



# CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
<http://cityplanning.lacity.org/>

**Determination Mailing Date:** APR 17 2014

**CASE:** CPC-2009-542-GPA-ZC-HD-ZV-ZAA-SPR  
**CEQA:** ENV-2009-339-EIR

**Location:** 1311 W. Sepulveda  
**Council District:** 15 – Buscaino  
**Plan Area:** Harbor Gateway  
**Zone:** M3-1VL

**Applicant:** Nancy Bush, A&M Properties  
Rep.: Darryl Fisher and Associates

**At its meeting of March 13, 2014, the City Planning Commission took the following action:**

1. **Did Not Certify the Environmental Impact Report (EIR)** ENV-2009-339-EIR SCH No. 200851066 Environmental impact Report for the above referenced project; **Did Not Adopt** the proposed mitigation monitoring program and **Did Not Find** that the EIR reflects the independent judgment of the lead agency.
2. **Disapproved a General Plan Amendment** to the Harbor Gateway Community Plan from Heavy Industrial Land Use to Neighborhood Commercial Land Use on lots 2 and 3 of Tract 65665.
3. **Disapproved a General Plan Amendment** to the Harbor Gateway Community Plan from Heavy Industrial Land Use to Neighborhood Commercial Land Use for the added areas consisting of lots 4 and 5 of Tract 65665
4. **Disapproved a Zone and Height District Change** from the M3-1VL (Heavy Industrial) Zone) to the C2-1L (Commercial) Zone on lots 2 and 3 of Tract 65665.
5. **Disapproved a Zone Change** from the M3-1VL (Heavy Industrial) Zone to the C2-1VL (Commercial) Zone for the added areas consisting of lots 4 and 5 of Tract 65665
6. **Disapproved a Zone Variance** to allow a 2:1 Floor Area Ratio (FAR) instead of the 1.5:1 FAR permitted in the 1L Height District.
7. **Disapproved a Zoning Administrator Adjustment** to allow balconies to project into the side yard 2.5 feet instead of the one foot permitted by Section 12.22 C 20.
8. **Disapproved a Site Plan Review** for a project which creates more than 50 net new dwelling units.

## RECOMMENDATIONS TO CITY COUNCIL:

1. **Recommend** that the City Council **Not Certify the Environmental Impact Report (EIR)** ENV-2009-339-EIR SCH No. 200851066 Environmental impact Report for the above referenced project; **Not Adopt** the proposed mitigation monitoring program and **Not Find** that the EIR reflects the independent judgment of the lead agency.
2. **Recommend** that the City Council **Disapprove** a **General Plan Amendment** to the Harbor Gateway Community Plan from Heavy Industrial Land Use to Neighborhood Commercial Land Use on lots 2 and 3 of Tract 65665.
3. **Recommend** that the City Council **Disapprove** a **General Plan Amendment** to the Harbor Gateway Community Plan from Heavy Industrial Land Use to Neighborhood Commercial Land Use for the added areas consisting of lots 4 and 5 of Tract 65665.
4. **Recommend** that the City Council **Adopt** the attached **Findings**.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

**Moved:** Dake-Wilson  
**Seconded:** Choe  
**Ayes:** Ahn, Ambroz, Cabildo, Katz, Perlman  
**Absent:** Mack, Segura

**Vote:** 7-0



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James K. Williams, Commission Executive Assistant II  
City Planning Commission

**Appeal Status:** Any person aggrieved by an initial decision of the City Planning Commission may appeal the decision to the City Council. The appeal must be filed within 20 days after the mailing date of this determination. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

FINAL APPEAL DATE:           MAY 07 2014          

*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: Findings  
City Planner: Gregory Shoop

## FINDINGS

### General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the Harbor Gateway Community Plan, which was adopted by the City Council on February 15, 1979 (pursuant to Council File 76-2056). The Plan Map designates the subject site Heavy Industrial Land Use with a corresponding zone of M3 (Heavy Industrial) Zone. The requested General Plan Amendment to the Neighborhood Commercial Land Use designation would have corresponding zones of CR, C1, C2, C4, P, and RAS3.
2. **General Plan Text.** The following Harbor Gateway Community Plan and General Plan Framework Industrial Land Use policies and objectives strongly support the retention of Industrial Land Uses within the Plan and would make consideration of approval of the requested General Plan Amendment and Zone and Height District change inconsistent with these two Plans:

General Plan Framework Findings -The Framework directs Planning Staff to consider the potential re-designation of marginal industrial lands for alternative uses by amending the community plans based on the following criteria:

