PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

ENVIRONMENTAL CITY PLANNING CASE: COUNCIL DISTRICT: DOCUMENT:

14 - Huizar CPC-2016-2683-GPA-VZC-HD-CUB-DB-SPR ENV-2016-2684-MND

PROJECT ADDRESS:

1800 East 7th Street (1800-1810 East 7th Street and 712 South Decatur Street)

APPLICANT TELEPHONE NUMBER: EMAIL ADDRESS:

New/Changed

Fred Afari, Elm Wood Investments, L.P.

15260 Ventura Boulevard #620

818-905-7200 Sherman Oaks, CA 91403

APPLICANT'S REPRESENTATIVE TELEPHONE NUMBER: EMAIL ADDRESS:

Dale Goldsmith, Alix Wisner

Armbruster Goldsmith & Delvac, LLP 12100 Wilshire Boulevard #1600

Los Angeles, CA 90025

310-209-8800 alix@agd-landuse.com

APPELLANT TELEPHONE NUMBER: EMAIL ADDRESS:

APPELLANT'S REPRESENTATIVE TELEPHONE NUMBER: EMAIL ADDRESS:

PLANNER CONTACT INFORMATION: **TELEPHONE NUMBER: EMAIL ADDRESS:**

Michael Sin 213-978-1345 michael.sin@lacity.org

ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION

1

General Plan Amendment, Vesting Zone Change, Height District Change

FINAL ENTITLEMENTS NOT ADVANCING:					
Waiver of Development Standards (Off-Menu); Conditional Use Permit, On-Menu Density Bonus Incentive, Site Plan Review (Unless appealed)					
ITEMS APPEALED:					
ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:		
☑ Letter of Determination		☐ Categorical Exemption			
☑ Findings of Fact		☐ Negative Declaration			
✓ Staff Recommendation Report		☑ Mitigated Negative Declaration			
		□ Environmental Impact Report			
✓ Ordinance		☐ Mitigation Monitoring Program			
☑ Zone Change Map		☐ Other			
☑ GPA Resolution					
□ Exhibit A - Site Plan					
Mailing List					
☐ Land Use					
□ Other					
	A-ii				
NOTES / INSTRUCTION(S):					
FIGURE IMPROTOTATEMENT					
FISCAL IMPACT STATEMENT:					
☑ Yes ☐ No					
*If determination states administrative costs are recovered through fees, indicate "Yes".					
PLANNING COMMISSION:					
☑ City Planning Commission (CPC) ☐ North Valley Area Planning Commission			ission		
☐ Cultural Heritage Commission (CHC)		☐ South LA Area Planning Commission			
☐ Central Area Planning Commission		☐ South Valley Area Planning Commission			
☐ East LA Area Planning Commission		☐ West LA Area Planning Commission			
☐ Harbor Area Planning Commission					

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
May 10, 2018	6 - 0
LAST DAY TO APPEAL:	APPEALED:
June 26, 2018	
TRANSMITTED BY:	TRANSMITTAL DATE:
James K. Williams	June 6, 2018



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300 www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: <u>JUN 0 6 2018</u>

Case No. CPC-2016-2683-GPA-VZC-HD-CUB-DB-SPR

Council District: 14 -Huizar

CEQA: ENV-2016-2684-MND Plan Area: Central City North Related Case: VTT-74309

Project Site:

1800 East 7th Street

1800 – 1810 East 7th Street; 712 South Decatur Street

Applicant:

Fred Afari, Elm Wood Investments, L.P.

Representative: Alix Wisner, Armbruster, Goldsmith & Delvac, LLP

At its meeting of **May 10, 2018**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of an existing surface parking lot and the construction of an 85-foot tall, approximately 129,440 square-foot mixed use development consisting of 122 live/work residential units, 9,500 square feet of commercial space (including 3,245 square feet of retail space, 3,555 square feet of restaurant space, and 2,700 square feet of creative office/commercial space), and 5,885 square feet of arts production space for use by residents living in the building. The project will provide 132 automobile parking spaces and 145 bicycle parking spaces in a two-level subterranean garage and ground-floor level parking area. The Applicant will set aside a total of 14 units affordable to Very Low Income Households (11 percent of the 122 units).

- 1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2016-2684-MND, adopted on March 28, 2018; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project;
- Approved and recommended that the Mayor approve and the City Council adopt, pursuant to City Charter Section 555 and Section 11.5.6 of the Los Angeles Municipal Code (LAMC), a General Plan Amendment to amend the Central City North Community Plan to re-designate the subject property from Heavy Manufacturing to Regional Commercial General Plan Land Use Designation;
- 3. **Approved** and **recommended** that the City Council **adopt**, pursuant to LAMC Section 12.32 Q and F, a Vesting Zone Change and Height District Change from M3-1-RIO to [T][Q]C2-2D-RIO, with a D limitation for a 4.7:1 FAR;
- 4. **Approved**, pursuant to LAMC Section 12.24 W.1, a Conditional Use to permit the sale of a full line of alcoholic beverages for on-site consumption within one restaurant;
- 5. **Approved**, pursuant to LAMC Section 12.22 A.25(g)(2) an On-Menu Density Bonus Incentive for a 20 percent reduction in required on-site residential open space;
- 6. **Approved**, pursuant to LAMC Section 12.22 A.25(g)(3), two (2) Off-Menu Incentives:
 - a. Waiver of Development Standards to allow an easterly side yard setback of 5 feet, in

- lieu of 10 feet; a rear yard setback of 5 feet in lieu of 19 feet; and
- b. Waiver of the requirements of LAMC Sections 12.21 A.16(e)(2)(iii)(a) and (b) to allow long-term bicycle parking for the residential units to be provided in the first and second levels of the underground parking garage in lieu of the parking garage level closest to the ground floor and in lieu of the shortest walking distance to the nearest pedestrian entrance of the building;
- 7. **Approved** a Site Plan Review for a development project that results in an increase of 122 residential units:
- 8. Adopted the attached Conditions of Approval, as modified vby the Commission; and
- 9. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Millman Seconded: Choe

Ayes: Khorsand, Mitchell, Perlman, Dake Wilson

Absent: Ambroz, Padilla-Campos

Vote: 6-0

James K. Williams, Commission Executive Assistant II

Los Angeles City Planning Commission

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission regarding the General Plan Amendment, Vesting Zone Change and Height District Change is final and not appealable. The remainder of the decision is appealable to the Los Angeles City Council within 20 days of the mailing date of this determination letter. The filing of an appeal stays proceedings in the matter until the appellate body makes a decision. An appeal not filed within the 20-day period shall not be considered by the Council and the decision of the City Planning Commission will become final and effective upon the close of the 20-day appeal period.

Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: JUN 26 2018

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

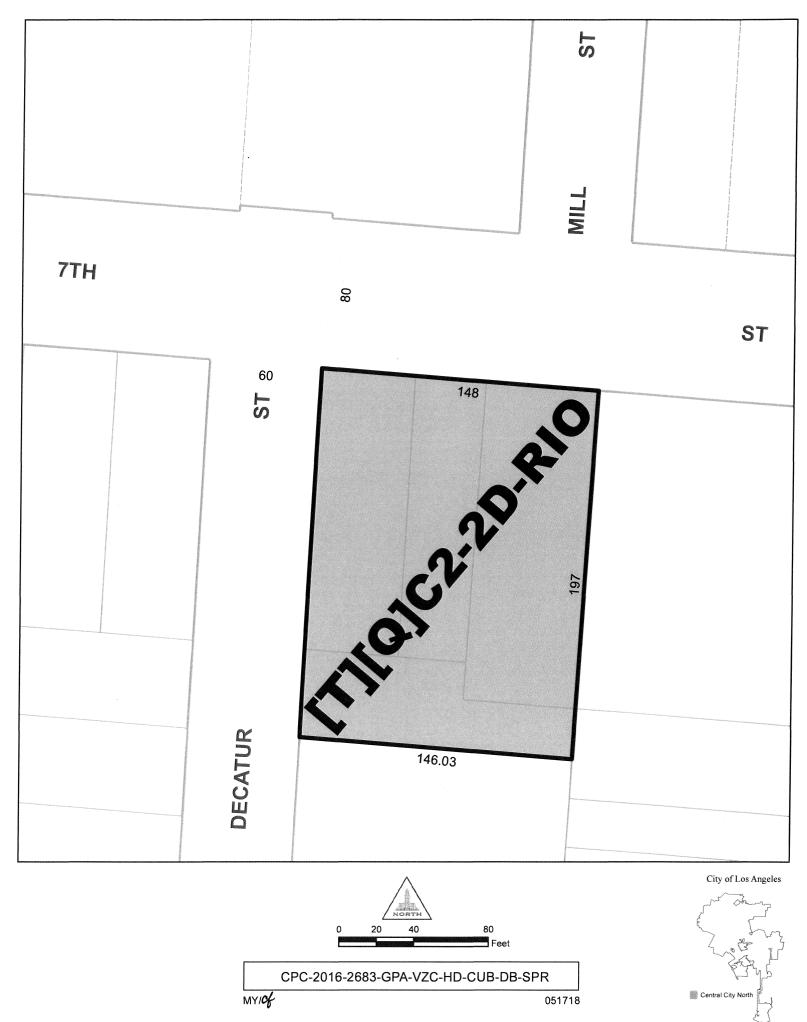
If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California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

