



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



South Los Angeles Area Planning Commission

Date: Tuesday, August 19, 2014

Time: After 4:30 PM

Place: Constituent Service Center
8475 S. Vermont Avenue
Los Angeles, CA

Public Hearing: Friday, July 18, 2014

Appeal Status: Specific Plan Exceptions, Project Permit, Site Plan Review appealable to City Council per LAMC Sect. 12.36

Last Day to Act: August 23, 2014

Case No.:

APCS-2013-4102-SPE-

DRB-SPP-SPR

ENV-2013-4103-MND

CEQA No.:

Related Case:

none

Council No.:

10-Wesson

Plan Area:

West Adams-Baldwin Hills-Leimert

Specific Plan:

Crenshaw Corridor

Certified NC:

Empowerment Congress

GPLU:

Regional Commercial

Zone:

[Q]C2-2D

Applicant:

Kaiser Foundation Health

Representative:

Plan, Inc.

Donna Shen Tripp

PROJECT LOCATION: 3780 W. Martin Luther King Jr. Boulevard and 4055-4081 S. Marlon Avenue.

PROPOSED PROJECT: The applicant proposes to construct a four-story, approximately 60 feet in height, 105,000 square foot outpatient medical facility on an approximately 8.65 gross acres with 525 on-site parking spaces. The project is classified in the [Q]C2-2D zone and located within Subarea E of the Crenshaw Corridor Specific Plan. The site is bounded by Martin Luther King Jr. Boulevard to the north, Marlon Avenue to the east, Santa Rosalia Drive to the south and Buckingham Road to the west. Vehicular access to the site will be provided primarily from a proposed two-way access easement driveway from Martin Luther King Jr. Boulevard and three secondary driveways; one on Buckingham Road and two on Marlon Avenue. A vehicular service entrance will be provided off Santa Rosalia Drive. Additionally, the Project will incorporate photovoltaic panels as part of an architectural rooftop feature and solar arrays distributed throughout the parking areas and landscaped plaza. A green roof will be provided on both the second and third level of the proposed Project.

REQUESTED ACTION:

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, Adopt the Mitigated Negative Declaration (ENV-2013-4103-MND) for the above referenced project;
2. Pursuant to Section 16.05 of the Municipal Code, Site Plan Review for a development which creates more than 50,000 gross square feet of floor area;
3. Pursuant to Section 11.5.7.F.1 (f) of the Municipal Code, a Specific Plan Exception from:
 - A. 14c and Design Standard 11i of the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual to allow two surface parking lots to be located on the sides of the structure, fronting along Santa Rosalia Drive and portions of Marlon Avenue and Buckingham Road;

- B. 14c and Design Standard 8a of the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual to allow a 2'-6" high fence on top of the required 3' – 6" high wall (total 6'-0" high) adjacent to surface parking lots fronting along adjacent streets and a 6'-0" high fence fronting along adjacent streets;
- 4. Pursuant to Section 11.5.7.C of the Municipal Code, a Project Permit Compliance with the applicable regulations of the Crenshaw Corridor Specific Plan.
- 5. Pursuant to Section 16.50 of the Municipal Code, and Section 14 of the Crenshaw Corridor Specific Plan, a Design Review of the project with the applicable Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual.

RECOMMENDED ACTIONS:

- 1. Adopt the Mitigated Negative Declaration ENV-2013-4103-MND pursuant to Section 21082.1(c)(3) of the California Public Resources Code.
- 2. Advise the Applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.
- 3. Approve the Site Plan Review for development of 105,000 square feet of floor area.
- 4. Approve the Exception from Section 14c and Design Standard 11i of the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual to allow two surface parking lots to be located on the sides of the structure, fronting along Santa Rosalia Drive and portions of Marlton Avenue and Buckingham Road.
- 5. Deny the Exception from Section 14c and Design Standard 8a of the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual to allow a 2'-6" high fence on top of the required 3' – 6" high wall (total 6'-0" high) adjacent to surface parking lots fronting along adjacent streets and a 6'-0" high fence fronting along adjacent streets.
- 6. Approve the Project Permit Compliance with the applicable regulations of the Crenshaw Corridor Specific Plan, *with additional conditions*.

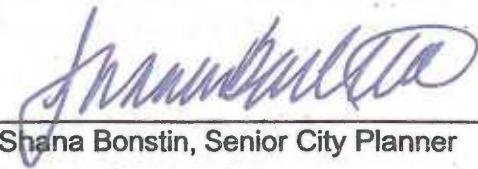
B. Adopt the attached findings.

(7) Approve the design terms of the project with the applicable Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual.

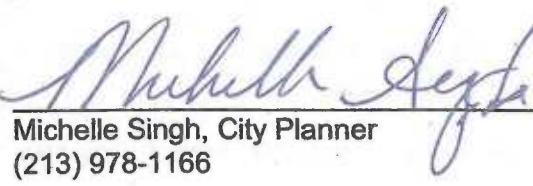
MICHAEL J. LOGRANDE
Director of Planning



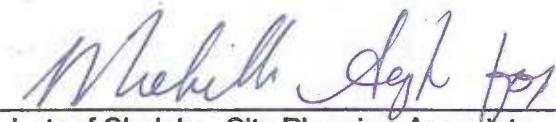
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- Vicinity Map
- Radius Map

B – Plans

- Site Plan
- Floor Plan
- Elevation Plan
- Fence Plan
- Landscape Plan
- Material Sheet

C – Environmental Clearance – ENV-2013-4103-MND

- Response to Comments

D – Photos

PROJECT ANALYSIS

Project Summary

The Applicant, Kaiser Permanente, proposes to develop an Outpatient Medical Facility on a portion of the Santa Barbara Plaza/Marlton Square site. The site is located in the West Adams Baldwin Hills-Leimert Community Plan area, the Crenshaw Corridor Specific Plan, and the Crenshaw Redevelopment Project area. The project will contain approximately 105,000 square feet of floor area within a four story building, four surface parking lots, and over two acres of landscaped open space areas and fitness paths. The Facility will operate Monday through Saturday generally between the hours of 7:00 a.m and 7:00 pm.

A Mitigated Negative Declaration (MND) was prepared and circulated for public comment on May 8, 2014. The implementation of the Proposed Project without mitigations could cause potentially significant impacts on the environment; however, as shown in the environmental analysis contained in the MND, Exhibit C, all of the Project's potentially significant impacts would be reduced to less than significant levels through the implementation of the proposed mitigation measures. No public comments were received during the comment period.

A public hearing for the subject project was held July 18th in Los Angeles City Hall. The hearing was attended by over 30 members of the community. Testimony was heard by the project applicant and their representatives, adjacent property owners, an Empowerment Congress Neighborhood Council representative, a Council District 10 representative, and surrounding residents. Testimony was given in support of the project, support of the project without the fence exception, and opposition to the project. A summary of all testimony can be found beginning on page P-1 of this staff report.

Background

The subject property is located in the West Adams Baldwin Hills-Leimert Community Plan area and is designated for Regional Commercial Land Use. It is zoned for [Q]C2-2D. The [Q] Condition requires the project to comply with the regulations, standards, and guidelines of the Crenshaw Corridor Specific Plan. The project site is located within the boundary of the Crenshaw Corridor Specific Plan in Subarea C.

The Project Site consists of an approximate 8.6-acre parcel and is an irregular shaped lot comprised of 21 complete parcels and portions of two parcels. It is located within a portion of the former 22-acre Santa Barbara Plaza/Marlton Square site. The site is bounded by Martin Luther King Jr. Boulevard to the north, Marlton Avenue to the east, Santa Rosalia Drive to the south and Buckingham Road to the west. The Project Site is currently vacant, as the commercial buildings formerly occupying the Project Site have been demolished. The Project Site is mostly devoid of any vegetation, with the exception of eight existing mexican fan palms. Topographically, the Project Site is gently sloping from the southwest corner to the northwest corner of the Project Site; approximate elevations are 117 and 110 feet, respectively. Access to the existing project site is provided via existing driveways on Marlton Avenue, Buckingham Road and Santa Rosalia Drive. An existing access easement runs perpendicular to the Project Site through the adjacent parcels to the north that front Martin Luther King Jr. Boulevard. The lot, which contains the access easement, is owned by Marlton Recovery Partners, LLC. This access easement will serve as the primary point of ingress/egress from Martin Luther King Jr. Boulevard to the Project Site.

Crenshaw Specific Plan and Design Review Board

The Crenshaw Corridor Design Review Board is an inactive board, given that only two of the appointed members responded to communications, and as such a quorum cannot be obtained. Therefore, a Director's Decision is made without receiving input from the Board.

