



LOS ANGELES CITY PLANNING COMMISSION

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

Determination Mailing Date: APR. 28 2015

CASE NO.: CPC-2014-3669-SP
CEQA: ENV-2014-3699-ND

Location: Colorado Specific Plan Boundary Map
Council Districts: 14 – Huizar
Plan Area: Northeast Los Angeles
Requests: Specific Plan Amendment

Applicant: City of Los Angeles - Department of City Planning

At its meeting of February 26, 2015, the Los Angeles City Planning Commission took the following action:

1. **Approved** pursuant to LAMC Sections 11.57 and 12.32 of the Municipal Code, a Specific Plan Amendment to *delete* hours of operation in Section 6-B(h) of the Colorado Boulevard Specific Plan.
2. **Adopted** Negative Declaration No. **ENV-2014-3699-ND** as the environmental clearance.

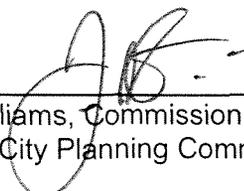
Recommendations to City Council:

1. Recommend that the City Council **adopt** an amendment to *delete* the hours of operation in Section 6-B(h) of the Colorado Boulevard Specific Plan.
2. Recommend that the City Council **adopt** Negative Declaration No. **ENV-2014-3699-ND** as the environmental clearance.

This action was taken by the following vote:

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

Vote: 7 - 0



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

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: Draft Ordinance, Map, Findings
Hearing Officer: Haydee Urita-Lopez

FINDINGS

GENERAL PLAN/CHARTER FINDINGS

1. The Specific Plan Amendment that would omit the Plan's hours of operation limitation complies with the City's General Plan Framework and the Northeast Los Angeles Community Plan. The Northeast Los Angeles Community Plan designates the parcels in the project area as Neighborhood-Commercial with corresponding zones of C2, C4 and PF.

- a. General Plan Framework

The Citywide General Plan Framework designates the Colorado Boulevard area as a Neighborhood District which is considered "a focal point for surrounding residential neighborhoods containing a diversity of land uses such as restaurants, retail outlets, grocery stores, child care facilities, small professional offices, community meeting rooms, pharmacies, religious facilities and other similar services." And where "the clustering of uses minimizes automobile trip-making and encourages walking to and from adjacent neighborhoods."

The proposed amendment to eliminate the hours of operation is consistent with the Framework Element's Neighborhood District designation in that it will continue to allow for a range of land uses that are appropriate to a Neighborhood District (as described above and further refined by the land use provisions of the Colorado Boulevard Specific Plan), and it will better fulfill the Framework Element's aspiration to minimize vehicular trips, by ensuring that neighborhood uses remain open and accessible to local patrons during night-time hours thus eliminating the need to drive elsewhere to dine, shop, or receive commercial services.

The proposed amendment is also consistent with Objective 3.8 of the Framework Element, which endeavors to "Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit." Again, the amendment will continue to allow the range of land uses appropriate to the Colorado Boulevard corridor, and will ensure the continued success of the corridor. Currently the corridor does not allow most establishment to remain open during night-time hours (after 9:00 p.m.) thus making the corridor undesirable to visit for patrons at night. Additionally, the hours of operation restriction applies a competitive disadvantage to new businesses who cannot remain open when older establishments can (those established prior to the Specific Plan, with legal non-conforming rights, and those outside of the Specific Plan boundaries)

- b. Northeast Los Angeles (NELA) Community Plan

The NELA Community Plan applies both Neighborhood Commercial and Community Commercial designations to property within the Specific Plan area (generally, the Neighborhood Commercial designation applies to properties east of Eagle Rock Boulevard, and the Community Commercial designation applies to properties west of Eagle Rock Boulevard).

The proposed amendment is consistent with the NELA Community Plan's Objective 2-1, which seeks to "conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development," and with Objective 2-2 which seeks to "enhance the identity and appearance of commercial districts," in that it allows for both existing and new businesses to provide goods and services to patrons during night-time hours, and removes a restriction that penalizes new businesses with an onerous hours of operation restriction that is not consistently applied up-and-down Colorado Boulevard (by virtue of older establishments having legal non-conforming rights and other establishment having obtained costly Specific Plan Exceptions), and that is not applied at all in neighboring commercial districts on Figueroa Street, Eagle Rock Boulevard, or York Boulevard, nor in the neighboring Cities of Glendale and Pasadena.

The Colorado Boulevard corridor is adjacent to low density single family neighborhoods to the north and a mix of low density single family and multi-family neighborhoods to the south. The proposed amendment is also consistent with the NELA Community Plan's Objective 1-1, which seeks to "preserve and enhance existing residential neighborhoods" in that it preserves the carefully enforced range of neighborhood serving land uses allowed by the Colorado Boulevard Specific Plan, and allows for those uses that may present conflicts with adjacent residential neighborhoods (generally establishments that sell or serve alcohol, provide live entertainment, etc.) to be reviewed on a case-by-case bases by the Office of Zoning Administration through the existing Conditional Use process set forth in LAMC Section 12.24

The proposed amendment does not conflict with the intended goals and policies of the plan; it actually strengthens existing businesses and creates opportunities for appropriate new commercial development and the continued success of the distinct Colorado Boulevard corridor, as desired in the NELA Community Plan.

c. Colorado Boulevard Specific Plan

The proposed amendment complies with stated purposes of the Colorado Boulevard Specific Plan which is an implementation tool of the Northeast Los Angeles Community Plan. The Colorado Boulevard Specific Plan was adopted on August 9, 1992. The following statements are intended to guide development within the Specific Plan Area: "[The] Intensity and type of commercial uses shall be consistent with the character of the Eagle Rock Community. The regulations developed in this Specific Plan are intended to protect nearby residential neighborhoods from possible detrimental effects of commercial uses," and "Pedestrian-oriented design and development shall be encouraged and the adverse environmental effects of development within the Specific Plan area shall be minimized."