Attachments: Ordinance, Maps, Modified Conditions of Approval, Findings, Resolution

c: Jane Choi, Senior City Planner May Sirinopwongsagon, City Planner Michael Sin, Planning Associate

ORDINANCE NO
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the Zoning Map.
THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section ____. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone classifications of property shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform to the zoning on the map attached hereto and incorporated herein by this reference.



CONDITIONS FOR EFFECTUATING [T] TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the [T] Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

Responsibilities/Guarantees.

- 1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
- 2. Bureau of Engineering. Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

a. Street Dedications:

- i. That a 3-foot wide strip of land be dedicated along 7th Street adjoining the tract to complete a 43-foot wide half right-of-way in accordance with Avenue II Standards of Mobility Plan 2035 and also dedicate a 15-foot by 15-foot minimum property line cut corner at the intersection with Decatur Street.
- ii. That a 4-foot wide strip of land be dedicated along Decatur Street adjoining the tract to complete a 34-foot wide half right-of-way in accordance with Industrial Collector Street Standards of Mobility Plan 2035.

b. Street Improvements:

- i. Improve 7th Street adjoining the tract by the construction of additional sidewalk to complete a new 15-foot full width concrete sidewalk with tree wells including any necessary removal and construction of existing improvements.
- ii. Improve Decatur Street being dedicated and adjoining the subdivision by the construction of the following: a concrete curb, a concrete gutter, and a minimum 10-foot full-width concrete sidewalk with tree wells; suitable surfacing to join the existing pavement and to complete 24-foot half roadway; and the necessary transitions to join the existing improvement.

- 3. **Urban Forestry.** Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.
- 4. **Bureau of Street Lighting.** Construct new street lights: two on Decatur Street, and relocate and upgrade two street lights on 7th Street.
- 5. **Department of Recreation and Parks.** That the Quimby fee be based on the C2 Zone.
- 6. **Fire Department.** Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for review.

Notice

- If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.
- Certificates of Occupancy for the subject property will not be issued by the City until the
 construction of all the public improvements (streets, sewers, storm drains, etc.) as required
 herein, are completed to the satisfaction of the City Engineer.

[Q] QUALIFIED CONDITIONS

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

- 1. **Use.** The use and area regulations of the development shall be for uses as permitted in the C2 Zone as defined in LAMC Section 12.14, except as modified by the Conditions of Approval for Case No. CPC-2016-2683-GPA-VZC-HD-CUB-DB-SPR or subsequent action.
- 2. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and stamped Exhibit "A", dated April 18, 2018, except as modified by the Conditions of Approval for Case No. CPC-2016-2683-GPA-VZC-HD-CUB-DB-SPR or subsequent action.

"D" DEVELOPMENT LIMITATIONS

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "D" Development Limitations.

- 1. Floor Area. The total floor area shall not exceed a 4.7 to 1 Floor Area Ratio.
- 2. **Height.** The building shall not exceed a height of 85 feet.

CONDITIONS OF APPROVAL

As modified by the City Planning Commission May 10, 2018

Pursuant to Section 12.22 A.25, 12.24 W.1, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Development Conditions

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

2. Residential Density.

- a. The project shall be limited to a maximum density of 122 dwelling units, of which 11 percent shall be set aside as Restricted Affordable Units. The Restricted Affordable Units shall be in compliance with Condition No. 18.
- b. Live/Work Residential Units. All dwelling units shall comply with the live/work requirements of Section 419 of the Building Code and provide a minimum average size of 750 square feet per unit. Each unit shall provide a minimum 150 square-foot open workspace area.

3. Non-Residential Space.

- a. A maximum of 9,500 square feet of commercial space, including a maximum of 3,555 square feet of restaurant floor area and 3,245 square feet of retail space may be permitted. Changes of use which adjust the maximum permitted square-footage may be permitted provided that the combination of commercial uses comply with a memo dated July 14, 2016, from the Department of Transportation. Compliance with the memo dated July 14, 2016, shall be determined by the Department of Transportation.
- b. A minimum of 5,885 square feet of floor area shall be utilized as a Resident Arts Production / Gallery space, as shown on plans stamped Exhibit A.
- 4. **Floor Area.** The total floor area shall not exceed 129,440 square feet of floor area, as shown on Exhibit "A".
- 5. **Height**. The building shall not exceed a height of 85 feet.
- 6. **Parking.** The number of automobile parking spaces shall be provided in compliance with LAMC Section 12.21 A.4, 12.22 A.25, and/or applicable state law(s).
 - a. Residential automobile parking may be provided consistent with AB 744, which permits a maximum of 0.5 parking spaces per bedroom, provided that 11 percent of the dwelling units are set aside for Very-Low Income Households; otherwise, parking shall be provided consistent with LAMC Section 12.22 A,25(d).

b. Unbundled Parking Spaces.

i. The project shall provide unbundled parking leases for residential units and commercial tenants. Tenants shall have the option to lease parking spaces separately from the residential dwelling units or commercial tenant space, or to opt out of leasing parking spaces.

- ii. Unbundled parking leases for those units set aside as Restricted Affordable Units shall be provided in compliance with LAMC Section 12.22 A.25(d).
- c. Electric Vehicle Parking. The project shall include at least twenty percent (20%) of total parking spaces provided for all types of parking facilities as capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Five (5) percent of the total parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20% or 5% results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
- d. **Future Reuse of Parking Areas.** The project shall be designed such that the parking areas on the ground level may be converted to non-residential uses if, due to changed circumstances, such areas are not needed to meet the project's parking demand. Any such conversion shall be subject to any required entitlement approval and applicable environmental clearance under the California Environmental Quality Act.
- e. **Bicycle Parking.** Bicycle parking spaces shall be provided in compliance with LAMC Section 12.21 A.4 and 16, as in effect on May 9, 2018 (Ord. No. 185,480). A minimum of 105 bicycle parking spaces shall be provided. Short-term bicycle parking spaces may be provided within the public right-of-way, subject to the approval of the Bureau of Public Works.
- f. **Driveways.** Driveways shall be limited to two on Decatur Street. Driveway widths shall be the minimum permitted by the Los Angeles Department of Transportation.

7. Sustainability.

- a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 95.05.211, to the satisfaction of the Department of Building and Safety.
- b. Prior to the issuance of Certificate of Occupancy, the applicant shall install rooftop solar panels. Total solar panel area shall be equivalent to ten percent of the existing rooftop area of the building or more.
- 8. **Mechanical Equipment.** All mechanical equipment shall be fully screened from view of any abutting properties and the public right-of-way.
- 9. **Trash/Storage.** All trash collecting and storage areas shall be located on-site and not visible from the public right-of-way.
 - a. Trash receptacles shall be enclosed and/or covered at all times.
 - b. Trash/recycling containers shall be locked when not in use.

