contribute to the goals of the Housing Element by expanding the rental live-work housing stock, providing affordable housing, and contributing to a range of housing types by providing unique live/work units. The project also meets Mobility Element goals by removing an underutilized site with blank walls and fencing and introducing a project with active ground floor uses, public open spaces, improved sidewalks, street trees, and on-site bicycle parking.

Further, the proposed project meets Objective 7.2 of the Framework Element ("Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality"), by providing office, restaurant and live/work uses. Further, Chapter 3, Land Use, of the Framework Element states: "As indicated in the Economic Development Chapter of the Framework Element, some existing industrially zoned lands may be inappropriate for new industries and should be converted for other land uses." The proposed General Plan Amendment will enable such a conversion. As such, the proposed amendment would be in substantial conformance with the purpose, intent, and provisions of the General Plan to strengthen the commercial and economic base of the Community Plan area.

As set forth above and in the record of proceedings, the action and the project are in substantial conformance with the purposes, intent and provisions of the General Plan.

**ADD THE FOLLOWING ENVIRONMENTAL FINDINGS TO PAGE F-43:**

**Environmental Findings**

1. The City Council, acting through the Department of City Planning is the "Lead Agency" for the project, evaluated the Mitigated Negative Declaration (MND) and the Sustainable Communities Environmental Assessment (SCEA) for the proposed project. The City Council finds that the MND and SCEA were prepared in compliance with CEQA and the CEQA Guidelines. The City Council finds that it has independently reviewed and analyzed the MND and SCEA for the Project, that the both the MND and SCEA that were circulated for public review reflected its independent judgment, and that the MND and SCEA reflect the independent judgment of the City.
2. The MND and SCEA evaluated all potential project environmental impacts identified in the respective Initial Study Checklists. The analysis contained in the MND and SCEA is incorporated by reference as if set forth in full herein.
3. The City Council finds that the MND and SCEA provide objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the MND and SCEA. The Administrative Record contains responses to comments made during the public review periods.
4. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the MND and SCEA. In accordance with CEQA, the Department of City Planning prepared or independently reviewed written responses describing the disposition of significant environmental issues raised that are contained in the Administrative Record. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the MND and SCEA.
6. Having reviewed the information contained in the MND and SCEA and in the Administrative Record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation, the City Council finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings or other criteria under CEQA that would require recirculation of the MND or SCEA, or preparation of a supplemental or subsequent MND or SCEA or EIR. Specifically, the City Council finds that:

a. The responses to comments contained in Administrative Record fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the MND or SCEA and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant environmental impacts than were discussed in the MND or SCEA.

b. None of the information submitted after publication of the MND and SCEA, including the appeals and testimony at and documents submitted for the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent MND or SCEA or EIR. The City Council does not find this information and testimony to be credible evidence of significant new information, a significant impact, a substantial increase in the severity of an impact disclosed in the MND or SCEA, or a feasible mitigation measure not included in the MND and SCEA.

7. The mitigation measures identified for the Project were included in the MND and SCEA. The City Council finds that all potential environmental impacts of the Project have been mitigated to less than significant as set forth in the MND and SCEA, each of which is incorporated herein by this reference.

8. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures in the MND and SCEA as conditions of approval for the Project.

9. The custodian of the documents or other materials that constitute the record of proceedings upon which the City Council's decision is based is the City Department of City Planning, 200 N. Spring Street, Room 621.

10. The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the MND and SCEA, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

11. The City Council is adopting the MND and the SCEA for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the MND and SCEA as comprising the Project.

12. The City finds that none of the public comments to the MND and SCEA, subsequent public comments, the appeals, or other evidence in the record, including any changes in the Project in response to input from the community, CPC and the City Council, include or constitute substantial evidence that would require recirculation of the MND or SCEA and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the MND or SCEA prior to its adoption, and that neither the MND nor the SCEA need not be recirculated prior to adoption.