Proposed Project

The proposed outpatient medical facility will include clinics, outpatient pharmacy, medical laboratories, outpatient surgery center, and medical offices. The proposed project will construct a four-story, approximately 60 feet in height, 105,000 square foot outpatient medical facility on an approximately 8.65 gross acres with 525 on-site parking spaces. The four-story outpatient medical facility is shown as 60 feet to the roof parapet, stepping down to 28 feet high, or two stories, fronting on Santa Rosalia Drive. The building façade is highly articulated with tall windows for each office. Architectural features include monumental structural glass, and curtain walls with colored glass fins. The façade is predominantly earth-toned in warm beige and greys with a more colorful ground floor and accent colors used in the glass fins above and adjacent to the building entry. Perforated decorative screening provides additional articulation and interest.

Parking spaces will be located in four surface parking lots, two of which are located on either side of the proposed building also fronting along Santa Rosalia Drive to the west and east. The remaining two parking lots are located to the northwest and north of the site beyond the proposed large landscaped area. Of the total 525 parking spaces provided (5 parking spaces for every 1,000 square feet of clinics or medical office facilities), 159 parking spaces will be designed as compact, 313 parking spaces will be designed as standard, and 53 parking spaces will be designed to meet disabled access requirements. A loading and service yard will be located to the east of the proposed outpatient medical facility building and will be accessible from a service driveway on Santa Rosalia Drive. It will provide an area for loading and unloading, a trash compactor and other service functions.

The Project will provide two Green Roof spaces on the site. One Green Roof will be located on the roof of a 1-story portion of the building near the service yard. The second Green Roof will be located on the roof of the 2nd story portion of the building that fronts Santa Rosalia Drive. The Green Roof areas will include landscaping that will not be used as habitable space. The two Green Roof areas will include outdoor patios.

The Applicant proposes to provide a photovoltaic canopy above the roof of the building. This photovoltaic canopy will be comprised of solar panels and a solar panel structure in addition to a vertical solar panel structure along the western side of the building. Additionally, photovoltaic canopies will be provided over a portion of the northwestern most parking lot and the northeastern most parking lot.

The four surface parking lots will be primarily accessed from Martin Luther King Jr. Boulevard to the north of the Project Site with a 60-foot wide easement for ingress and egress purposes. This ingress and egress easement leads to a vehicular circle on site that will provide access to three of the four surface parking lots. In addition to the main access point off of Martin Luther King Jr., Boulevard, the Project will also include three additional vehicular access points. The first access point is located on Buckingham Road near Santa Rosalia Drive which provides direct access to the southwestern most parking lot. The second access point is located on Marlton Avenue near Santa Rosalia Drive which will provide direct access to the southeastern most parking lot. The third access point is also located on Marlton Avenue midblock between Santa Rosalia Drive and Martin Luther King Jr., Boulevard. This will provide direct access to the northeastern-most parking lot. In addition, there is a driveway located on Santa Rosalia Drive to

the southeast of the proposed building that will provide direct access to the loading and service yard.

A six foot high fence is proposed to be sited along the property north/northeasterly property line separating the Project Site from the commercial properties abutting Martin Luther King, Jr. Blvd. The proposed project site does not have direct frontage along Martin Luther King, Jr. Boulevard, and is set back over 300 feet from this Major Highway Class II, with intervening commercial properties under different ownership. Two of the project's proposed surface parking lots will be located directly off of the primary entrance to the rear of the proposed Medical Office Building and along this north/northeasterly property line.

The Design Standard for freestanding walls is focused on walls that will be constructed along a public right-of-way. The rear portion of the lot is not required to seek an exception because it is not adjacent to a public right of way as it is over 300 feet away from Martin Luther King Jr. Boulevard, and separated by vacant commercially zoned parcels. Therefore, the fence is subject to the Los Angeles Municipal Code requirements for fence height.

Surrounding Uses:

The properties located to the immediate north of the project site are zoned C2-2D, further north across Martin Luther King Jr. Boulevard the properties are zoned R1-1 and developed with single-family homes. The properties located to the south, across Santa Rosalia Drive are zoned [Q]C2-1, and developed with multi-family structures, a church, and the YMCA. The property located to the east, across Marlton Avenue is zoned C2-2D, and developed with the Baldwin Hills Crenshaw Mall. The property located to the west is zoned [Q]C2-2D, and is developed with a senior housing complex, properties located further west across Buckingham Road are zoned R3-1 and developed with multi-family residential.

Dedications and Improvements:

Marlton Avenue: adjoining the property on the southeast is a designated Local Street. Local Streets are required to have a 60-foot wide public right of way. According to Navigate LA (Bureau of Engineering online mapping), the width of half of the public right-of-way is approximately 40 feet, and therefore no street dedication is anticipated.

Santa Rosalia Drive: adjoining the property on the southwest is designated as a Collector Street. Collector streets are required to have a 64-foot wide public right of way. According to Navigate LA, the width of half of the public right-of-way is approximately 41 feet, and therefore no street dedication is anticipated.

Buckingham Road: adjoining the property on the southeast is a designated Local Street. Local Streets are required to have a 60-foot wide public right of way. According to Navigate LA, the width of half of the public right-of-way is approximately 42 feet, and therefore no street dedication is anticipated.

Public Transportation Opportunities

The Los Angeles Metropolitan Authority (MTA) routes a number of bus lines with stops conveniently located near the Project Site. Metro Bus Line 105 has a stop on the east corner of Marlton Avenue and Santa Rosalia Drive, the east corner of Buckingham Road and Santa Rosalia Drive, the southwest corner of W. Martin Luther King, Jr. Boulevard and Marlton Avenue, and the south side of Martin Luther King, Jr. Boulevard between Marlton Avenue and the Baldwin Hills Crenshaw Plaza vehicular entry with northbound service ending in West Hollywood. The DASH Crenshaw has a stop on the east corner of Buckingham Road and

Santa Rosalia Drive, on the east corner of Marlton Avenue and Santa Rosalia Drive, and on the south side of Martin Luther King, Jr. Boulevard between Marlton Avenue and the Baldwin Hills Crenshaw Plaza vehicular entry. The Dash Leimert/Slauson and the Dash Midtown also have stops on the south side of Martin Luther King, Jr. Boulevard between Marlton Avenue and the Baldwin Hills Crenshaw Plaza vehicular entry.

Additionally, the Project Site is located within a quarter mile of the planned Crenshaw/Martin Luther King station of the MTA Crenshaw/LAX Transit Corridor Project. The Transit Corridor Project will be an 8.5 mile light-rail line that will run between the Expo Line on Exposition Boulevard and the Metro Green Line. Completion of the line is expected by 2019.

Previous Case:

Case. ZA-2003-5251-ZAA-YV and Tentative Tract Map 53973. A Tract Map and Zoning Administrator Adjustment to allow yard reductions for the detached condominiums on Lot 3, a 10 foot reduced rear yard in lieu of the required 19 feet, and a 14 foot front yard in lieu of the required 15 feet in a 5-lot subdivision. The project was proposed to consist of 180,000 square feet of commercial uses (Lots 1 and 2), a 140-unit detached condominium development (Lot 3), a 180-unit senior citizen residential apartment (Lot 4), a public use recreation center facility (Lot 5) on a 20 net acre (867,600 net square feet) site zoned [Q]C2-2D and designated for Regional Commercial uses in the West Adams-Baldwin Hills-Leimert Park Community Plan.

Issues

The following section includes a summary of issues related to the project. Points derived from a comment letter submitted by the public, and raised at the public hearing held on July 18, 2014. Detailed comments made at the public hearing along with a list of letters submitted are found at the Public Hearing portion of this report. Concerns were voiced with regard to several key items including; the fence exception, existing parking lot, and environmental impacts.

At the public hearing, several members of the public testified in support of the project but not the perimeter fence. The testimony included concerns about the effect a six foot fence would have on the pedestrian experience, and the precedent it would set for future projects. It was also stated that existing fences in the project area were either erected prior to the Specific Plan adoption and/or the fence is located on a site not governed by the Specific Plan.

Comments were raised in a letter, and reiterated verbally during the hearing about the inadequacy of the environmental analysis for the following categories: aesthetics, air quality, biology, geology and soils, hazardous materials, land use, noise, public service, and transportation and traffic. Each of these categories were analyzed in a Mitigated Negative Declaration, and were found to be mitigated to a level of insignificance with the proposed mitigation measures incorporated in conditions 18 through 48.

Lastly, an issue raised both at the hearing and in a letter relates to the historic use of the project site as a parking lot. Two adjacent property owners made statements that the interior portion of the lot is under an easement that restricts the land to parking that shall be made available to the public. A declaration of restrictions from 1950 was submitted to the file. As a result, the applicant has been asked by the Department of City Planning to provide a record of property affidavits and title report to determine if the parking restriction is a valid record.