- 10. **River Implementation Overlay (LA-RIO).** Prior to the issuance of building permits, the applicant shall obtain approval of a LA-RIO Administrative Clearance from the Department of City Planning.
- 11. **Materials and Glazing.** Materials, surfaces, and glazing shall be in substantial conformance with Exhibit "A". Window dimensions shall be in substantial conformance with Sheets A200, A201, A202, and A203 of Exhibit "A". The art wall on the western façade shall be limited to painted geometric shapes, as shown on Exhibit "A", and shall include colored glass.
- 12. **Ground Floor Transparency.** The ground floor shall allow visibility from sidewalk areas into the interior of all commercial uses. Windows shall be free of signs or other obstructions. Clear and non-reflective glass allowing a minimum of 90 percent light transmission shall be used, unless considered a safety hazard.
- 13. **Signage.** No signage has been approved as part of this action. Any proposed signage shall be pedestrian scaled and comply with the applicable regulations of the Municipal Code.

14. Landscaping.

- a. Landscaping shall be in substantial conformance with Exhibit "A". The south and east façades on the ground floor of the building shall include vines or other vegetation to cover the blank walls.
- b. A minimum of 31 trees shall be provided, in accordance with Exhibit "A". A minimum of six street trees shall be provided, subject to approval by the Urban Forestry Division of the Bureau of Street Services. Additionally, the trees in the second-floor courtyard and seventh-floor outdoor garden shall be subject to the following requirements:
 - i. The minimum depth of tree wells shall be as follows:
 - 1. Minimum depth for trees shall be 42 inches
 - 2. Minimum depth for shrubs shall be 30 inches.
 - 3. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
 - 4. Minimum depth for an extensive green roof shall be 3 inches.
 - ii. The minimum amount of soil volume for tree wells shall be based on the size of the tree at maturity:
 - 1. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
 - 2. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
 - 3. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).
- c. The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by DWP in consultation with DCP.
- 15. **School Notification.** The developer and contractors shall maintain ongoing contact with the administrator(s) of Metropolitan Continuation High School. The administrative offices shall be contacted when demolition, grading, and construction activities begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323) 342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

Density Bonus Conditions

- 16. **Affordable Units.** A minimum of 14 units, that is 11 percent of the base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2).
- 17. **Changes in Restricted Units**. Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).
- 18. Housing Requirements. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 14 units available to Very Low Income Households, for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
- 19. Incentives and Waivers of Development Standards.
 - a. **Open Space**. The project may provide a minimum of 10,393 square feet of open space, as defined by LAMC Section 12.21 G.

All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O".

- b. **Side Yard.** The easterly side yard along may have a minimum width of 5 feet as shown on Exhibit "A", in lieu of 10 feet.
- c. **Rear Yard.** The rear yard may have a minimum width of 5 feet as shown on Exhibit "A", in lieu of 19 feet.

Conditional Use for the Sale and Dispensing of On-Site Alcoholic Beverages

- 20. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 3,555 square-foot restaurant with 1,050 square-foot outdoor patio, subject to the following limitations:
 - a. The hours of operation shall be limited to 7 a.m. to 2 a.m., daily.
 - b. Indoor seating shall be limited to a maximum of 80 seats provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety and Fire Department.
 - c. Outdoor seating shall be limited to a maximum of 42 seats. A Revocable Permit from the Bureau of Engineering, Department of Public Works is required for any outdoor dining located in the public right-of-way.
 - d. No after-hour use is permitted, except routine clean-up. This includes but is not limited

to private or promotional events, special events, excluding any activities which are issued film permits by the City.

- 21. MViP Monitoring Verification and Inspection Program. Prior to the utilization of this grant, fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Director of Planning.
- 22. Prior to the utilization of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.
- 23. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
- 24. The Director of Planning reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Director of Planning may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

- 25. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 26. Prior to the utilization of this grant, the applicant shall prepare a security plan which shall be submitted to the Police Department's Central Area's Vice Section for review and approval. The security plan shall address security measures applicable to the restaurant.
- 27. Prior to the utilization of this grant, surveillance cameras shall be installed which cover all common areas of the venues, including all high-risk areas, entrances and exits to each tenant space, including cameras that provide a view of the street.
- 28. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
- 29. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
- 30. There shall be no use of the subject premises which involves Section 12.70 of the Los Angeles Municipal Code uses (Adult Entertainment).
- 31. The applicant shall maintain on the premises and present upon request to the Police or other enforcement agency, a copy of the Business Permit, Insurance Information, and valid emergency contact phone number for any Valet Service utilized and for any Security Company Service employed.
- 32. The applicant shall be responsible for maintaining the area adjacent to the premises over his/her control free of litter.
- 33. The applicant and tenant(s) shall monitor the areas under their control to prevent loitering of persons around their venues.
- 34. The property owner/operator shall keep a log of complaints received, the date and time received, and the disposition of the response. This shall be available for inspection by the Department.

Environmental Conditions

- 35. Air Quality (Construction Equipment). All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 4 emission standards, where commercially available, to reduce NO_x, PM₁₀, and PM_{2.5} emissions at the Project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
- 36. Air Quality (Haul Trucks). The use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) shall be required during Project construction and, if the City determines that 2010 model year or newer diesel trucks cannot be obtained, trucks

- that meet U.S. EPA 2007 model year NO_x emissions requirements shall be required. Haul trucks during the grading and excavation phase shall have a minimum capacity of 15 cubic yards per truck.
- 37. **Noise (Construction Staging).** The construction staging shall be as far from sensitive receptors as possible.
- 38. **Noise (Construction Power Equipment).** The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices capable of attenuating sound by 3 dBA or more. The power contractor shall use either plug-in electric or solar powered on-site generators to the extent feasible.
- 39. **Noise (Construction Sound Barriers).** Temporary sound barriers, capable of achieving a sound attenuation of at least 12 dBA (e.g., construction sound wall with sound blankets) and blocking the line-of-sight shall be installed between the Project Site and the Metropolitan Continuation High School classroom buildings and outdoor eating area to the south of the Project Site as well as between the Project Site and the Metropolitan Continuation High School trailer buildings to the east of the Project Site.
- 40. **Noise (Construction Notification).** Two weeks prior to commencement of construction, notification shall be provided to the off-site residential and school uses within 500 feet of the Project Site that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.
- 41. **Public Services.** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features:
 - Fire lanes, where required, shall be a minimum of 20 feet in width;
 - All structures must be within 300 feet of an approved fire hydrant; and
 - Entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- 42. **Public Services.** Prior to plan check review, the Project Applicant shall consult with the Los Angeles Fire Department regarding the installation of public and/or private fire hydrants, sprinklers, access, and/or other fire protection features within the Project. All required fire protection features shall be installed to the satisfaction of the Los Angeles Fire Department.
- 43. **Public Services (Police Demolition/Construction Sites).** Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- 44. Public Services (Police Demolition/Construction Sites. 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. Contact

the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

45. Transportation/Traffic.

- A Construction work site traffic control plan shall be submitted to DOT for review and approval in accordance with the LAMC prior to the start of any construction work. The plans shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction related traffic shall be restricted to off-peak hours.
- All delivery truck loading and unloading shall take place on site.
- The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent streets throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- Temporary pedestrian facilities shall be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

46. Tribal Cultural Resources.

In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities¹, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

¹ Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity.

- c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

47. Utilities (Local Water Supplies - Landscaping)

In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- Weather-based irrigation controller with rain shutoff
- Matched precipitation (flow) rates for sprinkler heads
- Drip/microspray/subsurface irrigation where appropriate
- Minimum irrigation system distribution uniformity of 75 percent
- Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials
- Use of landscape contouring to minimize precipitation runoff
- A separate water meter of (submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 square feet and greater.

48. Utilities (Local Water Supplies - All New Construction)

- Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such
 equipment shall be indicated on the building plans and incorporated into tenant lease
 agreements. (Single-pass cooling refers to the use of potable water to extract heat from
 process equipment, e.g. vacuum pump, ice machines, by passing the water through
 equipment and discharging the heated water to the sanitary wastewater system.)

- 49. **Utilities (Local Water Supplies New Commercial or Industrial).** All commercial restroom faucets shall be of a self-closing design.
- 50. Utilities (Local Water Supplies New Residential)
 - Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
 - Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the
 project, if proposed to be provided in either individual units and/or in a common laundry
 room(s). If such appliance is to be furnished by a tenant, this requirement shall be
 incorporated into the lease agreement, and the Applicant shall be responsible for
 ensuring compliance.

Administrative Conditions

- 51. **Approvals, Verification and Submittals**. Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file
- 52. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
- 53. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 54. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
- 55. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto
- 56. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
- 57. Corrective Conditions. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

58. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including <u>but not limited to</u>, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the City Planning Commission has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the City Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution. The City Planning Commission has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the City Planning Commission acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the City Planning Commission.