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LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

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November 21, 2017

BY EMAIL AND HAND DELIVERY

The Honorable Planning and Land Use Management  
Committee of the City Council  
Room 395 City Hall  
200 N. Spring Street  
Los Angeles, California 90012

Attn: Zina Cheng (zina.cheng@lacity.org)

Date: 11/21/17  
Submitted in PLUM Committee  
Council File No: 17-1031/17-1031-S1  
Item No.: 8  
communication  
from Applicant  
Representative

Re: 1525 Industrial Street/CF 17-0131 and CF 17-1031-S1  
(Item No. 8 on the November 21, 2017 PLUM Committee Agenda)

Dear Committee Members:

As you know, we represent Camden USA, Inc. ("Camden") the owner of the above-referenced property ("Property") and the applicant in the above cases. Camden intends to develop the Property with a mixed-use project that would replace an existing obsolete and now vacant cold storage building and truck/trailer storage area with 344 live/work units (including 18 Very Low Income Units and five Workforce Units), artist production space, creative office space, and a restaurant (the "Project").

In a determination letter dated August 28, 2017, the City Planning Commission ("CPC") (a) adopted Mitigated Negative Declaration ENV 2013-2994-MND ("MND") and Sustainable Communities Environmental Assessment ENV-2017-1676-SCEA, (b) recommended approval of a General Plan Amendment and Zone/Height District Change, (c) approved Off Menu Density Bonus Waivers for reduced yards and residential open space, Master Conditional Use Permit for the sale of alcohol for onsite consumption, and Site Plan Review, and (d) rejected appeal of VTT-74112 for the Project ("VTTM"). Yuval Bar-Zemer and the Arts District Community Council Los Angeles ("Appellants") filed an appeal of the CPC's decision (the "Appeal"). As set forth below, all of Appellants' arguments are without merit. Therefore, the Appeal should be rejected and the Project approved.

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**A. Point-by-Point Response to the Appeal**

**1. The City Council has the Authority to Approve the General Plan Amendment.**

Appellants argue that the Project is inconsistent with the Central City North Community Plan (“Community Plan”) and General Plan Framework Element. As set forth in the City Council’s findings, the Project is in substantial conformance with the purposes, intent, and provisions of the General Plan Framework Element and the Community Plan. Appellants rely primarily on their contention that the Project and the proposed General Plan Amendment are inconsistent with the 2007 Industrial Land Use Policy (ILUP). The now decade-old ILUP no longer reflects the City’s land use objectives for this area. It was based on outdated data that does not reflect the evolution of the Project area that has resulted in numerous live/work and commercial developments. Furthermore, the ILUP was never adopted by the City Council and in no way limits the City Council’s ability to exercise its legislative authority to approve the CPC-recommended Zone Change and General Plan Amendment.

Appellants claim that the General Plan Framework prohibits redesignation industrial land. In fact, Framework Policy 3.14.6 provides for the potential re-designation of marginal industrial lands for alternative uses by amending the community plans based on specified criteria, including: (a) where it can be demonstrated that the existing parcelization precludes effective use for industrial or supporting functions and where there is no available method to assemble parcels into a unified site that will support viable industrial development; (b) where the size and/or the configuration of assembled parcels are insufficient to accommodate viable industrial development; (c) where the conversion of industrial lands to an alternative use will not create a fragmented pattern of development and reduce the integrity and viability of existing industrial areas; (d) where the conversion of industrial lands to an alternative use will not result in an adverse impact on adjacent residential neighborhoods, commercial districts, or other land uses; and/or (e) where it can be demonstrated that the reduction of industrial lands will not adversely impact the City’s ability to accommodate sufficient industrial uses to provide jobs for the City’s residents or incur adverse fiscal impacts.

The above criteria are met with respect to the Project. The Property is an under-utilized site containing an obsolete and vacant cold storage building that is too small to support a viable modern cold storage business. According to the Global Cold Chain Alliance, the average capacity of public cold storage facilities in the US is 6 million cu. ft.; the existing building only provides about 20% of this square footage. Moreover, the unusual flag shape of the site and narrow north-south dimension makes the Project site unsuitable for other industrial uses in that this unusual shape does not allow for a “cross dock” (i.e., an area that can be accessed on both sides by trucks to facilitate the efficient transfer of goods between trucks), which is a key feature of modern light industrial, distribution and warehouse uses. Further, it is not feasible to assemble parcels into a unified site that will support viable industrial development, as the subject property is surrounded on by public rights of way and a recently developed brewpub. Camden does not own or control the brewpub site. Further, the brewpub operator has entered into a long-

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term lease and has made a substantial investment in improving the space, making it infeasible for Camden to purchase this adjacent parcel.