- a. Where it can be demonstrated that the existing parcelization precludes effective use for industrial or supporting functions and where there is no available method to assemble parcels into a unified site that will support viable industrial development;
  - b. Where the size and/or the configuration of assembled parcels are insufficient to accommodate viable industrial development;
  - c. Where the size, use, and/or configuration of the industrial parcels adversely impact adjacent residential neighborhoods;
  - d. Where available infrastructure is inadequate and improvements are economically infeasible to support the needs of industrial uses;
  - e. Where the conversion of industrial lands to an alternative use will not create a fragmented pattern of development and reduce the integrity and viability of existing industrial areas;
  - f. Where the conversion of industrial lands to an alternative use will not result in an adverse impact on adjacent residential neighborhoods, commercial districts, or other land uses;
  - g. Where it can be demonstrated that the reduction of industrial lands will not adversely impact the City's ability to accommodate sufficient industrial uses to provide jobs for the City's residents or incur adverse fiscal impacts; and/or
  - h. Where existing industrial uses constitute a hazard to adjacent residential or natural areas.
3. The **Transportation Element** of the General Plan will be not be affected by the recommended action herein. Sepulveda Boulevard is a fully improved Major Highway.
  4. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action.
  5. **Charter Findings – City Charter Sections 556 and 558 (General Plan Amendment).** Section 556 of the City Charter requires that the City Planning Commission make findings that determine whether the requested General Plan Amendment is either in substantial conformance or is not in substantial conformance with the purposes, intent and provisions of the General Plan. Section 558 of the City Charter establishes the procedures for the adoption,

amendment or repeal of ordinances, orders or resolutions proposed by the City Council, City Planning Commission, or Director of Planning or by application of the owner of the affected property if authorized by ordinance. Based on the Findings delineated below the City Planning Commission finds that the requested General Plan Amendment from Heavy Industrial Land Use to Neighborhood Commercial Land Use is not in substantial conformance with the purposes, intent and provisions of the General Plan.

The proposed project would provide market rate rents for tenants in the work force. Based on the plans the two buildings would provide safe and secure housing, a choice in the number of bedrooms and unit size, sufficient tenant parking, visitor parking, on-site open space amenities, and access to nearby shopping via walking or bike riding. This residential project unfortunately is proposed to be built within a planned land use area the preservation of which is critical to the City's objective of preserving increasingly scarce industrial land use inventory along with employment opportunities that are provided by this land use for the City. The requested General Plan Amendment to the Harbor Gateway Community Plan from the existing Heavy Industrial Land Use designation to Neighborhood Commercial Land Use designation on Lots 2 and 3 of Tract 65665 and the "added areas" of Lots 4 and 5 of Tract 65665 will not be consistent with the direction of the Framework Guidelines for evaluating potential General Plan Amendments that remove industrial lands. These Guidelines are listed above in the Findings. Based on the objectives and policies found in both the General Plan Framework and the Harbor Gateway Community Plan relative to retaining Industrial Land Uses and the City's Industrial Land Use Policy (ILUP) Memo a finding that the recommended action is in substantial conformance with the purposes, intent and provisions of the General Plan cannot be made.

The five major industrial areas within the plan are positioned due to their proximity to the Ports of Long Beach and Los Angeles, rail lines, access to four freeways and the Air Cargo operations of LAX to produce new jobs and maintain existing jobs in manufacturing, warehouse distribution and logistics.

As stated above, one of the Framework criteria that are used in determining whether a General Plan Amendment should be approved is whether the existing planned land use is obsolete or is marginal and no longer fulfills the objectives and policies of the Community Plan. The two lots are part of a five lot subdivision that was created in 2008. The two lots together total over 5 acres of vacant prime industrial land located near major transportation and cargo shipping hubs. The two properties are accessed via a fully improved 60-foot wide local street that intersects with a fully improved major highway that has access to freeways east and west of the site. The lots have improved infrastructure available to them. Based on this information, continued demand for industrial lands and the industrial land use designation is still valid and far from obsolete.

Though both the Framework and Community Plan encourages Major Transportation Corridors such as Sepulveda Boulevard to be redeveloped with mixed-use development and higher density residential projects, the subject project is a conventional 100% residential project that is isolated from and setback at least 300 feet from Sepulveda Boulevard. The Plan Amendment is requested to facilitate the development of a residential project, and the Commercial Land Use designation on the site and adjoining properties on Sepulveda Boulevard would still result in a plan and zone that is inconsistent with the Goals and Objectives of the Framework and the Community Plan.