- There shall be no exterior window signs of any kind or type promoting alcoholic products.
- The alcoholic beverage license for the restaurants shall not be exchanged for "public premises" license unless approved through a new conditional use authorization. "Public Premises" is defined as a premise maintained and operated for sale or service of alcoholic beverages to the public for consumption on the premises, and in which food is not sold to the public as a bona fide eating place.
- Alcohol sales and dispensing for on-site consumption shall only be served by employees.
- No person under the age of 21 years shall sell or deliver alcoholic beverages.
- There shall not be a requirement to purchase a minimum number of drinks.

FINDINGS

General Plan/Charter Findings

1. General Plan Land Use Designation.

The subject property is located within the Central City North Community Plan area (effective December 15, 2000), which designates the property as Heavy Manufacturing with the corresponding zone of M3. The site's current zone is M3-1-RIO. The recommended General Plan Amendment will change the land use designation to Regional Commercial with the corresponding zones of CR, C1.5, C2, C4, RAS3, RAS4, R3, R4, and R5. The subject property is located within the evolving and expanding Arts District neighborhood near Downtown Los Angeles that has undergone a transition of land uses over the past 30 years. In an area historically characterized by warehouse and industrial uses, the Arts District is now comprised of a diversity of land uses that includes creative office, incubator spaces, artist production spaces, retail and restaurant uses, live/work dwelling units in both new buildings and older adaptive reuse buildings, and new industrial spaces that reflect land uses which have evolved due to technological advances and development of new industry sectors. The proposed project would include uses which are consistent with the existing neighborhood such as a mix of creative office, artist production space, retail and restaurants. and new live/work residential units that can also accommodate home based small businesses.

Approval of a General Plan Amendment is necessary to modify the project site's land use designation to Regional Commercial to accommodate these changes while retaining critical job-producing uses in new ways, while also acknowledging the need for housing. The proposed General Plan Amendment will support employment where jobs and housing can coexist, while retaining a jobs focus. The project has been designed to continue the production of jobs at this site through live/work units with larger than average sizes, a dedicated work area in each unit, higher floor to ceiling heights, as well as the incorporation of 9,500 square feet of commercial space and 5,885 square feet of arts and production space. The project site is adjacent to the Artist-In-Residence District identified in the Central City North Community Plan. The Community Plan states that "Artists-In-Residence occupy 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 Arts District has undergone substantial change over the last few years and there has been a significant amount of residential and commercial development in an area that was predominately characterized by warehouse and industrial uses. Furthermore, the project supports the General Plan by contributing to the available housing stock within the City and towards the housing crisis in the city, as well as the Mayor's initiative to build 100,000 homes by 2020. The proposed General Plan Amendment will locate housing near jobs-rich Downtown while also allowing for jobs-producing uses.

2. 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 project site is located in 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 land use. The project

will replace a vacant parking lot with a mixed-use development containing 122 live/work residential units, resident production space, approximately 3,555 square feet of restaurant space, and creative office/commercial space. While the proposed project would change the current Heavy Manufacturing 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 surface parking lot with a project that will activate the area through the introduction of 122 live/work residential units, on-site resident production space, restaurant space, and creative office/commercial space. The live/work residential units are designed to be larger than average with taller floor to ceiling heights and a 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 goods fabrication, and other similar production activities.

To ensure compatibility with neighboring existing structures and to strengthen the distinct physical identity of the Arts District, the project features design that is respectful of the industrial character of the neighborhood. Proposed architectural materials include masonry on all façades, pleated plaster accent walls, and large industrial-style gridded windows. Both the ground floor and top floor of the building are situated on separate planes from the remaining floors and are further differentiated with dark painted metal frames, metal canopies, and floor-to-ceiling windows. The project features an art wall and a green wall on the Decatur Street façade. As designed, the proposed project would significantly improve the built environment and strengthen the significant physical identity of the Arts District.

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 adjacent to the site and 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, 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. 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 residential units in a manner that preserves the surrounding industrial and artistic character. The live/work residential 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 residential units to the creative office/commercial 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, physical, and economic identity of the surrounding area.

3. 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 vesting 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 housing stock, providing affordable housing, and contributing to a range of housing types by providing unique live/work residential units. The project also meets Mobility Element goals by removing an underutilized site and introducing a project with active ground floor uses, 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 residential 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.

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

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

The proposed amendment to the Central City North Community Plan would re-designate the project site from Heavy Manufacturing to Regional Commercial. The amendment, in conjunction with the requested zone change and height district change to [T][Q]C2-2D-RIO, would allow for the development of a mixed-use project with 122 live/work units, on-site resident production space, restaurant space, and creative office/commercial space. The

project will have a total floor area ratio of 4.7:1 and the building will have an overall height of 85 feet.

Public necessity, convenience and general welfare will be better served by adopting the proposed General Plan Amendment and corresponding Zone and Height District Changes, as they would allow a vacant site to be redeveloped with a mixed-use project that will provide new live/work residential housing, including affordable units, near jobs-rich Downtown as well as new commercial floor area designed to accommodate restaurants and an array of creative office uses in a neighborhood that is transforming with the development of new residential and commercial uses. The proposed project site is in a Transit Priority Area and is served by two Metro Rapid Bus Lines (720 and 760) and five Metro Local Bus Lines (18, 53, 60 and 62) serve the project area. These lines provide connections to Metro subway stations, including Pershing Square and 7th Street/Metro Center with connections to the Red, Purple, Blue, and Expo Lines. The Little Tokyo/Arts District Metro Gold Line station is located approximately one mile to the north. A Metro Bike Share station is also located approximately 1,000 feet away on Industrial Street. The project will provide improved sidewalks with street trees. The proposed project will be lined by restaurants and retail, and parking will be screened by active uses, activating a currently vacant site.

The General Plan Amendment in conjunction with the requested Zone and Height District Changes will introduce a unique housing typology with new live/work units, including affordable units, each designed to accommodate productive and entrepreneurial uses. The project is in conformity with public necessity, convenience, general welfare and good zoning practice because it includes necessary housing, including affordable housing, substantial infrastructure improvements, improved streetscapes, and public open space. The project will provide both housing and job opportunities in proximity to transit at an underutilized industrial site. The economic identity of this area continues to evolve from purely manufacturing uses to new hybrid uses that can accommodate digital and creative uses. The proposed project provides much needed housing while also facilitating jobs in a changing economy. The proposed project will be a better use of the site and will improve the general welfare of the community and the City.

5. General Plan Text.

Framework Element

The General Plan Framework, adopted in December 1996 and re-adopted in August 2001, establishes the City's long-range comprehensive growth strategy and provides guidance on Citywide land use and planning policies, objectives, and goals. The Framework defines Citywide policies for land use, housing, urban form and urban design, open space and conservation, transportation, infrastructure and public spaces. The proposed project is consistent with the goals, objectives and policies of the General Plan Framework.

The General Plan Framework identifies Regional Centers as focal points of regional commerce, identity, and activity. Generally, Regional Centers range from a floor area ratio of 1.5:1 to 6:1 and are characterized by high-density buildings ranging from six- to twenty-stories, or higher. Regional Centers typically provide a significant number of jobs and many non-work destinations and function as transit hubs. The project supports and will be generally consistent with the General Plan Framework Land Use Chapter as it will allow for the mixing of uses in the community and will increase opportunities for employees to live near jobs and residents to live near shopping, entertainment and other amenities in a high quality transit area.

The project will comply with the following goals, objectives and policies set forth in the General Plan Framework Land Use Chapter:

Goal 3F: Mixed-use centers that provide jobs, entertainment, culture, and serve the region

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

Policy 3.10.3: Promote the development of high-activity areas in appropriate locations that are designed to induce pedestrian activity in accordance with the Pedestrian-Oriented District Policies 3.16.1 through 3.16.3, and provide adequate transitions with adjacent residential uses at the edges of the centers.

Policy 3.10.4: Provide for the development of public streetscape improvements, where appropriate

Policy 3.10.5: Support the development of small parks incorporating pedestrian-oriented plazas, benches, other streetscape amenities and, where appropriate, landscaped play areas.

Policy 3.10.6: Require that Regional Centers be lighted to standards appropriate for nighttime access and use.