Conclusion

The project provides a coordinated site plan that complies with all design standards for buffering, setbacks, landscaping and façade treatment except for the requested exceptions for parking lot location and additional fence height.

Due to the project's site size and irregular shape, locating all 525 parking spaces to the rear would be practically impossible for the applicant. The site is unique in comparison to many other lots in the Specific Plan, which are typically shallow and narrow in nature. The proposed plot plan has been designed with extensive landscaping, that complies with all landscape and buffering standards of the Specific Plan. The project provides three and one-half foot decorative walls at the perimeter of the surface parking lots, a minimum of three-foot landscape buffers between the walls and sidewalks, 15-gallon trees every 20 linear feet, and landscaping of seven per cent of the surface parking lots.

In addition to required landscaped setbacks and trees, by placing two of the parking lots alongside the building, a landscaped open space corridor will run the length of the site and provide walking and bicycle paths, encouraging exercise. During business hours this will be an amenity for the public as well as patients and staff at the Kaiser facility. The walkways will provide a pedestrian linkage through the site and to the Baldwin Hills Crenshaw Plaza Mall and transit options. Therefore, staff recommends approval of the parking lot location exception.

The applicant has also requested an exception to the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual to allow a 2'-6" high fence on top of the required 3'6" high wall (total 6'0" high) adjacent to surface parking lots fronting along adjacent streets and a freestanding 6'0" high fence fronting along adjacent streets (Buckingham and Marlton) in lieu of a four foot wall otherwise allowed. The justification submitted by the applicant states that the site is large with multiple street frontages and located in an area that may attract loitering, criminal activity and vandalism, necessitating the need for additional fence height. A taller fence would negatively affect the aesthetic quality of the entire site and detract from the extensive landscaping and building design. The development of the site will physically improve the sight from a blighted and neglected lot that has been vacant for over ten years, and bring life and activity to the site. The linear landscape area is a community amenity available to both Kaiser patients, staff and the public during the daytime, but a six foot security fence will be unwelcoming and will send a message to the community that the space is private. It would also set an unfortunate precedent in the Specific Plan. Security to monitor the site is a viable alternative, and not a practical difficulty or hardship that precludes the development of the site. Therefore, staff is recommending denial of a 6'-0" high freestanding fence and the additional 2'6" high fence on top of the parking lot walls.

CONDITIONS OF APPROVAL

1. **Site Plan.** Except as modified by this action, the use and development of the subject property shall be in substantial conformance with the attached plans labeled as "Exhibit A", stamped, signed and dated by City Planning Staff attached to the subject case file.
2. **Development Standards.** The subject use shall be permitted the following:
 - a. **Parking Lot Location.** The surface parking lot shall be permitted on the sides of the outpatient medical facility, behind a minimum three foot landscaped buffer and solid three and one-half foot decorative wall.
 - b. **Surface Parking Walls.** The project shall be limited to a three and one-half foot solid wall for surface parking lots abutting a public right of way.
 - c. **Freestanding Walls.**
 - i. The project shall be limited to a four foot high fence located on the east and west sides of the property line adjacent to open space areas, and submit revised project plans to be in compliance with this condition.
 - ii. The project shall be limited to a six foot fence on the northern interior property line, abutting commercially zoned properties.
3. **Public Access.** The project shall provide retractable pedestrian gates at the access points identified on the site plan.
4. **Public Signage (Wayfinding).** A sign shall be posted at each pedestrian entrance, which states that the area is open to the public during business hours.
5. **Use.** The project shall be limited to an outpatient medical facility.
6. **Height.** The project shall be limited to a maximum of 60 feet in height, not including the solar panels.
7. **Parking.** A total of 525 parking spaces shall be provided pursuant to LAMC Section 12.21.A.4. The Applicant shall install bicycle parking spaces that conform to Section 12.21 A.16(c) through (h) of the Code.
8. **Landscape Buffer.** The Project shall provide a three foot landscape buffer in front of any freestanding wall or fences. One tree for every 15 linear feet shall be planted at a size of 24" inch box trees.
9. **Sign.** Any approval for sign(s) shall be filed under a separate application, other than that required under condition number 4.
10. **Landscape Plan.** The Applicant shall provide a revised landscape plan that shows an irrigation system for the landscaped areas. All landscaped areas shall be irrigated with an automated watering system including the public right-of-way. The landscaping shall be maintained in good health for the life of the project.
11. **Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made by the Applicant for future underground service.

d - ACCESS DRIVEWAY. Prior to issuance of a building permit, the applicant shall provide evidence that the project is granted an easement, or other agreement, demonstrating use of the access road to Martin Luther King Jr. Blvd. in substantial conformance with the Site Plan later Exhibit B. Should the project not be granted use of the access road, the Site Plan and driveway plan shall be reviewed by the Dept. of

12. **Surface Mechanical Equipment.** All surface or ground mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air conditional condensers, gas meters and electric meters cabinets shall be screened from public view and /or treated to match the materials and colors of the building which they serve.
13. **Roofs and Roof Top Equipment.** Building equipment and ducts on roofs shall be screened from view from any street, public right-of-way or adjacent property. The screening shall be solid and match the exterior materials, design and color of the building. Solar panels need not be screened.
14. **Storage, Trash and Loading Areas.** Trash enclosures shall be enclosed by a minimum five foot high, decorative masonry wall that is not located adjacent to a public street, consistent with Exhibit B. The trash area shall have a separate, enclosed area for recyclable materials.
15. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The property owner shall be required to acquire approval from the Director of Planning through a Building Permit sign-off, for the installation of any security devices.

Environmental Conditions

16. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or sidewalks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
17. **Aesthetics (Landscape Buffer).** A minimum three-foot wide landscape buffer shall be planted adjacent to the residential use.
18. **Aesthetics (Surface Parking)**
 - a. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.
 - b. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. An automatic irrigation plan shall be approved by the Department of City Planning.
 - c. Palm trees shall not be considered in meeting this requirement.
 - a. The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.

19. Aesthetics (Vandalism)

- a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material pursuant to Municipal Code Section 91.8104.

- b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.

20. Aesthetics (Signage on Construction Barriers)

- a. The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS."
- b. Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.
- c. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.

21. Aesthetics (Light). Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

22. (Aesthetics (Glare). The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

23. Air Pollution (Demolition, Grading, and Construction Activities)

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting would reduce fugitive dust by as much as 50 percent.
- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- g. Trucks having no current hauling activity shall not idle but be turned off.

24. Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas). Proposed Project activities (including disturbances to native and non-native vegetation, structures

and substrates) should take place outside of the breeding bird season which generally runs from March 1 - August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:

- a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- b. If a protected native bird nest is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
- c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- d. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the Project.

25. Tree Removal (Non-Protected Trees).

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- c. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

26. Cultural Resources (Archaeological).

If any archaeological materials are encountered during the course of the Project development, all further development activity shall halt and:

- a. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologists (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact.
- b. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the archaeological survey, study or report are submitted to:

SCCIC Department of Anthropology
McCarthy Hall 477
CSU Fullerton
800 North State College Boulevard
Fullerton, CA 92834

- e. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
- f. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

27. Cultural Resources (Paleontological). If any paleontological materials are encountered during the course of the Project development, all further development activities shall halt and:

- a. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Natural History Museum – who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.

- e. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.
- f. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

28. Cultural Resources (Human Remains). In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- a. Stop immediately and contact the County Coroner:

1104 N. Mission Road
Los Angeles, CA 90033
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)

- b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
 - a) The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
 - b) The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
 - c) If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
 - d) If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

29. Seismic. The design and construction of the Project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

30. Erosion/Grading/Short-Term Construction Impacts. The Project Applicant shall provide staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.

Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.

- b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

31. Geotechnical Report. The Project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the Proposed Project and as it may be subsequently amended or modified.

32. Green House Gas Emissions

- a. Install a demand (tankless or instantaneous) water heater system or high efficiency central boiler system, sufficient to serve the anticipated needs of the dwelling(s).
- b. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the Project.

33. Hazardous Materials Site. Prior to the issuance of any use of land, grading, or building permit, the applicant shall obtain a sign-off from the Fire Department and the LARWQCB indicating that all on-site hazardous materials, including contamination of the soil and groundwater, have been suitably remediated, or that the proposed project will not impede proposed or on-going remediation measures.

34. Stormwater Pollution (Demolition, Grading, and Construction Activities). Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.