As shown by the MND and the SCEA, the Project will not result in an adverse impact to residential neighborhoods, commercial districts, or other land uses.

Nor would development of the Project result in a fragmented pattern of development. In general, the surrounding urban environment is comprised of a mix of industrial buildings, cold storage warehouses, residential lofts, commercial/retail, office, restaurant, parking, and neighborhood amenities. The Property is located adjacent to a brewpub, and the sites located immediately to the north and south of the subject property are planned to be redeveloped with residential mixed-use projects. In general, the surrounding urban environment is comprised of a mix of industrial buildings, cold storage warehouses, residential lofts, commercial/retail, office, restaurant, parking, and neighborhood amenities. Development of the Project will reinforce current development trends and allow for a mix of compatible uses on subject site.

The Property represents only 0.2 percent of the industrially-zoned property and 0.1 of the total land in the Community Plan area, and the now vacant site is not suited for industrial use. In addition, the Project will generate more jobs than are currently on site or that were on site when the cold storage building was operational. Therefore, development of the Project will not adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents or incur adverse fiscal impacts.

Appellants assert that Government Code Section 66472.2(b) somehow prohibits the Director from initiating any revision to the General Plan Amendment. That section provides exceptions for certain pending changes to the general rule that requires a local agency, in determining whether to approve a tentative map, to consider only those ordinances, policies, and standards in effect when the map application was deemed complete. It does not prohibit the applicant from requesting a change to such ordinances, policies, and standards, which is expressly authorized by Government Code Section 66472.2(c).

Appellants allege that the proposed General Plan Amendment change from Community Commercial is a violation of LAMC Sections 12.36 and 17.15. Both sections provide that any other needed approvals should be filed concurrently with or prior to the tract map application. In this case, the Planning Director initiated the original General Plan Amendment in 2014, prior to the applicant's filing of the VTTM application in 2016. In 2017, the Planning Director initiated a revision to the proposed new Community Plan designation from Community Commercial to Regional Commercial, which the Department determined would be more consistent with existing and proposed land use designations in the Community Plan area. Nothing in the City Charter or LAMC prohibits the Director from initiating such a revision. Moreover, the intent of LAMC Sections 12.36 and 17.15. is to allow the City decisionmakers to consider all project approvals at the same time. The City delayed consideration of the VTTM appeal to allow the CPC to



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consider all such approvals together, and the City Council will consider the VTTM and other approvals together as well.

Appellants state that the applicant initiated the proposed General Plan Amendment. As evidenced by the signed General Plan Amendment Initiation form, the Planning Director initiated the General Plan Amendment.

Contrary to Appellant's unsupported assertions, the Framework Element does not require planning studies in order for the City Council to adopt the recommended Zone Change and General Plan Amendment. Nonetheless, the City did undertake planning studies of the area as part of the Hybrid Industrial Ordinance that identified the need for live/work units in the area. The policy objectives behind this ordinance are reflected in the initial concept plan for the new Community Plan, DTLA 2040, identifies the subject site and surrounding area as Hybrid Industrial, which would provide for a maximum FAR of 3:1 to 6:1 and allow hybrid industrial mixed use, creative office, live/work, and production activity. The Project is consistent with this designation.

## **2. The City Council has the Authority to Approve the Zone Change.**

Appellants maintain that the approval of the Project would create an impermissible spot zone, citing *Foothill Communities Coalition v. County of Orange* (2014) 222 Cal.App.4<sup>th</sup> 1302. However, that case states that spot zoning is permissible when it is in the public interest and is not arbitrary or capricious. As set forth in the City Council's findings, the proposed General Plan Amendment and Zone Change are in the public interest, and the Council's approval of these legislative acts is neither arbitrary nor capricious.