The proposed General Plan Amendment to Regional Commercial would be consistent and compatible with the recent pattern of development and expansion of residential live/work uses in the area. New residential live/work uses in the immediate area include the six-story Toy Factory Lofts at 1855 E. Industrial Street which contain 119 residential units and ground floor retail space, the seven-story Biscuit Company Lofts at 1850 E. Industrial Street which contain 104 residential units and a restaurant at the ground floor, the 2121 Lofts at 2135 7th Street which contain 78 residential units and a restaurant, and the AMP Lofts project at 2057 E. 7th Street which is undergoing construction. Additional commercial development has also occurred nearby, including a number of restaurants, the ROW DTLA at 777 S. Alameda Street, and the Urban Radish market at 661 Imperial Street. The site is in a Transit Priority Area and is well served by Metro buses.

The proposed project is not in a designated Pedestrian-Oriented District; however the project meets the design policies aimed at improving pedestrian activity. The building is located at or near the property lines and creates a strong, articulated street wall with active ground floor uses. Parking is located in a subterranean level and behind the commercial uses on the first floor. The project will also improve the adjacent streetscape by providing dedications and improvements along East 7th Street and Decatur Street. The project also proposes six street trees to be located on the sidewalk and 25 additional trees to be located on site. The project will bring active uses and lighting to the area, increasing the safety of the neighborhood, particularly in the evening.

The project's proposed Regional Commercial land use designation supports the mix of uses located in the vicinity of the site while activating the site by replacing a surface parking lot with live/work residential units, arts and production space, creative office/commercial space, a restaurant, and outdoor dining area. The proposed project meets the policies for the Regional Commercial land use and will activate an underutilized site.

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/commercial space, restaurant, and live/work residential 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.

Central City North Community Plan

The Central City North Community Plan was adopted on December 15, 2000. The Community Plan designates the uses of land and is intended to guide development in order to create a healthful, pleasant environment. The mixed-use project is consistent with several objectives and policies of the Central City North Community Plan. The plan text includes the following relevant residential and commercial land use objectives and policies:

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

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

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

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

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

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

The proposed project would provide 122 live/work residential units with 11 percent of the units (14 units) reserved for Very Low Income while not displacing any existing housing or residents. The applicant has also stated that they are working with the Housing and Community Investment Department (HCID) to provide housing preference to artists. The live/work residential units will vary in size and will provide unique housing and economic opportunities to meet the needs of the existing and projected population of Central City North.

Vehicular trips will be reduced through the mix of uses offered on-site, the proximity to nearby jobs, commercial uses, restaurants and entertainment, and the proximity to transit. The residents of the proposed project would have access to a variety of mass transit options nearby including the Metro Rapid Bus line 720 providing access through Downtown, including connections to the Metro Red and Purple lines, and west to Santa Monica; Metro Rapid Bus Line 760 providing access through Downtown, including connections to the Metro Blue, Expo, Red and Purple lines, and south to Lynwood, connecting with the Metro Green Line; Metro local bus lines 18, 28, 53, 60 and 62; the Little Tokyo/Arts District Metro Gold Line Station a mile to the north, providing access to Pasadena, Azusa and East Los Angeles; Union Station; and the Greyhound Bus Terminal.

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

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

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

Policy 2-2.3: Require that the first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented districts, incorporate commercial uses.

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 proposed project is a mixed use development that includes 122 live/work units, resident production space, approximately 3,555 square feet of restaurant space, and approximately 2,700 square feet of creative office/commercial space. The addition of new commercial uses would complement the recent development trend in the Arts District and would further strengthen the commercial viability of the neighborhood. The live/work residential units, on site production space, and commercial spaces will provide unique opportunities for an array of uses, including artists and small businesses. The proposed live/work units will not be restricted to artist but will support the artists-in-residence community by providing new units with larger than average unit sizes, open floor plans, and on-site production spaces.

The project is designed to create a strong street wall and active ground floor, which will enhance pedestrian activity. The existing site conditions include fences, no sidewalk along Decatur Street, and a total lack of landscaping. The proposed mixed-use project will greatly enhance the pedestrian experience by improving street and sidewalk conditions, adding street trees, retail, and restaurant uses on the ground floor. The project will be limited to two curb cuts for driveways and will locate parking in two subterranean levels and behind active uses on the first floor.

Housing Element

The Housing Element 2013-2021 was adopted on December 3, 2013 and identifies the City's housing conditions and needs, and establishes the goals, objectives and policies that are the foundation of the City's housing and growth strategy. The mixed-use project is consistent with several objectives and policies of the Housing Element. The plan text includes the following relevant housing objectives and policies:

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

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

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

Objective 1.3: Forecast and plan for changing housing needs over time in relation to production and preservation needs.

Policy 1.3.5: Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within the City to meet the projections of housing needs, according to the policies and objectives of the City's Framework Element of the General Plan.

The proposed General Plan Amendment to Regional Commercial would increase the land area available for the production of housing near jobs-rich Downtown. The project would provide new housing stock, contributing towards the Mayor's Initiative to provide 100,000 housing units by 2020, while also retaining a focus on jobs producing uses. The proposed project would provide 122 live/work residential units, including 14 Very Low Income affordable units, without displacing any existing housing or residents. The project would provide unique housing opportunities that are designed to accommodate arts production and small businesses within the units.

Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.

Policy 2.2.3: Promote and facilitate a jobs/housing balance at a citywide level.

Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.

Policy 2.5.2: Foster the development of new affordable housing units citywide and within each Community Plan area.

The proposed project will introduce new live/work residential units in an area with a limited housing stock. The project is adjacent to Downtown and located near transit, amenities and jobs. The project will provide 122 live/work residential units, including 14 Very Low Income affordable units, while also providing resident production space, creative office space, and restaurant space on site. The mix of uses and affordability levels will contribute towards a sustainable neighborhood and a jobs/housing balance. The project will provide much needed affordable housing and a unique opportunity for affordable live/work units.

Mobility Plan 2035

The Mobility Plan was adopted on August 11, 2015 and last amended on September 7, 2016.

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

Policy 3.3 Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

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

The proposed project will greatly improve the pedestrian experience along East 7th Street and Decatur Street. The existing site conditions include fences, no sidewalk along Decatur Street, and a total lack of landscaping. The project will comply with the Avenue II standards for East 7th Street, including a 15-foot sidewalk, and the Industrial Collector standards for Decatur Street, including 12-foot sidewalks. Pedestrian activity will also be improved with the incorporation of six street trees.

The proposed project will locate much needed housing near jobs-rich Downtown. The location of the proposed project near jobs, entertainment, and transit as well as the mix of uses on-site and live/work residential units will reduce the number of vehicle trips. The project will also provide 105 bicycle parking spaces, including 18 short-term spaces and 127 secured, long-term spaces. In addition to establishing Street Standards, the Mobility Element encourages "the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure" (Policy 5.4). The Project has been conditioned to require that 20 percent of the parking spaces are to be wired for the installation of future EV charging stations, and that 5 percent of the provided parking be installed with EV charging stations.

Sewerage Facilities Element

The Sewerage Facilities Element of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

Entitlement Findings

- 6. Zone Change, Height District Change, and "T" and "Q" Classification Findings.
 - a. 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 requested Vesting Zone Change and Height District Change from M3-1-RIO to [T][Q]C2-2D-RIO would allow for the development of a mixed-use project with 122 livework residential units, open space, on-site resident production space, and approximately 9,500 square-feet of commercial space. The project will have a floor area ratio of 4.7:1 and the building will have an overall height of 85 feet.

Public necessity, convenience and general welfare will be better served by adopting the proposed General Plan Amendment and corresponding Zone and Height District Changes, as they would allow a vacant site to be redeveloped with a mixed-use project that will provide new live/work housing, including affordable units, near jobs-rich Downtown as well as new commercial floor area designed to accommodate restaurants and creative office in a neighborhood that is transforming with the development of new residential and commercial uses. The proposed project site is in

a Transit Priority Area and is served by two Metro Rapid Bus Lines (720 and 760) and five Metro Local Bus Lines (18, 53, 60 and 62) serve the project area. These lines provide connections to Metro subway stations, including Pershing Square and 7th Street/Metro Center and the Red, Purple, Blue, and Expo Lines. The Little Tokyo/Arts District Metro Gold Line station is located approximately one mile to the north. A Metro Bike Share station is also located approximately 1,000 feet to the east on Industrial Street. The project will provide open space and improved sidewalks with street trees. The proposed project will be lined by restaurants, creative office spaces, and live/work units on the ground floor and all parking will be screened by active uses.