As stated in the previous findings, the proposed amendment will not change the range of land uses that are allowed by the specific plan, rather it will allow these relatively benign neighborhood-serving uses to provide goods and services to local patrons at night-time hours (after 9:00 p.m.) and will allow for the careful case-by-case review of uses where there may be potential impacts to the adjacent residential neighborhoods through an existing Conditional Use process. Additionally, the amendment will ensure that establishments are open for patronization by those who live in the community, thus alleviating the need for local patrons to travel by car to other commercial districts.

Amendment Findings

2. The Specific Plan Amendment that would omit the Plan's hours of operation limitation is consistent with the public necessity, convenience, general welfare and good zoning practice.
 - a. **Public Necessity.** Granting the requested amendment, as recommended, will be consistent with public necessity. The amendment will delete the hours of operation that currently limit a business to operate from 7:30 a.m. to 9:00 p.m. Significant public input has been received in support of eliminating the hours of operation, including input from both the Neighborhood Council and "The Eagle Rock Association," (TERA), all of whom have indicated that the hours of operation limitation is punitive to most new local businesses. The local neighborhood groups have petitioned the council office to address these hours and this amendment is in correspondence to the public's petition.
 - b. **Convenience.** Granting the requested Specific Plan amendment, as recommended, will be consistent with public convenience. The proposed amendment provides for all emerging businesses to compete at the same level as other businesses in the city (as well as those with legal non-conforming rights to operate outside of the limitation). Additionally, the requested amendment will allow for local residents to patronize local business establishments during night-time hours, thus eliminating the inconvenience of needing to drive to other communities (or cities outside Los Angeles) to dine, shop, or receive commercial services.
 - c. **General Welfare.** Granting the requested amendment, as recommended, will be consistent with the general welfare, in that the amendment will not change the range of neighborhood serving land uses that are allowed by the Colorado Boulevard Specific Plan, and will allow for land uses that may potentially impact adjacent residential neighborhoods (generally establishments that sell or serve alcohol, provide live entertainment, etc.) to be reviewed on a case-by-case basis by the Office of Zoning Administration through an existing Conditional Use process per LAMC 12.24.
 - d. **Good Zoning Practice.** Granting the requested amendment, as recommended will be consistent with good zoning practice. The amendment will bring the Colorado Boulevard corridor into consistency with the rest of the City of Los Angeles where there are no other similar hours of operation limitations. The amendment will leave intact the range of neighborhood serving land uses that are allowed by the C4 zone and further refined by the land use limitations of the Specific Plan, in addition to the Conditional Use procedures set forth in LAMC Section 12.24.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDING

3. Pursuant to Section 21082.1(c)(3) of the California Public Resource Code, the Department of City Planning prepared Negative Declaration ENV-2014-3699-ND, which concludes that impacts resulting from this policy change will be less than significant, and/or that there will be no impacts. The environmental document was published and it observed a 30-day public comment period from February 5, 2015 to March 9, 2015. During this comment period, five emails were received in support of the proposed policy change. No opposition comments or letters were received during the environmental comment period.

As stated in the mandatory findings of significance in the Negative Declaration, the Department of City Planning concludes the following:

- a. The proposed policy amendment does not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, or threaten to eliminate a plant or animal community. No impacts are anticipated.
- b. That the proposed policy amendment has impacts that are individually limited but cumulatively considerable. However, each impact can be mitigated to a less than significant level with the current policies and procedures that are in place in the LAMC, Northeast Community Plan, and Colorado Boulevard Specific Plan. Specifically, but not limited to the project permit compliance process, the design review board procedures, and LAMC Section 12.24 which includes requirements and rules that govern hours of operation. As such, the proposed policy amendment results in a less than significant impact.
- c. That the proposed project is a policy amendment to delete a restriction on hours of operation that does not result in an inconsistency with the LAMC procedures that govern hours of operation. The proposed policy amendment is consistent with the LAMC hours of operation. After implementation of the current rules, policies, and procedures required of each project, including but not limited by LAMC Section 11.5.7 (Colorado Boulevard Specific Plan Procedures) and LAMC Section 16.50 (Design Review Procedures), the proposed policy amendment has less than significant impacts to human beings.

The attached environmental document reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the CPC Case file in Room 667, 200 North Spring Street, Los Angeles CA 90012.

DETERMINATION LETTER
CPC-2014-3669-SP
MAILING DATE: 04/28/15

Haydee Urita-Lopez
City Planner
City Hall, Room 667
Mail Stop #395

Council District 14
City Hall, Room 465
Mail Stop #223

GIS/Fae Tsukamoto
City Hall, Room 825
Mail Stop #395