- a. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- b. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- c. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- d. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

35. Standard Urban Stormwater Mitigation Plan. Prior to issuance of a grading permit, the Project shall comply with the Standard Urban Stormwater Mitigation Plan (SUSMP) and/or the site-specific mitigation plan to mitigate stormwater pollution as required by Ordinance Nos. 172,176 and 173,494. The appropriate design and application of Best Management Practices (BMP) devices and facilities shall be determined by the Watershed Protection Division of the Bureau of Sanitation, Department of Public Works. More information may be obtained at www.lastormwater.org.

36. Increased Noise Levels (Demolition, Grading, and Construction Activities)

- a. The Project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

- b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
 - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - d. Noise and groundborne vibration construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.
 - e. Barriers such as, but not limited to, plywood structures or flexible sound control curtains extending eight feet in height shall be erected around the perimeter of the construction site to minimize the amount of noise during construction on the nearby noise-sensitive uses.
 - f. The Project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178,048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.
37. **Public Services (Fire).** 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.
38. **Public Services (Police – Demolition/Construction Sites).** Fences shall be constructed in compliance with the Crenshaw Corridor Specific Plan design standards, and around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
39. **Public Services (Police).** The plans shall incorporate the Design Guidelines (defined in the following sentence) 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.

40. Increased Vehicle Trips/Congestion. The Applicant shall comply with all mitigation measure(s) and conditions of approval detailed in the Department of Transportation's communication to the Planning Department dated October 8, 2013 (attached to this expanded IS/MND). The Project Traffic Study and subsequent revisions, dated July 8, 2013, and mitigation measure(s) are incorporated herein by reference.

41. Transportation (Haul Route)

- a. The developer shall install appropriate traffic signs in accordance with the LAMC around the site to ensure pedestrian and vehicle safety.
- b. (Non-Hillside): The Projects involves the import/export of 20,000 cubic yards or more of dirt. The Project Applicant shall obtain haul route approval by the Department of Building and Safety in accordance with the LAMC.
- c. Flag persons shall be utilized to direct haul trucks entering and leaving the site to ensure safe turning movements and prevent conflicts with pedestrian and vehicular traffic.

42. Increased Vehicle Trips/Congestion

- a. 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.
- b. All delivery truck loading and unloading shall take place on site.

43. Utilities (Local Water Supplies - Landscaping). The Project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

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

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

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

- a. If conditions dictate pursuant to the LAMC, the Department of Water and Power may postpone new water connections for this Project until water supply capacity is adequate.
- b. 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.
- c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- e. 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.)

45. Utilities (Local Water Supplies - New Commercial or Industrial). All restroom faucets shall be of a self-closing design.**46. Utilities (Solid Waste Recycling)**

- a. *(Operational)* Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the Project's regular solid waste disposal program.
- b. *(Construction/Demolition)* Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction related wastes.
- c. *(Construction/Demolition)* To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contactor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

Administrative Conditions of Approval**47. Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review 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.

48. **Code Compliance.** All other use, area, height, and yard regulations of the Los Angeles Municipal Code (LAMC) and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except where conditions are granted in this Determination.
49. **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.
50. **Building Plans.** All the Conditions of Approval, and any other written modifications, shall be printed on the final building plans/drawings submitted to the Department of City Planning and the Department of Building and Safety.
51. **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.
52. **Final Plans.** Prior to approval of final building plans/drawings by the Department of Building and Safety, the Applicant shall submit four (4) final plan check plans, including any modifications and all corrections noted on the plans originally submitted to the Department of City Planning, to be approved by Department of City Planning staff for compliance with this Director's Determination letter and subsequently, for the Department of Building and Safety use. One set of plans shall be provided to the Department of City Planning and attached to subject file; two others shall go to the Department of Building and Safety.
53. **Department of Building and Safety.** The granting of this Determination by the Director of Planning does not in any way indicate compliance with applicable provisions of the Los Angeles Municipal Code (LAMC). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect the uses, or any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
54. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these Conditions of Approval shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, 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 must be given to the Department of City Planning for attachment to the subject file.
55. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any

claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

FINDINGS

General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the West Adams-Baldwin Hills-Leimert Community Plan, which was adopted by the City Council on May 6, 1998. The West Adams-Baldwin Hills-Leimert Community Plan designates the subject property as Regional Commercial with a zoning designation of [Q]C2-2D. The subject site is also located within the Crenshaw Corridor Specific Plan in Subarea C.
2. **General Plan Text.** The West Adams-Baldwin Hills-Leimert Community Plan text includes the following relevant land use policies relating to commercial development:

Policy 2-1.1: New commercial uses shall be located in existing, established commercial areas or existing shopping centers.

The Project Site is designated Regional Commercial by the Community Plan and is zoned [Q]C2-2D which allows for office, business or professional uses. The Proposed Project includes the development of 105,000 square feet of outpatient medical facility and is therefore consistent with the existing land uses designated for this site and thus is consistent with this policy.

Policy 1-1.5: Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

The Proposed Project would be compatible with existing land uses surrounding the Project Site. To the east of the Project Site, across Marlton Avenue, is the Baldwin Hills Crenshaw Plaza. Properties to the east are zoned C2-D2. To the west of the Project Site, across Buckingham Road are one and two story multifamily residences. Properties to the west are zoned R3-1. Adjoining the Project Site, to the immediate northwest, is a four story senior housing development. Adjoining the Project Site to the immediate north are one and two story commercial buildings facing on to Martin Luther King Jr. Boulevard. Properties to the north of the Project Site are zoned C2-D2. To the south of the Project Site, across Santa Rosalia Drive is the Crenshaw Family YMCA, Bethlehem Church of God Holiness, and multi-family residences. Properties to the south are zoned C2-D2 and R3-1. Therefore, the Proposed Project would be consistent with this policy.

Policy 1-4.1: Encourage the development of offices in the vicinity of the Crenshaw-Baldwin Hills Plaza and in mixed-use areas.

The Proposed Project would be located to the west of the Crenshaw Baldwin Plaza, across Marlton Avenue and would provide 105,000 square feet of medical office uses. As such, the Proposed Project would be consistent with this policy.

Policy 1-5.2: New development should add to and enhance the existing pedestrian street activity.

The Proposed Project would enhance existing pedestrian connections between the commercial and residential properties surrounding the Project Site to the Baldwin Hills Crenshaw Plaza to the east of Marlton Avenue. The Proposed Project would improve the site with pedestrian walkways that would be utilized by employees, visitors and the

community. With these improvements and only as conditioned above, the Proposed Project would be consistent with this policy.

Policy 1-5.3: Ensure that commercial infill projects achieve harmony with the best of existing development.

The Proposed Project would develop a vacant site with a new outpatient medical facility. The Proposed Project would be compatible with existing surrounding uses and would include open space and pedestrian paths, which would be available to the public. Therefore the Proposed Project would be consistent with this policy

Policy: 1-6.1: Improve the appearance and landscaping of commercial properties.

The Project Site is currently vacant and there is no significant vegetation on the site. The Proposed Project would include open space and landscaping that includes amenities such as a garden area, outdoor plaza and pedestrian paths. These amenities would improve the appearance of the Project Site and enhance the surrounding commercial properties and thus would be consistent with this policy.

Policy: 1-6.3: Improve safety and aesthetics of parking areas in commercial areas.

The proposed parking areas would provide landscaping per the requirements of the LAMC and the Crenshaw Corridor Specific Plan and Design Guidelines and Standard Manual. Parking areas would also include pole lighting for security purposes. As discussed in Section XIV (ii), the Proposed Project would include adequate and strategically positioned functional and thematic lighting to enhance public safety. Visually obstructed and infrequently accessed "dead zones" would be limited. The building and layout design of the Proposed Project would also include crime prevention features, such as nighttime security lighting and secure parking facilities. As such, the Proposed Project would be consistent with this policy.

Open Space and Recreation Policy 2-1.1: Encourage the retention of passive and visual open space which provides a balance to the urban development of the Plan area.

The Proposed Project would improve the currently vacant site with new commercial medical office space. The Proposed Project would include open space such as a garden area, plaza space and pedestrian paths for visitors, employees and the public. These amenities would provide passive and active open space for the community. Therefore, the Project Site would be consistent with this policy.

Open Space and Recreation Policy 2-1.3: Require development in major opportunity sites to provide public open space.

The Project is a portion (8.6 acres) of a larger site (22 acres) identified by the Community Plan as a major opportunity site. While the proposed project does not provide a public open space dedicated to City, a greenway spanning from the west property line to the east property line is provided. As part of the project design, the open space area will be open to the public during business hours.

Police Policy 5-1.1: Coordinate with Police Department as part of the review of significant development projects and General Plan Amendments affecting land use to determine the impact on service demands.

As part of the review process, condition 39, the Proposed Project would be required to submit the architectural plans and security program to the LAPD for review. Upon review with the LAPD, the proposed Project would be consistent with this policy.