The Vesting Zone and Height District Changes will introduce a unique housing typology with new live/work units, including affordable units, designed to accommodate up to five employees. The project is in conformity with public necessity, convenience, general welfare and good zoning practice because it includes necessary housing, including affordable housing, substantial infrastructure improvements, improved streetscapes, and public open space. The project will provide both housing and job opportunities in proximity to transit at an underutilized industrial site. The economic identity of this area continues to evolve from purely manufacturing uses to new hybrid uses that can accommodate digital and creative uses. The proposed project provides much needed housing while also facilitating jobs in a changing economy. The proposed project will be a better use of the site and will improve the general welfare of the community and the City.

b. Pursuant to Section 12.32 G and Q of the Municipal Code "T" and "Q" Classification Findings.

Per LAMC Section 12.32 G.1 and 2, the current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. The "T" Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The "Q" conditions that limits the scale and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

c. Pursuant to Section 12.32 G.4(b) of the Municipal Code, D Limitation Findings. In establishing D limitations, the Council shall find that any or all the limitations are necessary: (1) to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood, and (2) to secure an appropriate development in harmony with the objectives of the General Plan, or (3) to prevent or mitigate potential adverse environmental effects of the Height District establishment or change.

The project site is located within the Central City North Community Plan area. The project is requesting a General Plan Amendment to Regional Commercial land use designation and Height District 2, which would permit a maximum 6:1 FAR with no limitation on the height of the building in the C2 Zone. The recommended D Limitation would limit the total FAR to 4.7:1. In addition, the proposed D limitation would limit the building to 85 feet in height, as proposed in Exhibit A. Without the limitation, the maximum 6:1 FAR with no height limitation would lead to a taller and potentially

incompatible building with the surrounding properties. The limitation would ensure that the proposed development is physically compatible with the surrounding properties, which range from one to seven stories. The proposed limitations would permit the development of the project, which as described above, which would promote the objectives of the General Plan and Central City North Community Plan. As such the D Limitations would protect the best interest of and assure a development that is more compatible with the surrounding property or neighborhood and secure an appropriate development in harmony with the objectives of the General Plan.

7. Conditional Use Findings.

a. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.

As described in Finding No. 5, the project would be consistent and compatible with the recent pattern of development and expansion of residential live/work uses in the area. The project is designed to create a strong street wall and active ground floor, which will enhance pedestrian activity. The existing site conditions include fences, no sidewalk along Decatur Street, and a total lack of landscaping. The proposed mixed-use project will greatly enhance the built environment by improving street and sidewalk conditions, adding street trees, retail, and restaurant uses on the ground floor. The project will be limited to two curb cuts for driveways and will locate parking in two subterranean levels and behind active uses on the first floor.

The project will provide a service that is beneficial to the region by providing food service and amenities to the public, employees, and nearby residents alongside alcoholic beverage options in a neighborhood that is steadily accommodating residential, commercial, and light industrial uses. The service of alcoholic beverages in food establishments has become accepted as a desirable and expected use that is meant to complement food service. Since alcoholic beverage service is a common and expected amenity with meal service for many patrons, the grant for alcohol sales will be desirable to the public convenience and welfare. The project will provide increased opportunities for quality food and may serve as a central meeting point for the neighborhood. The sale of alcoholic beverages is anticipated to be an ancillary use to the restaurant use.

As conditioned herein, the project would enhance the built environment in the surrounding neighborhood and would provide a service that would be beneficial to the community.

b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The subject property is an approximately 27,689 square-foot site in the Central City North Community Plan bounded by East 7th Street to the north (148 feet of frontage), Decatur Street to the west (197 feet of frontage), and LAUSD Metropolitan Continuation High School to the south and east. The Community Plan designates the site with a land use designation of Heavy Manufacturing with a corresponding zone of M3-1-RIO The requested plan amendment and corresponding zone and height district change would re-designate the project site to Regional Commercial land use and [T][Q]C2-2D-RIO zoning. The project site is located in an urbanized environment.

The properties surrounding the project site include a mix of industrial, commercial/retail, office, restaurant, multi-family residential buildings, and parking lots. The adjacent property to the north, across East 7th Street, is zoned M3-1-RIO and is developed with an eight-story building currently being rehabilitated into 57 live/work residential units and commercial uses (1745 East 7th Street). The adjacent properties to the south and east are zoned PF-1XL-RIO and are developed with Metropolitan High School. Adjacent properties to the west, across Decatur Street, are zoned M3-1-RIO and developed with a Greyhound bus terminal.

The proposed project is a seven-story, 85-foot high, 129,440 square-foot mixed use building. Buildings in the vicinity of similar height include the 119-unit Toy Factory Lofts and the 104-unit Biscuit Company Lofts, which are seven stories tall and located approximately 300 feet east of the project site. The AMP Lofts new construction project (approximately 268,477 square feet), located 1,000 feet east, and 1745 E. 7th Street adaptive reuse project, located across the street from the project site, are underway and will also be seven stories tall when complete. As such, the project's size and height will be compatible with the surrounding neighborhood.

The applicant seeks the on-site sale of a full line of alcoholic beverages in conjunction with the proposed development. The project has been designed in a manner to enhance the public realm and improve the aesthetics and safety of the surrounding area. The establishment serving alcohol will be subject to operational conditions to ensure compatibility with immediately surrounding uses which include industrial and/or mixed-use buildings. The proposed project will provide a place for residents and visitors to eat, drink, and socialize; as such, the sale of alcoholic beverages is a normal part of restaurant operation and an expected amenity.

Additionally, the conditions recommended herein will ensure that the establishment will not adversely affect or further degrade the surrounding neighborhood, or the public health, welfare, and safety. Approval of the conditional use will contribute to the success and vitality of the commercial development and help to reinvigorate the site and vicinity. Since the alcohol sales will be incidental to food service and community space, permitting alcohol sales on the site will not be detrimental to the development of the community.

Thus, as conditioned, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

As proposed, the requested plan 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. As discussed in Finding No. 5, the project conforms with the purpose, intent, and provisions of the General Plan, including the following Community Plan goals, objectives, and policies:

Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district.

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Policy 2-1.3: Insure the viability of existing neighborhood stores and businesses which support the needs of local residents and area compatible with the neighborhood.

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

Objective 2-4: To enhance the appearance of commercial districts.

Policy 2-4.1: Require that any proposed development be designed to enhance and be compatible with adjacent development.

The request to serve and sell alcohol at the site will be consistent with these objectives and policies through the addition of a restaurant use that would attract a variety of consumers and tenants, actively promoting the area as a key economic center of the community. The proposed project's mix of uses will bring even more pedestrian activity to the area. Alcohol service incidental to food sales is a common amenity in many sit-down restaurants in the neighborhood. The availability of alcohol for on-site consumption provides another option for a wide range of activities on site and as an option for leisure to cultivate community activity and to create an enjoyable experience for area residents. Overall, the project supports bringing commercial activity to an area with large new residential developments, creates a pedestrian-friendly environment, and promotes the welfare and economic well-being of the local residents.

The Central City North Community Plan is silent with regards to alcohol sales. In such cases, the City Planning Commission must interpret the intent of the Plan. The Los Angeles Municipal Code authorizes the City Planning Commission to grant the requested conditional use in the zones corresponding to the Plan land use designation. The proposed project is a permitted use by the requested Plan land use category and zone in the Central City North Community Plan. The conditional authorization for the sale of alcoholic beverages is allowed through the approval of the City Planning Commission subject to certain findings. The required findings in support of the Central City North Community Plan have been made herein. Given the numerous conditions of approval, and the fact that the sale of alcohol is conditioned to be incidental to food service, the proposed use can be deemed to be in harmony with the General Plan.

d. Additional required findings for the sale of alcoholic beverages:

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

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 adjacent property to the north, across East 7th Street, is zoned M3-1-RIO and is developed with an eight-story building currently being rehabilitated into 57 live/work residential units and commercial uses (1745 East 7th Street). The adjacent properties to the south and east are zoned PF-1XL-RIO and are developed with Metropolitan Continuation High School. Adjacent properties to the west, across Decatur Street, are zoned M3-1-RIO and developed with a Greyhound bus terminal.