## 6. Zone Change

The proposed Zone Change and Height District from M3-1VL to the C2-1L for Lots 2 and 3 of Tract 65665 and the M3-1VL to the C2-1VL Zone for the added areas, consisting of Lots 4 and 5 of Tract 65665 is not consistent with the public necessity, convenience, general welfare and

good zoning practices. Without approval of the requested plan amendment the required consistency finding with the Community Plan Land Use as required by State Law cannot be made.

## Entitlement Findings

### 7. **Zone Variance** -(for an increase in the permitted Floor Area Ratio FAR) Pursuant to Section 12.27 D of the Municipal Code.

*a. The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.*

The applicant has requested that the maximum permitted Floor Area Ratio (FAR) of 1.5:1 permitted by Height District 1 be increased to 2:1 in order to allow for larger units and the build out of the number of units proposed. Based on the existing FAR of 334,359 square feet each unit would average 949 square feet in area. With the requested increase in FAR each unit would average 1,266 square feet in area. The increase in FAR is needed is to provide larger dwelling units and a mix of bedrooms. The current M3-1VL zone does not allow residential uses.

A review of an aerial survey of the area indicates that based on the lot coverage for the buildings and the location of the surface parking spaces, there are no buildings located within the 1VL Height District., in the surrounding industrial areas that exceed the 1.5:1 FAR. No information on buildings that may have obtained a Variance for an increase in FAR or were built at a higher FAR was presented. The construction of a new residential project is a self-imposed hardship and with an increased FAR it would exacerbate the problem of inconsistent uses. Therefore, there are no practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

*b. There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.*

The subject site contains approximately 5 acres land is vacant and relatively flat. The two lots were created as part of a recent subdivision. The site is zone M3-1VL. Based on the total size of both lots a maximum of 334,359 square feet of commercial or industrial used buildings could be built by right. The only reason the additional FAR is needed is to maximize the build out of the proposed multiple family residential project. Other properties in the surrounding area are developed at either the permitted 1.5:1 or at a lower FAR.

*c. That such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

No other properties in the vicinity appear to exceed 1.5:1. Multi-family residential projects do not exist nearby. The site is zoned M3-1VL. Based on the total size of both lots a maximum of 334,359 square feet of commercial or industrial used buildings could be built by right. In conclusion, the request is not necessary for the preservation and enjoyment of

a substantial property right or use generally possessed by other property in the same zone and vicinity.

*d. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

If the City Planning Commission denies the General Plan Amendment to Neighborhood Commercial approval of this zone variance will be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located by increasing the size of a residential project that is not permitted in the current zone.

*e. That the granting of such variance will not adversely affect any element of the General Plan.*

The site is located within the Harbor Gateway Community Plan. The Plan Map designates the subject site Heavy Industrial Land Use with a corresponding zone of M3 (Heavy Industrial) Zone. The General Plan is silent on the issue of zone variances for increased FAR. However, the request is not consistent with the existing Heavy Industrial Land Use Designation which does not allow residential development. If the City Planning Commission denies the General Plan Amendment to Neighborhood Commercial, the zone variance will not be consistent with the current land use designation. Increasing residential floor area at this site takes the proposal further out of substantial conformance identified in the Charter and General Plan Amendment findings above.

8. **Yard Adjustments** (to allow increased projections into the side and rear yards) Pursuant to Section 12.28 of the Municipal Code.

*a. The granting of an adjustment will result in development compatible and consistent with the surrounding area.*

The purpose of yards are to allow light, ventilation, fire access, and emergency egress to the projects residents and to provide light ventilation and privacy to adjacent residential uses. The request will allow balconies located along the south and west property lines to project further into the side yard than what is allowed. Located on the west property line about 8 feet from the proposed west building is the elevated go-cart track that is part of Mulligan's Amusement Park. The park is open until 12:00 midnight on weekends. When all the go-carts are operational (19 total) the two stroke engines create a lot of noise. This engine whining noise would make the balconies unusable for the tenants.

*b. The granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.*

The General Plan is silent on the issue of yards. However, the request to have a portion of the balconies project farther into the required side yard is not consistent with the existing Heavy Industrial Land Use Designation which does not allow residential development. If the City Planning Commission denies the General Plan Amendment to Neighborhood Commercial then the yard adjustment will not be consistent with the current land use designation.

*c. The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.*