Fire Policy 6-1.1: Coordinate with the Fire Department as part of the review of significant development projects and General Plan Amendments affecting land use to determine the impact on service demands.

As part of the approval process, condition 37, the Project Applicant would be required to submit the Project plans to the LAFD for review. This would ensure compliance with LAMC required fire protection, life and safety provisions. During their review, the LAFD would determine the need for additional fire safety or other requirements. Upon review with the LAFD the Proposed Project would be consistent with this policy.

Transportation and Parking Policy: 7-1.1: Maintain an LOS not to exceed LOS "D" for streets and highways that are currently operating at LOS "D" or better. Where existing levels of service are LOS "E" or LOS "F" on any portion of a major or secondary highway, then those segments should be improved, where economically feasible and environmentally acceptable, to operate at LOS "E" or, at a minimum, those segments should be maintained to operate at their existing level of service.

As noted in the Traffic Study (See Appendix G to the IS/MND), the Proposed Project is expected to result in a significant impact at one of the 17 study intersections; Intersection No. 15 at Arlington Avenue and Martin Luther King Jr. Boulevard. Weekday peak hour trips with the addition of ambient growth, related projects traffic, and project-related traffic increases the AM peak hour V/C ratio by 0.010 [to 0.969 (LOS E) from 0.959 (LOS E)]. The Applicant will be responsible for implementing traffic mitigation measures including a Transportation Demand Management (TDM) plan to limit or reduce the project's potential contribution of vehicular traffic on the local street system. Such measures are designed to reduce the amount of vehicular traffic that would be generated by a project as compared to an unmanaged condition. With implementation of the recommended mitigation measures, traffic impacts at the significantly impacted intersection would remain at LOS E, which is consistent with the criteria identified in policy 7-1.1. Thus, with mitigation the Project's traffic impacts would be reduced to less than significant levels.

Policy 7-2.2: New development projects should be designed to minimize disturbance to existing traffic **low** with proper ingress and egress to parking.

Vehicular access to the site will be provided via an existing 60-foot wide private driveway easement extending from Martin Luther King Jr. Boulevard and access points along Buckingham Road and Marlton Avenue. The Martin Luther King Jr. Boulevard driveway will be a primary access point and will include two inbound and outbound lanes separated by a landscaped raised median island. This driveway is planned to accommodate access both for the Proposed Project and the adjacent retail parcels. It is anticipated that full access (i.e., left-turn and right-turn ingress and egress turning movements) will be accommodated at this driveway. The Proposed Project will also include pedestrian pathways that provide connections to the surrounding community. Thus, the Proposed Project would be consistent with this policy.

Policy 7-2.3: Require that driveway access points onto major and secondary highways and collector streets be limited in number and be located to ensure the smooth and safe flow of vehicles and bicycles.

The primary vehicular access to the site will be provided via a single access drive along Martin Luther King Jr. Boulevard. Additional access to the Project Site will be accommodated via a single driveway on Buckingham Road and two driveways on Marlton Avenue. Vehicular circulation and connectivity throughout the Project Site will be provided via an internal roadway system which will facilitate drop-off and pick-up operations near the outpatient medical facility and access to/from the project's parking facilities. Therefore, the Proposed Project will be consistent with this policy.

Policy 7-2.4: Require that new development install traffic signals at intersections on arterials when such is warranted on an individual case by case study.

The Project is proposing to install a three-way traffic signal at the Martin Luther King Jr. Boulevard driveway easement located approximately mid-block between Buckingham Road and Marlton Avenue. This driveway will be made possible through an existing access easement that extends through the adjacent retail parcels to the north that front the south side of Martin Luther King Jr. Boulevard. The Martin Luther King Jr. Boulevard driveway will be a primary access point and will include two inbound and outbound lanes separated by a landscaped raised median island. This driveway is planned to accommodate access both for the proposed project and the adjacent retail parcels. It is anticipated that full access (i.e., left-turn and right-turn ingress and egress turning movements) will be accommodated at this driveway. Additionally, it is expected that the future intersection at Martin Luther King Jr. Boulevard to be created with this driveway will be controlled by a traffic signal. With the installation of this traffic signal, the Proposed Project would be consistent with this policy.

Policy 11-1.1: Plan for and encourage funding and construction of bicycle routes connecting residential neighborhoods to regional open space areas and employment centers.

Bicycle access to the Project Site is facilitated by the City of Los Angeles bicycle roadway network. Existing or proposed bicycle facilities (e.g., Class I Bicycle Path, Class II Bicycle Lanes, Class III Bicycle Routes, Proposed Bicycle Routes, Bicycle Friendly Streets, etc.) in the City's 2010 Bicycle Plan are located within an approximate one-mile radius from the Project Site. The Proposed Project would include new pedestrian paths through the Project Site for use by visitors, employees and the surrounding community. Bicycle parking would be provided for visitors and employees. These paths and bicycle parking spaces would create new connections between existing residential and commercial uses and thus, the Proposed Project would be consistent with this policy.

Entitlement Findings

3. Specific Plan Exception Approval Findings.

- a. *The strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.*

Parking Lot Location

Design Standard 11i requires that surface parking lots be located to the rear of buildings. The general purpose and intent of the standard is to orient all structures to the main commercial street where the parcel is located and to avoid pedestrian vehicular conflicts by adhering to specified design standards, which includes the parking lot location standard. The parking lot design standard contemplates a commercial or mixed use project development fronting on the commercial street, which would have its parking located in the rear, thereby avoiding pedestrian /vehicular conflicts. The applicant is

seeking a Specific Plan Exception to locate two of four surface parking lots to the sides of the outpatient medical building instead of providing all surface parking to the rear of the building. The two parking lots located to the rear of the building will have a combined total of more than half of the on-site parking spaces so that a majority of the parking is in conformance with the Crenshaw Corridor Specific Plan Design Guideline and Standards Manual.

The practical difficulties and hardships in locating all of the parking to the rear are related to the large size of the site, and the fact that it has three street frontages to the front and sides of the building. The majority of the on-site surface parking is located in two parking lots behind the outpatient medical facility. The primary entrance and drop-off for patients is to the rear of the building, which is in compliance with the Specific Plan. By creating two additional smaller parking areas to the sides of the building, local circulation to and from the project is dispersed to all street frontages. Vehicles using the surface parking lots to the rear of the medical building enter and exit through the primary access point via the 60-foot easement off of Martin Luther King Jr., Boulevard. This creates a practical difficulty to having all parking located in the rear as the Project Site has no direct frontage on Martin Luther King Jr., Blvd and would create access impediments with only one point of entry and exit. The location of two smaller surface parking lots to the sides of the building allows for multiple entrances and exits, and separates staff and patient ingress and egress. Relocating the two surface parking lots to the rear of the outpatient medical facility would create one large surface parking lot and would eliminate the large landscape area that serves as a pedestrian linkage.

Another practical difficulty in placing all parking to the rear is that the Crenshaw Corridor commercial design standards apply predominantly to the many narrow and shallow lots along the Crenshaw Corridor. In these pedestrian oriented areas, encouraging buildings to be located at the front property line with parking in the rear increases pedestrian activity and provides more coordinated facades. However, the Project Site is much larger than the typical 60-foot by 150-foot lots (9,000 s.f.) or 55-foot by 210-foot lots (11,550 s.f.). The Project Site is 8.6 acres (376,633 s.f.) and has approximate lineal frontage on three adjacent streets as follows: 902 feet along Santa Rosalia Drive, 443 feet along Marlton Avenue and 208 feet along Buckingham Road. The Project Site is a through lot with front yards on Marlton Avenue and Buckingham Road and side yards along Santa Rosalia Drive and the interior lot line adjacent to the property to the north which differs from the clear front side and rear yards of the typical narrow shallow lots, many of which have adjacent rear alleys.

- b. *That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.*

The Community Plan designates the project site and the larger 22 acre site as Regional Commercial land use and identifies the site as a "Major Opportunity Site". The characteristics that were considered in identifying this site as a major opportunity site were:

- The community identity or uniqueness of a parcel
- The unimproved or underdeveloped nature/acreage of the parcel
- The potential build out created by new development
- The potential for construction jobs that new development could bring
- The adequacy of the existing and proposed infrastructure
- The potential benefit to the Community

The Kaiser property is 8.6 acres of a 20-acre site identified in the Community Plan as the "Santa Barbara Plaza". The site is described as critical to the Community because of its size, potential to generate significant development and its location close to the Baldwin Hills Crenshaw Mall. It is the largest opportunity site in the Specific Plan area.

