



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT



### City Planning Commission

**Date:** March 13, 2014  
**Time:** After 8:30 a.m.  
**Place:** City Hall  
Public Works Board Room  
200 North Spring Street, Room 350  
Los Angeles, CA 90012

**Public Hearing:** November 18, 2013  
**Appeal Status:** Zone Change and Height District Change appealable by applicant to City Council if disapproved. The Zone Variance, Zoning Administrator Adjustment and Site Plan Review are appealable per Section 12.36 (Multiple Approval Ordinance)

**Expiration Date:** April 21, 2014

**Case No.:** CPC-2009-542-GPA-ZC-HD-ZV-ZAA-SPR

**CEQA No.:** ENV-2009-339-EIR

**Incidental Cases:** None

**Related Cases:** TT-65665

**Council No.:** 15-Busciano

**Plan Area:** Harbor Gateway

**Specific Plan:** None

**Certified NC:** Harbor Gateway South

**GPLU:** Heavy Industrial

**Zone:** M3-1VL

**Applicant:** Nancy Bush A&M Properties

**Representative:** Darryl Fisher, Fisher and Associates

**PROJECT LOCATION:** 1311 W. Sepulveda Boulevard (legally described as Lots 2 and 3 of Tract 65665)

**PROPOSED PROJECT:** The proposed project involves the construction of two (2) six (6) story 65 foot in height multiple family buildings containing 352 residential rental units with 704 residential parking spaces and 89 guest parking spaces on two vacant lots.

- REQUESTED ACTIONS:**
1. Pursuant to Section 21082.1 (c)(3) of the California Public Resources Code, **Certify the Environmental Impact Report (EIR)** ENV-2009-339-EIR SCH No. 200851066 Environmental Impact Report for the above referenced project; **Adopt** the proposed mitigation monitoring program and **Find** that the EIR reflects the independent judgment of the lead agency.
  2. Pursuant to Section 11.5.6 of the Municipal Code, 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. Pursuant to Section 11.5.6 of the Municipal Code, 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. Pursuant to Section 12.32 of the Municipal Code, a **Zone and Height District Change** from the M3-1VL (Heavy Industrial) Zone to the C2-1L (Commercial) Zone lots 2 and 3 of Tract 65665.
  5. Pursuant to Section 12.32 of the Municipal Code, a **Zone Change** from the M3-1VL (Heavy Industrial) Zone to the C2-1VL (Commercial) Zone for the added areas consisting on lots 4 and 5 of Tract 65665.

6. Pursuant to Section 12.27 of the Municipal Code, 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. Pursuant to Section 12.28 of the Municipal Code, a **Zoning Administrator Adjustment** to allow balconies to project into the side yard 2.5 feet instead of the 1 foot permitted by Section 12.22 C 20.
8. Pursuant to Section 16.05 of the Municipal Code, a **Site Plan Review** for a project which creates more than 50 net new dwelling units.

**RECOMMENDED  
ACTIONS:**

1. **Do Not Certify the Environmental Impact Report (EIR)** ENV-2009-339-EIR SCH No. 200851066 Environmental impact Report for the above referenced project; **Do Not Adopt** the proposed mitigation monitoring program and **Do Not Find** that the EIR reflects the independent judgment of the lead agency.
2. **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. **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. **Disapprove 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. **Disapprove 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. **Disapprove 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. **Disapprove a Zoning Administrator Adjustment** to allow balconies to project into the side yard 2.5 feet instead of the 1 foot permitted by Section 12.22 C 20.
8. **Disapprove a Site Plan Review** for a project which creates more than 50 net new dwelling units.

MICHAEL J. LO GRANDE  
Director of Planning



Daniel Scott, Principal City Planner



Shana Bonstin, Senior City Planner



Gregory J. Shoop, Hearing Officer  
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- A3 – Land Use Plan Map
- A4 – TT 65665 Map (lots labeled)

B – Plans

- Site Plan
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- Landscape Plan

C – Industrial Land Use Policy (ILUP)

Environmental Impact Report CD previously submitted to City Planning Commission.

## PROJECT ANALYSIS

The proposed project involves the construction of two multiple family buildings on Lots 2 and 3 of Tract 65665. Each building would contain 176 dwelling units, and will be developed at six (6) stories, 65 feet in height. The project would provide 704 residential parking spaces and 89 guest parking spaces. The project would be marketed as workforce housing according to the applicant. Workforce Housing is not defined in the Los Angeles Municipal Code (LAMC), but this type of housing product typically does not have interior upgrades, higher end appliances, or extensive amenities.