Appellants allege that the Zone Change request is unlawful in that it is not consistent with the site's existing Community Plan land use designation. This contention ignores the fact that the Project approvals include a General Plan Amendment to Regional Commercial. The Community Plan provides that the C2 zone is a corresponding zone to the Regional Commercial designation. Upon approval of the General Plan Amendment, the new C2 zoning will be consistent with the Community Plan land use designation.

Appellants maintain that the Project exceeds the maximum density permitted under the C2 zone. While LAMC Section 12.11.C.4 generally provides for an R4 zone density (400 square feet per dwelling unit), LAMC Section 12.22 A.18 supersedes this provision and allows an R5 zone density for mixed use projects in the C2 zone located in Regional Commercial land use designations. The City has consistently applied this provision for such mixed use projects across the City. Refer to the May 18, 2000 Interdepartmental Correspondence from Peter Kim, Zoning Engineer, and Chief Zoning Administrator Robert Janovici regarding Application of Lot Area (Density) Requirements for Developments Combining Residential and Commercial Uses. Upon approval of the proposed General Plan Amendment and Zone Change, the Project's density will be below the maximum permitted.

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**3. Live/Work Units are a Permitted Use in the C2 Zone.**

Appellants claim that that live/work units are generally not permitted in the C2 zone is incorrect. LAMC Section 12.13-A.2 expressly allows live/work units in the C1 zone. LAMC Section 12.13-A.1 allows in the C1.5 zone all uses permitted in the C1 zone, and LAMC Section 12.14-A.1(a) allows in the C2 zone all uses permitted in the C1.5 zone. Therefore, such uses are a permitted use in the C2 zone, as confirmed by Department of City Planning List of Uses Permitted in Various Zones Citywide, Use List No. 2, October 21, 2016.

The Zoning Administrator periodically updates the Use List (including in 2015 and 2016) pursuant to LAMC Section 12.21 A.2, which provides:

The Zoning Administrator shall have authority to determine other uses, in addition to those specifically listed in this article, which may be permitted in each of the various zones, when in his or her judgment, the other uses are similar to and no more objectionable to the public welfare than those listed.

The Zoning Administrator was authorized to issue the Use List update pursuant to City Charter Section 591, which states that the Zoning Administrator shall have all “powers and duties with respect to zoning and land use as prescribed by ordinance,” including LAMC Section 12.21 A.2, which was enacted by ordinance.

Appellants assert that the Zoning Administrator issued the updated use list in 2016 in response to Appellants’ objections to the then pending Hybrid Industrial (HI) Ordinance, which would allow live/work units in new construction in a new HI zone. The updated use list was unrelated to the HI Zone and does not even mention this zone. The 2016 Use List update addressed scores of uses, including live/work uses in the CR, MR1, M1, MR2, M2, and M3 zone under a CUP, as set forth in LAMC Section 12.24 X.13. However, the 2016 update did not change the previously existing provision that confirmed that live/work uses are permitted in the C2 zone. Moreover, the 15-day period to appeal the Zoning Administrator’s 2016 and prior updates, as well as all applicable statutes of limitation for a legal challenge, have long since passed.

**4. The Project Height, FAR, and Density are Compatible with Existing and Proposed Development in the Vicinity.**

Appellants assert that the Project’s height, FAR, and density would be vastly greater than that permitted in the surrounding M3 and M2 zone properties. However, the Footnote 6 to the Community Plan allows an FAR of 3 to 1 (same as the proposed Project) in the M3 and M2 zones through a zone change height district change procedure. In addition, as set forth in the City Council’s findings and below, the Project would be compatible in terms of height, FAR, and density with existing and proposed developments in the vicinity.

BUILDING NAME	ADDRESS	BUILDING SF	LOT AREA	FAR
Toy Factory Lofts	1855 Industrial Street	251,031 SF	42,694 SF	5.88
Biscuit Company Lofts	1850 Industrial Street	167,745 SF	32,237 SF	5.20
The Walnut	1745 E. 7th Street	74,950 SF	22,509 SF	3.33
	800 E. Traction	46,500 SF	13,997 SF	3.32
Barker Block	530 S. Hewitt Street	460,760 SF	145,767 SF	3.16
Brick Lofts	652 Mateo Street	33,526 SF	11,195 SF	2.99
AMP LOFTS (UNDER CONSTRUCTION)	695 Santa Fe Avenue	300,758 SF	101,952 SF	2.99