The Kaiser project provides a community amenity that is not found in other projects in the plan area. Placement of two parking lots on the sides of the building allows creation of a horizontal green corridor running street to street, from Buckingham Road to Marlton Avenue. The 2.35-acre landscaped area is heavily landscaped and contains walking paths and a plaza. The pedestrian paths provide exercise opportunities for patients, staff and the community. Given the location of the project, these amenities encourage pedestrian activity and connection to the Baldwin Hills Crenshaw Mall and the future Crenshaw Metro station.

Also, as stated above the Project Site is 8.6 acres (376,633 s.f.) and has approximate lineal frontage on three adjacent streets as follows: 902 feet along Santa Rosalia Drive, 443 feet along Marlton Avenue and 208 feet along Buckingham Road. The Project Site is a through lot with front yards on Marlton Avenue and Buckingham Road and side yards along Santa Rosalia Drive and the interior lot line adjacent to the property to the north which differs from the clear front side and rear yards of the typical narrow shallow lots, many of which have adjacent rear alleys. It is one of the largest project areas in the Specific Plan.

The Community Plan has an Open Space Policy to require development in major opportunity sites to provide public open space. As part of the project, Kaiser will provide a community amenity that is available to the public during daytime operating hours. The open space area will be secured with a four-foot high fence as permitted by the Specific Plan. The fence will have several pedestrian access points and is conditioned to provide adequate signage to notify the public of the hours of operation. The gates are also conditioned to be retractable and open during daytime hours. Since the placement of the landscaped area is internal to the site, yet open to the community, these conditions will ensure that the community is aware of the public amenity.

- c. *That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but, which because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The large size of the Project Site, the location with street frontages to the front and sides of the proposed building and not having street or alley frontage to the rear of the building, all create impediments to meeting the strict parking regulations of the Specific Plan. These characteristics of the site are unique to this property. With the Exception, the project still complies with the purposes and intent of the Specific Plan.

Another practical difficulty in placing all parking to the rear is that the Crenshaw Corridor commercial design standards apply predominantly to the many narrow and shallow lots along the Crenshaw Corridor. In these pedestrian oriented areas, encouraging buildings to locate at the property line with parking in the rear increases pedestrian activity and provides more coordinated facades. This large property is not in the Pedestrian Oriented District, and a single site plan coordinates the landscape and design for more than 8.6 acres, achieving the intent of the Specific Plan standards. The front façade and street frontages are all landscaped, buffered from adjacent uses and the medical office

utilizes high quality architecture with design features such as glass, screening and building setbacks to increase attractiveness from the street frontages.

- d. *That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.*

Development of the site with a 105,000 square-foot outpatient medical facility, which also includes but is not limited to clinics, outpatient pharmacy, medical laboratories, outpatient surgery center, and medical offices, will bring health benefits to the plan area by making these services more accessible. Use of this facility would be of benefit not only to the immediate community, but will serve a more regional need. The large open space area with walking paths and a plaza provide opportunities for exercise and pedestrian connections to and from the Baldwin Hills Crenshaw Mall and transit.

For 20 years the site has been identified for development to remove an unsightly, blighted property and bring economic vitality to the area. The physical design of the project creates an aesthetically pleasing new four-story building, stepping down to two stories where it faces residential and commercial uses. Along Buckingham Road the adjacent use is a senior citizen project and several multi-family residences across the street. To the south, across Santa Rosalia Drive are several multi-family buildings, a church and YMCA facility. Diagonal street parking is located along Santa Rosalia Drive directly south of the outpatient medical facility. Along Marlton Drive, to the west, is the Baldwin Hills Crenshaw Plaza Mall. The site is undeveloped immediately adjacent to the north.

The proposed plot plan shows all perimeters of the site to be landscaped. The improvements will be visually beneficial to the adjacent properties. All landscaping and buffers will meet or exceed the design standards and guidelines of the Specific Plan.

The project represents a major private investment in the community, as recommended by the Community Plan and the Redevelopment Plan. The project will bring increased economic development and patients to the area. The project will have a beneficial economic impact during construction and long-term, as it will provide needed medical services.

- e. *That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.*

The granting of the exception would allow a development that is consistent with the intent and goals of the specific plan and the other applicable land use plans. The objectives of the West Adams Baldwin Hill Leimert Park Community Plan state the following:

Objective 1-4: Attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.

Objective 1-4.2: Identify appropriate revitalization/redevelopment areas and encourage uses that would enhance the economic vitality of the Community

The Kaiser Outpatient Medical Facility brings a major high quality development to this site. Medical uses are strong economic generators of the economy. The large number of staff and patients would provide economic stimulus to adjacent retail uses.

The Crenshaw Corridor Specific Plan Section 2 lists the following purposes:

- To provide standards for the Crenshaw corridor which will promote controlled development/redevelopment while encouraging and stimulating economic revitalization.
- To assure a balance of commercial land uses in the Specific Plan area that will address the needs of the surrounding communities and greater regional area

The project will develop a 105,000 square-foot medical building providing needed services for the surrounding community and larger area. The facility will provide economic development and health care. The outpatient medical facility also includes but is not limited to clinics, outpatient pharmacy, medical laboratories, outpatient surgery center, and medical offices. The site has been identified for redevelopment for 20 years, but is still vacant. This project represents a major investment in the area promoting economic revitalization.

- To promote a compatible and harmonious relationship between residential and commercial development where areas of commercial development are contiguous to residential neighborhoods.

Multi-family residential dwellings are across Buckingham Road and Santa Rosalia Drive, adjacent to the outpatient medical facility. The principal entry and drop-off for patients is to the rear of the medical building and accessed by the easement from Martin Luther King Jr. Boulevard. It is not visible from the residential uses.

The plot plan has been designed with extensive landscaping, that complies with all landscape and buffering standards of the Specific Plan. Decorative walls 3.5 feet high buffer the perimeters of the surface parking lots. In addition to required landscaped setbacks and trees, by placing two of the parking lots alongside the building, a landscaped open space corridor will run the length of the site and provide walking paths, encouraging walking as exercise. This will be an amenity for the public as well as patients and staff at the Kaiser facility as it will facilitate pedestrian access through the site and to the Baldwin Hills Crenshaw Plaza Mall, to existing transit and the future Crenshaw Metro station.

- To preserve and enhance community aesthetics by establishing coordinated and comprehensive standards for signs, buffering, setbacks, building and wall height, open space, lot coverage, parking, landscaping and façade treatment.

The project complies with all design standards for buffering, setbacks, landscaping and façade treatment. The project provides 3.5-foot high decorative walls at the perimeter of the surface parking lots, a minimum of 3-foot wide landscape buffers between the walls and sidewalk, 15-gallon trees every 20 feet, and landscaping of 7% of the surface parking lots. These meet the buffering and landscaping requirements of the Specific Plan.

The Community Plan states that one of the reasons for locating parking to the rear is to avoid pedestrian/vehicular conflicts. Since this project is a single large development, the applicant has established one comprehensive site plan for the 8.6 acres. It identifies entrances and exits and provides one comprehensive landscape plan. Pedestrian/vehicular conflicts are eliminated because the entire site is planned with one site plan, unlike multiple retail or commercial uses along a corridor. A large circular area is provided for drop-offs and pick-ups for post-surgical patients, the elderly and the disabled. Pedestrian access is provided by a wide, landscaped open space corridor with

walking paths and a plaza. This coordinated plan for the 8.6-acre site meets the intent of the Specific Plan.

While Design Standard 11 i states that surface parking shall be in the rear of buildings, the design standards do provide for occasions where a surface parking lot abuts a public street or public sidewalk. The project complies with all parking lot design standards.

4. Specific Plan Exception Denial Findings

Pursuant to Section 11.5.7.F.1 (f) of the Municipal Code, a Specific Plan Exception from Section 14c and Design Standard 8a of the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual to allow a 2'-6" high fence on top of the required 3' – 6" high wall (total 6'-0" high) adjacent to surface parking lots fronting along adjacent streets and a 6'-0" high fence fronting along adjacent streets;

- a. *That the strict application of the regulations of the specific plan to the subject property would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.*

Design Standard 8a of the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual limits "freestanding walls" located parallel to and visible from a public street to a maximum height of four feet. This standard also states that chain-link, barbed-wire and wrought iron are not permitted. The Applicant is requesting an Exception to this requirement to permit a six foot high fence for additional security along the perimeter of Santa Rosalia Drive, Buckingham Road, and Marlton Ave. On either side of the proposed Medical Office Building, two surface parking lots are proposed along Santa Rosalia Drive, with frontage along portions of Buckingham Road and Marlton Ave. As required by Design Standard 11f, the Applicant is providing a three and one-half (3.5) foot solid decorative wall between the pedestrian sidewalk and parking lots along Santa Rosalia, Buckingham and the southeasterly Marlton Ave. frontage. On top of this 3.5 foot wall, for additional security purposes the Applicant is proposing a two and a half (2.5) foot fence for a total of a six foot tall wall/fence.