The area surrounding the site is a mix of industrial, commercial, and residential buildings. The request for on-site alcohol sales in conjunction with a restaurant will be compatible with the surrounding uses, providing a place for residents and visitors to eat, drink, and socialize. Alcoholic beverage service is an expected amenity for many patrons and approval of this grant would increase the available options for desirable dining and social experiences for patrons. The establishments will also benefit the City through the generation of additional sales tax revenue, fees, and employment opportunities.

Diversity amongst uses is common in the immediate surrounding area, and while there are residential dwelling units and a high school (Metropolitan Continuation High School, approximately 165 students) in proximity to the subject site, the restaurant open to the public serving alcoholic beverages will be part of a controlled and monitored development. The majority of alcoholic beverage sales occurs during dinner service, at which time students of the adjacent school will no longer be on campus. In addition, numerous conditions have been imposed to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been recommended for consideration by the California Department of Alcoholic Beverage Control that regulate the sale of alcoholic beverages to prevent adverse impacts to the neighborhood. Other conditions imposed will maintain the order and ensure cleanliness of the project and its surroundings. Therefore, the granting of the request will not adversely impact the welfare of the pertinent community.

The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number of proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

The proposed development will include a 3,555 square-foot restaurant (1,235 square-foot indoor dining room, 130 square-foot bar, 88 square-foot coffee and pastry bar, and 1,440 square-foot kitchen) with a 1,050 square-foot dining area. The applicant seeks a Conditional Use for the site in order to provide the ability to serve alcoholic beverages for on-site consumption within the restaurant.

According to the California State Department of Alcoholic Beverage Control licensing criteria, four licenses (three on-site and one off-site) are allocated to the subject Census Tract No. 2060.31, which had a population of 2,957 of December 2017. There are currently 72 licenses within this census tract, including 38 on-site, 12 off-site, and 22 non-retail licenses.

Overconcentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. ABC does not consider the expectation that

restaurants with alcohol service are an expected amenity as part of the commercial developments containing restaurants.

Statistics from the Los Angeles Police Department reveal that in Crime Reporting District No. 1309, which has jurisdiction over the subject property, a total of 411 crimes were reported in 2017 compared to the citywide average of approximately 176 crimes and the high crime reporting district average of approximately 211 crimes for the same period. Part 1 Crimes for the reporting district included: Homicide (2), Rape (3), Robbery (22), Aggravated Assault (24), Burglary (27), Auto Theft (65), and Larceny (268). Part 2 Arrests for the reporting district include: Receive Stolen Property (3), Weapons Violations (2), Prostitution (2), Narcotics/Drug Violations (1), Liquor Laws (1), Drunkenness (0), Disturbing the Peace (2), Gambling (39), and DWI Related (8), and Traffic Violations (62).

No evidence was submitted for the record by the LAPD or adjacent residents indicating or suggesting any link between the subject site and the neighborhood's crime rate. Further, there is no specifically established link between the above information and the property, since the statistics cover an entire district and do not pertain particularly to the subject site. The incorporation of conditions relative to the specific operation of the establishment was deemed necessary in order to mitigate any possible adverse impact on the welfare of the surrounding area. The public safety measures to mitigate potential nuisance activities have been incorporated into the grant to assure better oversight. Thus, as conditioned, it is not anticipated that the sale of alcoholic beverages for consumption on the premises would adversely affect the community welfare.

The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The following sensitive uses are located within 600 feet of the subject site:

Metropolitan Continuation High School
 Para Los Niños Family Learning Center
 727 Wilson Street
 1617 E. 7th Street

Residential Dwelling Units

While there are residential dwelling units and a high school (Metropolitan High School, approximately 165 students) located in proximity to the project site, the project will provide adequate security measures to discourage loitering, theft, vandalism and other nuisances. The project proposes to provide CCTV camera security systems, an alarm system installed as needed, and pedestrian appropriate illumination at entryways, alleys, etc. All sales employees will receive STAR training in responsible alcohol sales; age verification devices will assist employees in prevention of sales to minors. It is further noted that the sale of alcoholic beverages for on-site consumption is ancillary to the principal restaurant use and that the majority of sales occur during dinner service, outside of school hours.

Furthermore, the proposed use will not detrimentally affect nearby residential properties and other sensitive uses because the urban environment mostly contains industrial, commercial, and residential mixed-use buildings with residents that both

expect and desire more commercial developments. While the sale of alcoholic beverages is important to the restaurant that will be located within the proposed project, their sale and service will be incidental to primary operations and, as such, no detrimental effects should be expected from the proposed project.

- 8. Density Bonus/Affordable Housing Incentives Compliance Findings.
 - a. Pursuant to LAMC Section 12.22 A.25 (e)(2), in order to be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:
 - i. The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.

Both the ground floor and top floor of the building are situated on separate planes from the remaining floors and are further differentiated with dark painted metal frames, metal canopies, and floor-to-ceiling windows. Furthermore, the project features an art wall and a green wall on the Decatur Street façade. Consistent with good planning practice, the project features a high degree of street façade transparency (approximately 70 percent at the ground level and approximately 30 percent at the upper floors), and the at-grade parking level is lined by commercial uses along East 7th Street. As designed, the proposed project features a mix of materials and a break in plane, so that the façade is not a flat surface.

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

As previously described in Finding i above, the project features a high degree of street façade transparency (approximately 70 percent at the ground level and approximately 30 percent at the upper floors) on all street facing elevations. Pedestrian entrances can be found on both East 7th Street and Decatur Street.

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

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

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

The project site is bounded by East 7th Street to the north and Decatur Street to the west. East 7th Street is a two-way east-west street providing two travel lanes in each direction and is classified as an Avenue II. Decatur Street is a two-way north-sound street providing one travel lane in each direction and is classified as an Industrial Collector Street. The site is not located on a substandard street in a Hillside area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.

- b. Pursuant to Section 12.22 A.25(g) of the LAMC and Government Code 65915(d), the Commission shall approve a density bonus and requested incentive(s) unless the Commission finds that:
 - i. The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.

The record does not contain substantial evidence that would allow the Commission to make a finding that the requested on-menu incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in 12.22 A.25 were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Commission will always arrive at the conclusion that the density bonus on-menu incentives will result in identifiable and actual cost reductions that provide for affordable housing costs because the incentives by their nature increase the scale of the project.

The requested on-menu incentive and waivers would result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive and waivers allow the developer to expand the building envelope so the additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The incentive and waivers support the applicant's decision to set aside 14 dwelling units for Very Low Income households for 55 years.

Requested On-Menu Incentive

Pursuant to LAMC 12.22 A.25(f)(6), up to a 20 percent decrease from the open space requirements is permitted as an on-menu density bonus, provided that the landscaping for the project is sufficient to qualify for the number of landscape points equivalent to 10 percent more than otherwise required by Section 12.40 of the LAMC and Landscape Ordinance Guidelines "O". The proposed project requires 12,200 square feet of open space and proposes 10,393 square foot of open space. The reduction in open space by 1,807 square feet falls within the 20 percent decrease allowed by the on-menu density bonus. Furthermore, the project has been conditioned to have landscaping that qualifies for 10 percent more in landscape points than otherwise required.

Requested Off-Menu Incentives

A project that provides 10 percent of its base units for Very Low Income households qualifies for two incentives and may request other "waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted

under [State Density Bonus Law]" (Government Code Section 65915(e)(1)). Therefore, the request for the following waiver is recommended:

From LAMC Section 12.14 C.2 to allow an easterly side yard of 5 feet in lieu of the 10 feet as otherwise required, and a rear yard of 5 feet in lieu of the 19 feet as otherwise required, for the residential portions of the building.

These development standards would have the effect of physically precluding construction of a development providing 122 live/work residential units, of which 14 units, or 11 percent of the total units, will be set aside for Very Low Income units. Compliance with the underlying setback limits would require the removal of a significant amount of floor area that could otherwise be dedicated to the number, configuration and livability of affordable housing units. By waiving these development standards, the project is able to maximize square footage for other required uses. The off-menu waiver as recommended will allow the developer to build the proposed 122 live/work residential units on the 27,689 square-foot site and expand the Project's building envelope so that the units being constructed are of sufficient size, configuration, and quality.