Lot 2 contains approximately 2.54 acres of lot area and Lot 3 contains approximately 2.53 of lot area. The two lots are part of a 9.7 acre five lot industrial subdivision approved on February 28, 2007 as Tract 65665. The 9.7 acre site was used as part of an automobile auction operation. Before the 9.7 acre site was subdivided into the five smaller lots, the site contained a 35,000 square foot warehouse distribution building, which was demolished. The two lots south of the subject site fronting on Sepulveda Boulevard are part of this subdivision (Lots 4 and 5 of Tract 65665) and are being developed with commercial uses, including a CVS pharmacy that is located at the northwest corner of Sepulveda Boulevard and Normandie Avenue, within the Los Angeles County jurisdiction. The property directly west of the subject site is the fifth lot (Lot 1 of Tract 65665) created as part of the subdivision and is developed with a go-cart track that is part of the Mulligan's amusement center. The M2 and M3 zoned properties fronting on the north side of Sepulveda Boulevard between Normandie Avenue and Western Avenue are developed with a range of commercial uses (a drive-through, shops, professional offices, restaurants etc.). These commercial centers have a lot depth of 200 to 300 feet. The proposed project is located at 300 to 700 feet from Sepulveda Boulevard.

### **BACKGROUND**

#### **Existing Uses**

The two lots have been vacant since the Tract Map was recorded on June 28, 2009.

#### **Surrounding Zones and Uses**

North: M2-1VL/M3-1VL zoned. This area is developed with industrial one and two-story buildings being used for manufacturing, warehouse and distribution.

East: M zoned. This area is developed with industrial park typology one and two-story buildings being used for manufacturing, warehouse and distribution and is located within Los Angeles County jurisdiction.

South: R1-1 zoned. This area south of Sepulveda Boulevard at a lower elevation than the north site of the Boulevard is developed with a large single family home tract, built in the late 1960's.

West: M3-1VL/M2-1VL zoned. This area is developed with industrial park typology one and two-story buildings being used for manufacturing, warehouse and distribution and the frontage along Sepulveda Boulevard is developed with strip and regional retail commercial centers. Along the Sepulveda Boulevard frontage one M3 use is a cement batch plant.

#### **Streets and Circulation**

Sepulveda Boulevard is designated as a Major Highway with a dedicated width of 100 feet and is fully improved.

Normandie Avenue is east of the subject site and is located within the Los Angeles County jurisdiction.

Fontine Avenue - is designated a Local Street with a dedicated width of 60 feet and is fully improved and provides the access to the subject sites.

### **Relevant Case**

Tentative Tract Map Tract 65665 was approved on February 28, 2007 allowing the subdivision of a 9.7 gross acre lot into five industrial lots. The Tract Map was recorded on June 28, 2009.

### **Background on Requested Entitlements**

#### General Plan Amendment

A General Plan Amendment to the Harbor Gateway Community Plan from the existing Heavy Industrial Land Use designation to Neighborhood Commercial Land Use designation is requested on the subject site Lots 2 and 3 of Tract 65665, as well as the "added areas" comprised of additional adjacent Lots 4 and 5 of Tract 65665. To provide decision-makers the ability to review a larger area, analyze the request in context, and to try and avoid a "spot" Plan Amendment, staff analyzed whether adjacent properties should also be subject to zone changes and land use amendments when the Environmental Impact Report was being prepared.

There are several factors that Planning considers in analyzing a General Plan Amendment request. Once the plan designation has been changed it is very difficult to change the plan back. A plan amendment may set precedence for other amendments nearby, or create unintended future land use decisions. This is especially true of an Amendment that is the first of its kind in a neighborhood.

The age of the Community Plan in conjunction with changes in the surrounding land uses informs whether the existing Plan Land Use Designation should be considered to be obsolete and no longer relevant in implementing the Policies and Objectives of the General Plan Framework and Community Plan. The Harbor Gateway Community Plan was adopted by the City Council on February 15, 1979, there were minor changes to the zones and plans from the AB283 General Plan/Zoning Consistency Program approved in 1987, and a Community Plan Update adopted by the City Council on December 6, 1996. This area was not changed as a result of this update.