One of the primary purposes of the Specific Plan is to preserve and enhance community aesthetics by establishing coordinated and comprehensive standards for signs, buffering, setbacks, building and wall height, open space, lot coverage, parking, landscaping and façade treatment.

The intent of the Crenshaw Corridor Specific Plan is to improve visual and physical appearances of commercial sites in the Plan area and to preserve and enhance the community aesthetics by establishing coordinated and comprehensive standards for wall height, setbacks, buffering, parking, landscaping etc. The design guideline and standard for freestanding walls are of such importance it is a stated purpose of the Specific Plan.

The intent of this design standard is to give direction for wall material, landscaping, and design because they are visible from the public right of way and they affect the pedestrian experience and public realm. The requirement for solid walls was meant to ensure that high quality materials would be used as opposed to lower quality chain link fences and wrought iron. The applicant proposes a fence that is of high quality material, with an architectural design, however the height of the six foot fence exceeds the maximum of four feet. Compliance with the wall/fence height limit does not preclude the applicant from developing the building, open space areas, or achieving the intent of the Specific Plan.

The applicant's request for additional fence height is not justified by any measurable hardship. The Applicant will be able to ensure a safe and clean environment by deterring and preventing unauthorized access through a combination of physically securing the site after business hours with the allowable four foot fence, lighting, and other security measurements. The allowable four foot fence does not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Specific plan.

- b. *That there are not exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.*

Although the project site of 8.6 acres is a unique site for development with amenities such open space with benches, walking path and a plaza that are not found in other projects in the vicinity, this unique circumstance does not make the site difficult to secure after business hours. Security cameras, the permitted four foot fence, and personnel can both be used to secure the site in lieu of an additional two feet in fence height, which violates the of the Specific Plan requirements.

- c. *That an exception from the specific plan is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The Design Standard 8a, which restricts fence height to four feet applies to both commercial and residential uses in the Specific Plan area. Several of the surrounding uses that appear to have fences taller than four feet either received fence permits prior to the Specific Plan adoption or they are not included in the boundaries of the Specific Plan. For example the Crenshaw Plaza across the street maintains a perimeter fence; however the project site is not within the Specific Plan boundaries. The abutting residential property to the west received land use entitlements prior to the Specific Plan adoption. No other requests have been made for over in height fences within the Specific Plan boundaries. Development projects are required to comply with the four foot height limit in order to achieve the goals and objectives of the Specific Plan of well-coordinated and comprehensive standards for wall height. Granting such an exception will set a precedent and deter from the goals of the Specific Plan.

- d. *That the granting of an exception will be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.*

Granting the exception for increased fence height will result in a fence that is inconsistent with the intent of the Specific Plan. The intent of the freestanding wall height limitation is to improve the visual and physical appearance of commercial sites in the Plan area and to preserve and enhance the community aesthetics. Permitting an exception to the wall height limit will directly undermine the intent and purpose of the Specific plan.

- e. *That the granting of the exception will not be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.*

Granting an exception to allow a six foot fence is not consistent with the intent and goals of the specific plan. The goals and intent of the plan are to improve the visual and physical appearance of commercial sites in the Plan area and to preserve and enhance

the community aesthetics by establishing coordinated and comprehensive standards for wall height, setbacks, buffering, parking and landscaping. The proposed tall fence negates the quality of the overall site design and does not meet the following Community Plan land use policies:

Policy 1-5.2: New development should add to and enhance the existing pedestrian street activity.

Policy 1-5.3: Ensure that commercial infill projects achieve harmony with the best of existing development.

Policy: 1-6.1: Improve the appearance and landscaping of commercial properties.

Policy: 1-6.3: Improve safety and aesthetics of parking areas in commercial areas.

5. SITE PLAN REVIEW FINDINGS

- a. *That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan and any applicable specific plan.*

The purpose, intent and provisions of the General Plan are primarily to further the economic vitality of the community. The West Adams, Baldwin Park, Leimert Community Plan designates the site as regional commercial and identifies it as a "Major Opportunity Site".

Approval of the site plan would allow a development that is consistent with the intent and goals of the specific plan and the other applicable land use plans. The Community Plan includes the following relevant land use objectives and policies:

Objective 1-4: Attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.

Policy 1-4.2: Identify appropriate revitalization/redevelopment areas and encourage uses that would enhance the economic vitality of the Community.

The Kaiser outpatient medical facility brings a major development to this underutilized site. Medical uses are among the strongest economic generators of the economy. The 105,000 square foot facility will require a large number of staff and be heavily utilized by patients. These activities will provide economic stimulus to adjacent retail uses and the community.

The Project Site has been identified for redevelopment for 20 years, and is currently vacant. This project represents a major investment in the area that will promote economic revitalization. The Project Site is currently blighted and the new development would create a major economic stimulus for the community. Given the large size of the site, the redevelopment should encourage upgrading and development of the surrounding area. This would meet the primary intent of the land use plans for the site.

The project is consistent with the following Purposes of the Crenshaw Corridor Specific Plan:

- To provide standards for the Crenshaw corridor which will promote controlled development/redevelopment while encouraging and stimulating economic revitalization.
- To assure a balance of commercial land uses in the Specific Plan area that will address the needs of the surrounding communities and greater regional area

The project is consistent with these provisions in that it will develop a 105,000 square foot outpatient medical facility that will provide a much needed services for the surrounding community and larger area. The closest Kaiser facility with medical office uses and a hospital is located in West Los Angeles on Cadillac Avenue and La Cienega Boulevard which is operating beyond capacity. The other nearby Kaiser outpatient medical facility is located on Manchester Avenue and Denker Avenue in South Los Angeles. The Kaiser Project would provide medical services to an area that is underserved and warrants its own outpatient medical facility. The facility will provide economic development and health care. The outpatient medical facility also includes but is not limited to clinics, outpatient pharmacy, medical laboratories, outpatient surgery center, and medical offices. The development is controlled by a unified site plan for 8.6 acres under single development.

- To promote a compatible and harmonious relationship between residential and commercial development where areas of commercial development are contiguous to residential neighborhoods.

Multi-family residential dwellings are located across from the facility on Santa Rosalia Drive, and a senior housing development is adjacent to the outpatient medical facility along Buckingham Road. The principal entry and drop-off for patients is to the rear of the medical building and accessed by an easement from Martin Luther King Boulevard. This principal entrance is not visible from the residential uses. The portal entry element that is comprised of a walkway covered by the photovoltaic canopy provides a pedestrian linkage from Santa Rosalia Drive to the primary entrance internal to the site.

The plot plan has been designed with extensive landscaping, that complies with all landscape and buffering standards of the Crenshaw Corridor Specific Plan Design Guidelines and Standards Manual. Decorative walls three and one-half feet high buffer the perimeters of the surface parking lots. In addition to required landscaped setbacks and trees, by placing two of the parking lots alongside the building, a landscaped open space corridor will run the length of the site and provide walking paths, encouraging walking as exercise. During business hours, this will provide an amenity for the public as well as patients and staff at the Kaiser facility. The walkways will facilitate pedestrian access through the site and to the Baldwin Hills Crenshaw Plaza Mall, to existing transit and to the future Crenshaw transit station.

- To preserve and enhance community aesthetics by establishing coordinated and comprehensive standards for signs, buffering, setbacks, building and wall height, open space, lot coverage, parking, landscaping and façade treatment.

The project provides a coordinated site plan that complies with all design standards for buffering, setbacks, landscaping and façade treatment. A three and one-half foot high solid decorative wall will be provided at the perimeter of the surface parking lots where they abut Marlton Avenue, Santa Rosalia Drive and Buckingham Road. A minimum of a three-foot wide landscape buffer will be provided between the walls and sidewalk. One 15-gallon tree will be planted every 20 lineal feet. Seven per cent of the surface parking

lots will be landscaped. A six-foot high decorative wall currently exists between the Project Site and the senior housing development on Buckingham Road.

The four-story outpatient medical facility is shown as 60 feet to the roof parapet, stepping down to 28 feet high, or two stories, fronting on Santa Rosalia Drive. The building façade is highly articulated with tall windows for each office. Architectural features include monumental structural glass, and curtain walls with colored glass fins. The façade is predominantly earth-toned in warm beige and greys with a more colorful ground floor and accent colors used in the glass fins above and adjacent to the building entry. Perforated decorative screening provides additional articulation and interest.