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

There is no substantial evidence that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A.25(b)). Based on the above there is no basis to deny the requested incentive.

- 9. Site Plan Review Findings. In order for the Site Plan Review to be granted, all three of the legally mandated findings delineated in Section 16.05 F of the Los Angeles Municipal Code must be made in the affirmative.
 - a. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

As discussed in Finding No. 1, the recommended Vesting Zone and Height District Change for the Project Site would be consistent with the recommended land use designation of Regional Commercial. The Project proposes to redevelop a surface parking lot with a seven-story mixed-use building containing 122 live/work residential units and ground floor commercial space. Of the proposed 122 units, 14 units will be set aside for Very Low Income Households. In addition to general commercial square footage, the Project proposes to provide floor area dedicated to art and production for use by the future residents. As discussed in Finding No. 5, the Project would meet the goals, objectives, and policies of the General Plan and the Central City Community Plan area. As such, the project is in substantial conformance with the General Plan and Community Plan. The project site is not located within a specific plan area.

b. The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development in neighboring properties.

The arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Central City North Community Plan Area. The surrounding urban environment is comprised of industrial, commercial, and mixed-use residential developments. The following project elements were designed in a manner that is compatible with both existing and future development of the surrounding area:

Height/Massing

The proposed project will have a maximum of seven stories and will not exceed 85 feet in height. With the requested zone and height district change to [T][Q]C2-2D-RIO, the project would be limited to an FAR of 4.7 to 1 and a height of 85 feet. The total proposed 4.7:1 FAR for the building is consistent with the surrounding area, which is developed with buildings of varying heights. Buildings in the vicinity include the seven-story Toy Factory Lofts, the seven-story Biscuit Company Lofts, the eight-story 1745 E. 7th Street building currently being converted to live/work uses, and the seven-story ROW DTLA project. Additionally projects of similar height are being proposed or have been entitled in the vicinity, such as the AMP Lofts Project. To reduce the massing, the building features a second floor courtyard open space area along Decatur Street, as well as an additional outdoor garden opening on the seven level also facing Decatur Street.

Building Materials

The building design incorporates a mix of materials, including masonry on all façades, pleated plaster accent walls, large gridded windows, and glass balconies. Both the ground floor and top floor of the building are situated on separate planes from the remaining floors and are further differentiated with dark painted metal frames, metal canopies, and floor-to-ceiling windows. The project features an art wall and a green wall on the Decatur Street façade and a recessed 1,050 square-foot outdoor dining area that wraps around the northwest corner of the building. The materials evoke a context-sensitive hybrid industrial feel that complements the surrounding environment.

Setbacks

The setbacks applicable to the project are established under LAMC Section 12.14, which has no setback requirement for commercial uses in the requested C2 Zone. Residential live/work uses defer to the R4 Zone for the purposes of required setbacks. Pursuant to LAMC Section 12.22 A, no yard requirements shall apply to the residential portions of buildings located on lots in the C2 Zone if such portions abut a street, private street, or alley. Therefore, the only portion of the project subject to yard requirements is the easterly edge of the building, which as proposed will have a side yard of 5 feet in lieu of the required 10 feet, and the southerly edge of the building, which as proposed will have a rear yard of 5 feet, in lieu of the required 19 feet.

The applicant is seeking Off-Menu Density Bonus Waiver of Development Standards incentives to allow the reduced side and rear yard setback. The requirement would have the effect of physically precluding construction of a development providing 122 live/work

residential units, of which 14 units, or 11 percent of the total units, will be set aside for Very Low Income units. Compliance with the underlying side and rear yard setback limitation would require the removal of a significant amount of floor area that could otherwise be dedicated to the number, configuration and livability of affordable housing units. By waiving these development standards, the project is able to maximize ground floor square footage for other required uses. The off-menu waiver as recommended will allow the developer to build the proposed 122 live/work residential units and expand the Project's building envelope so that the units being constructed are of sufficient size, configuration, and quality. The setbacks as proposed are appropriate in relation to the project's design and location.

Parking & Loading Areas

A total of 132 automobile parking spaces and 105 bicycle parking spaces are proposed. Vehicular access to the project site would be provided by two driveways on Decatur Street. Driveway design and internal parking circulation will require review and approval by the Department of Transportation. The majority of the automobile parking spaces are located in subterranean levels, while the parking area on the ground floor is located behind active commercial uses and will not be visible from public view.

The Project has proposed the installation of wiring for the future installation of electric vehicle charging stations for 20 percent of the proposed parking, the immediate installation of electric vehicle charging stations for five percent of the proposed parking spaces, and would install operational photovoltaic system (solar) that would offset the electrical demand of the EV charging stations and other on-site electrical uses. The immediate installation of the charging stations and solar would be in excess of building code requirements. The electric vehicle charging spaces and solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site, in spite of increased parking capacity, through encouraging the use of low or zero emission vehicles. The EV ready parking spaces will also provide residents who use an electric vehicle a direct service amenity.

Lighting & Building Signage

Lighting and signage will be provided per LAMC requirements. The use of pole-mounted lighting or floodlights is not anticipated. Project lighting would also include visible interior light emanating from the ground-level commercial uses and decorative lighting within the public open spaces. Additionally, the project is required to have outdoor lighting to shine downward, be installed with shielding, and be directed onto the project site, so that the light source does not directly illuminate any adjacent properties or the above night skies. The parking is fully screened, thereby eliminating the potential for illumination from headlights on adjacent uses. Building signage will be required to comply with LAMC Section 14.4.

Landscaping

Open space and landscaping opportunities are utilized on the site in open areas not used for circulation, building, driveways, and parking. The project will provide a total of 31 trees distributed among the sidewalk, second floor courtyard, second floor planter boxes, and seventh floor roof garden. Approximately 1,300 square feet of vegetated area is proposed, including trees, shrubs, and groundcover. A 3,386 square-foot

landscaped courtyard is located on the second floor, while a 4,815 square-foot outdoor garden is located on the seventh floor.

Trash Collection

All trash and recycling areas are enclosed and not visible to the public. Trash collection will occur within a trash room in the parking area on the ground floor.

As described above, the project consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on adjacent and neighboring properties.

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

The proposed project would provide recreational and service amenities in the form of dedicated resident production space, a second-floor courtyard with swimming pool, a seventh-floor outdoor garden, and a community room. The resident production space is intended to provide an amenity for future live/work residents to not only live and work within the dwelling unit but to produce their work within the building they live in as well. In addition to the common open space available throughout the building, private open space in the form of balconies will be provided for a number of proposed dwelling units. All 122 units are live/work residential units which allow for the creation of arts and crafts or production in the workspace. Additionally, the project includes ground floor commercial space that is proposed for restaurant, retail, and creative office/commercial space.

10. Environmental Finding

Find, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2016-2684-MND, adopted on March 28, 2018; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project.

11. Flood Insurance. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. Currently, there are no flood zone compliance requirements for construction in these zones.

RESOLUTION

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

WHEREAS, the City Planning Commission recommended <u>approval</u> of a General Plan Amendment from Heavy Manufacturing to Regional Commercial for the subject property and recommended <u>approval</u> of a Vesting Zone Change and Height District Change from M3-1-RIO to [T][Q]C2-2D-RIO; and

WHEREAS, the <u>approved</u> project is for the demolition of an existing surface parking lot and the construction of an approximately 85-foot high, 129,440 square-foot mixed-use development; and

WHEREAS, the City Planning Commission at its meeting on May 10, 2018 <u>approved</u> the General Plan Amendment and recommended approval by the City Council of a General Plan Amendment over the subject property; and

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

WHEREAS, the requested General Plan Amendment <u>is consistent</u> with the intent and purpose of the adopted Central City North Community Plan to designate land use in an orderly and unified manner; and

WHEREAS, the Regional Commercial land use designation and the [T][Q]C2-2D-RIO Zone and Height District will allow the project as described above which is <u>consistent</u> with the Plan and Zone; and

WHEREAS, the subject proposal has prepared a Mitigated Negative Declaration No. ENV-2016-2684-MND in accordance with the City's Guidelines for implementation of the California Environmental Quality Act (CEQA);

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