In addition, the applicability of any Citywide Planning Policy statements and documents such as the General Plan Framework or the City's Industrial Land Use Policy (ILUP) Memo dated January 3, 2008, are critical in analyzing whether the existing planned land use is still relevant.

#### Zone Change

The requested Zone Change and Height District Change from the M3-1VL (Heavy Industrial three stories or 45 feet) to the C2-1L Commercial Zone (6 stories or 75 feet in Height) on Lots 2 and 3 of Tract 65665 would allow for the project to contain residential uses. The proposed C2 zone would allow at least one unit for every 400 square feet of lot area.

#### Zone Variances

The applicant is requesting a variance to increase the maximum floor are ratio of 1.5:1 that is permitted within the Height District 1, to 2:1. The additional FAR is requested by the applicant to allow for larger units and a fuller mix of bedrooms per unit.

### Yard Adjustments

The applicant is requesting an adjustment to the required yards to allow balconies to project farther into the side and rear yards than what is normally permitted.

### Site Plan Review

The applicant is requesting Site Plan Review approval for a project that has more than 50 net new residential dwelling units.

### ISSUES

The Community Plan "designates" approximately 1,050 acres, or 41 percent of the Community Plan, in five major industrial areas. One of the stated features of the plan is to preserve this valuable land resource and to protect adjacent residential areas; the Plan recommends industrial lands designated Limited and Light Industrial to be in the restricted industrial zoning categories. The Community Plan envisioned down-zoning the existing M1 and M2 zones to MR1 and MR2 to protect adjacent residential areas and to restrict commercial uses within these zones. The Plan feature is to protect the existing industrial land use base from intrusion of commercial and residential development. At the public hearing on November 18, 2013, the Applicant's representative stated that with 41% of the Plan devoted to Industrial Land Uses compared to the average of 8% for other Plan Areas, there would be sufficient industrial zoned land left. However, given the importance of industrial land, particularly in this vicinity the Department of City Planning cannot concur with this assertion.

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. At the Public Hearing the Representative from Storm Business Park (located north of the subject site) stated that there could be 500 jobs at risk if the proposed apartment buildings future tenants start complaining about the outdoor construction, noise, odors, and truck traffic.

The project site is located in one of the five major industrial areas identified in the Plan. This industrial planned area is bounded by Sepulveda Boulevard to the south, Normandie Avenue to the east, Western Avenue to the west and 228th Street. During two field surveys of this area, the Hearing Officer observed very few vacant lots that compare in size to the approximately 5 acres of the subject site. In addition, even in this recovering economy there were very few buildings for lease or sale. Some of these older industrial buildings in the vicinity are viable, but in need of cosmetic repairs.

As stated above one of the criteria that is 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 site totals 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. Based on this information, continued demand for industrial land use in the vicinity is still valid and far from obsolete. Lastly, the owners of the added area properties are opposed to the inclusion of their two lots in the request.

The Applicant's representative stated during the Hearing that the Community Plan and Framework Plan encourage Major Transportation Corridors such as Sepulveda Boulevard to be redeveloped with mixed use and higher density residential projects. The M2 and M3 zoned properties fronting on the north side of Sepulveda Boulevard between Normandie Avenue and Western Avenue are

developed with a range of commercial uses (drive-through, shops, professional offices, restaurants etc.). These commercial centers have a lot depth of 200 to 300 feet and provide an appropriate transition between residential uses to the South. The subject property is to the North of Sepulveda Boulevard by 300 feet.

Without approval of the General Plan Amendment the accompanying entitlements cannot be approved since each set of Findings for the Zone and Height District Change, Zone Variance, Zoning Administrator Adjustment and Site Plan Review requires a Finding of consistency with the General Plan and Community Plan.

### **CONCLUSION**

The Director of Planning recommends that the City Planning Commission disapprove the requested General Plan Amendment and Zone and Height District Change requested for both the subject site and "added areas". Denial of the submitted Zone Variance, Zoning Administrator Adjustment and Site Plan Review is also recommended. As further elaborated in the Findings Section, this Plan Amendment is in conflict with the Industrial Land Use Policies of both the General Plan Framework and the Community Plan. In addition, the project is not consistent with the existing industrially planned land uses within the surrounding neighborhood. Development of this site with housing for at least 500 persons will create conflicts with existing active industrial uses. Disapproval of the requests may strengthen the City's industrial employment base. As well, disapproval will prohibit a new land use and development with residents that will have set a precedent for residential development on other large land holdings and undermine the viability of current industrial sites.