Appellants claim that the Project would not be consistent with surrounding properties and uses because other properties maintain their industrial zoning, which does not allow residential uses. However, the required site plan review finding is not that the *zone* must be compatible with adjacent zones, but rather that the Project “is or will be compatible with existing and future development on adjacent properties and neighboring properties.” As set forth in the City Council’s findings and in the below table, the Project is compatible with such existing and future development. Moreover, as evidenced by the many live/work units in the Project vicinity, live/work uses are permitted in M3 and M2 zones pursuant to LAMC Section 12.24 X.13.

#### **5. The CPC Properly Sustained the Deputy Advisory Agency’s Approval of the VTTM.**

Appellants allege that the CPC sustained a different VTTM than was approved by the Deputy Advisory Agency. However, the VTTM before the CPC (and now the City Council) is exactly the same as the one approved by the Deputy Advisory Agency. Appellants do not cite any changes to the VTTM itself, but instead assert that the Planning Director’s initiation of the revision to the General Plan Amendment from Community Commercial to Regional Commercial has somehow changed the VTTM. This is incorrect. The VTTM is for the merger of two lots and the re-subdivision of the site into one master/ground lot and 13 airspace lots. It is independent of the General Plan Amendment, which would change the Community Plan land use designation for the site. The revision to the General Plan Amendment did not modify the VTTM.

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Appellants maintain that the City allowed Camden to change the Project entitlements after the VTTM was approved. However, Appellants' appeals of the VTTM stayed the Deputy Advisory Agency's and CPC's action, so there is no approved VTTM at this point. The City Council will consider the MND, SCEA, and all of the Project approvals, except for the Waiver of Development Standards, which is not appealable. Appellants also assert that the Deputy Advisory Agency approved a land use designation change to Community Commercial. However, the General Plan Amendment was not before the Deputy Advisory Agency, and only the City Council can approve General Plan Amendments. LAMC Section 11.5.6.

Appellants maintain that Condition 7.c to the VTTM approval, which requires the applicant to provide a copy of a prior parcel map exemption case PMEX-4036, implies that the Advisory Agency and CPC did not have sufficient information to find that the Project is consistent with applicable land use standards. PMEX-4036 is a lot line adjustment originally proposed by the applicant that has been withdrawn. It became unnecessary and was superseded when the applicant filed for the VTTM. Therefore, that case does not include any information necessary for the CPC, and City Council on appeal, to properly consider the VTTM and make the required findings.

#### **6. The CPC Properly Adopted the MND and SCEA.**

Appellants argue the Project has unmitigable land use impacts as it requires a General Plan Amendment, which Appellants assert constitute a per se significant impact. This argument is contrary to CEQA; a project's lack of consistency with a plan is only significant if it would result in a significant impact to the physical environment. As shown in the MND and SCEA, the Project will not result in any significant impacts, and the proposed General Plan Amendment will resolve any potential inconsistency with the Community Plan. Moreover, the City's CEQA Thresholds Guide expressly includes as a sample mitigation measure a General Plan Amendment or Zone Change to eliminate a project's inconsistency with the General Plan or zoning and reduce potential impacts to less than significance. The Planning Director initiated such a General Plan Amendment and Zone Change for the Project, and the City Council's approval thereof will eliminate any inconsistency with the Community Plan.

Appellants state that the SCEA and MND have different conclusions regarding certain impacts. The SCEA is based on the MND and includes substantively the same analysis. However, some of the impact conclusions are slightly different (e.g., Less than Significant vs. Potentially Significant Unless Mitigated) because PRC Section 21151.2 requires that the applicable mitigation measures from the 2016 RTP/SCS EIR or their equivalent be incorporated into the Project prior to conducting the analysis. That has resulted in differences in nomenclature, but in either case none of the impacts are significant.

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**B. Conclusion**

Based on the foregoing, we respectfully request the Committee deny the appeal and approve each of the Project approvals listed above.

Very truly yours,



Dale J. Goldsmith

cc: Councilmember Jose Huizar's Office  
Planning Department  
Camden USA