Since this project is a single large development, the applicant has established a comprehensive site plan for the 8.6 acres. It identifies entrances and exits and provides a coordinated landscape plan. Pedestrian/vehicular conflicts are eliminated because the entire site is planned with one site plan, unlike multiple retail or commercial uses along a corridor. A large circular area is provided for drop-offs and pick-ups for post-surgical patients and the disabled. Pedestrian access is provided by a wide, landscaped open space corridor with walking paths and a plaza. This coordinated plan for the 8.6-acre site meets the intent of the Specific Plan.

Signage is not included in this application. A separate signage application package will be submitted.

- b. That 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 on adjacent properties and neighboring properties.*

The Project Site includes 8.6 acres of a 20-acre property identified as "Santa Barbara Plaza" in the West Adams, Baldwin Hills, Leimert Community Plan. The Kaiser property has street frontage on Buckingham Road, Santa Rosalia Drive and Marlton Drive. It has a 60-foot wide easement to access Martin Luther King Jr. Boulevard located to the north. The majority of the site is currently vacant. Four existing retail establishments are located north of the Project Site and fronting on Martin Luther King Boulevard. These are separated from the proposed development by undeveloped acreage. A senior housing development is located adjacent to the site along Buckingham Road. Residential uses are also located across Buckingham Road and on the eastern portion of Santa Rosalia Drive across from the Project Site. Other adjacent uses include a church and YMCA building. The Baldwin Hill Crenshaw Plaza Mall is located across Marlton Drive, east of the Project Site.

The Project Site is located in Subarea C of the Crenshaw Corridor Specific Plan. The maximum building height allowed in most sections of Subarea C is 60 feet. The outpatient medical facility is designed to be four-stories or 60 feet in height to the top of the parapet and stepping down to 28 feet or two-stories fronting on Santa Rosalia Drive across the street from residential uses. Additionally the structure is setback 20 feet from the property line on Santa Rosalia. This design provides non-required transitional height compatible with adjacent development.

Architectural features of the outpatient medical facility include articulation on 70% of the façade. Tall windows are used for all offices. Other features include monumental structural glass, curtain walls with colored glass fins and decorative perforated metal screening rising from ground level to a photovoltaic roof canopy.

Lighting will be placed in the parking area and pedestrian walkways to provide safe secure access to the site. Lighting will be placed to limit illumination to adjacent properties as much as possible. No floodlighting will be located so as to shine directly onto any adjacent residential property. All non-security on-site lighting will be shielded and directed onto the site.

Four surface parking lots provide 525 surface parking spaces to meet LAMC parking standards. Bicycle parking is also provided to LAMC requirements. Trash and loading facilities are accessed from Santa Rosalia Drive. The trash facilities are located in a service yard that is enclosed by a minimum five-foot high solid wall. The service yard is attractively designed and will have minimum impacts on pedestrians and traffic flow as it is setback from the sidewalk and has a separate driveway.

Three feet of landscape buffer and a six-foot high decorative wall will be provided between the Project Site and the senior housing development on Buckingham Road. Additionally, a landscaped green corridor running the horizontal length of the Project Site will be immediately adjacent to the senior housing.

The plot plan has been designed with extensive landscaping, that complies with all landscape and buffering standards of the Specific Plan. The project provides three and one-half foot decorative walls at the perimeter of the surface parking lots, a minimum of three-foot landscape buffers between the walls and sidewalks, 15-gallon trees every 20 linear feet, and landscaping of seven per cent of the surface parking lots. These meet the buffering and landscaping requirements of the Specific Plan. In addition to required landscaped setbacks and trees, by placing two of the parking lots alongside the building, a landscaped open space corridor will run the length of the site and provide walking and bicycle paths, encouraging exercise. During business hours this will be an amenity for the public as well as patients and staff at the Kaiser facility. The walkways will provide a pedestrian linkage through the site and to the Baldwin Hills Crenshaw Plaza Mall and transit options.

6. Project Permit Compliance Findings. Pursuant to Section 11.5.7 C. of the LAMC: That the project substantially complies with the applicable regulations, findings, standards and provisions of the Specific Plan.

- a. The proposed project is an outpatient medical facility and does not include any of the prohibited uses listed in Section 6. A of the Specific Plan, which are gun and/or Pawn Shops, swap meets, public self-storage, motels, bars not attached to dining, dancing and/or entertainment related uses, and recycling collection or buyback centers and mobile recycling centers, except as permitted by State Law.
- b. The proposed project is an outpatient medical facility and does not include any of the limited uses drive-through fast-food establishments.
- c. The Project Site is located in Subarea C and the use limitations in Pedestrian Oriented Areas do not apply.
- d. Other Uses. In determining whether a use not specifically listed in the LAMC is permitted in each of the various zones, the Director of Planning, pursuant to Section 11.5.7 H of the Code, shall make a final determination that the use conforms to the purposes, intent and provisions of this Specific Plan. The proposed project is an outpatient medical facility and is a use that is permitted by right pursuant to Section 12.14 A of Los Angeles Municipal Code.

- e. Mixed Use Projects. The proposed project is an outpatient medical facility not a Mixed Use project and the regulations listed in Sections 7, 8, and 9 do not apply.
- f. Height. Notwithstanding Section 8, no Project located in whole or in part within the Specific Plan area shall exceed 45 feet in height, except that Projects located within Subarea C may exceed 45 feet, but shall not exceed a height of 60 feet. The Project Site is located within Subarea C and the maximum building height proposed is 60 feet.
- g. Signs. The current entitlement application does not include signage. The Applicant will submit a separate sign application at a later date.
- h. The Project Site is located within Subarea C and the parking requirements listed in Section 12 do not apply.
- i. Underground Utilities. Section 13 of the Specific Plan states that to the extent physically feasible, all new utility lines that directly service a Project shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service, as determined by the Department of Water and Power. All on site utility lines will be placed underground and connected with existing underground utilities at the project property line as required under the condition of approval No.11.
- j. Design Guidelines and Standards. Section 14c of the Specific Plan requires that all projects be in substantial conformance with the following Development Standards and Design Guidelines:
 - 1) Design Standard 1a states, transparent building elements such as windows and doors should occupy a minimum of 50% of the exterior wall surface of the ground floor facade. The proposed project's ground floor has 11-foot ceilings. The glass areas extend from floor to ceiling, and the percentage of glass of the façade is 50%.
 - 2) Design Standard 1b states, transparent building elements such as windows and doors should occupy at least 40% of the surface area of the rear elevation of the ground floor portion of any building which has surface parking located to the rear of the structure. The proposed project's ground floor has 11-foot ceilings. The glass areas extend from floor to ceiling, and the percentage of glass of the façades internal to the site is 50%.
 - 3) Design Standard 1c states all exterior building walls should provide a break in the plane, or a change in material, every 20 feet in horizontal length and every 15 feet in vertical length, created by an articulation or architectural detail. The proposed building is highly articulated with tall windows for each office. The other areas feature walls that are all-glass, either monumental structural glass, curtain wall with colored glass fins, or unadorned curtain wall in protected areas under the portal. The portal architectural element is comprised of a photovoltaic canopy which is supported by structures on the roof on the east side. On the west side an additional structure solely to support the solar panels is wrapped in a decorative screening skin which is perforated to provide transparency while shading the western exposure of the building. The skin is comprised of two layers of perforated metal in an artistic pattern that is 70% open at the bottom and 20% open at the top, and a smooth gradient of openness in-between.
 - 4) Design Standard 1d states that for all buildings more than one story in height, a horizontal element should be employed for the full length of the exterior building facade that distinguishes and provides definition for each floor utilizing such elements as: horizontal molding, cornice lines, raised stucco designs that are

- raised at least 6 inches. Each floor line is expressed through color variation and a 3-inch depth change.
- 5) Design Standard 1e states that not more than 30% of the total exterior surface area of any building facade or of any visible side or rear elevation should be free from architectural features or articulation(s). The project's entire exterior surface area is highly articulated with architectural features which include: tall windows, monumental structural glass, porcelain tiles, curtain walls with colored glass fins and decorative perforated metal screening rising from ground level to a photovoltaic roof canopy.
 - 6) Design Standard 2a states that in-fill development should take into consideration, and where appropriate, reflect and/or complement existing themes, colors and use of adjacent parcels. The proposed project complements the existing development in Subarea C of the Specific Plan with a modern building design that is 28 feet in height or two-stories along Santa Roasalia Drive and steps back 20 feet before reaching a height of 60 feet for the remainder of the four story building.
 - 7) Design Standard 2b states that all buildings should apply at least two types of complementary building materials to exterior building facades. Accents such as decorative glass block, brick, or tile, are materials that are encouraged as accents. The proposed building includes at least two types of complementary building materials, integral-colored rainscreen wall panels, and colorful back-painted glass panels at the ground floor.
 - 8) Design Standard 2c states that building materials such as brick, stone, metal, glass, tile or any similar material should be employed to provide relief to untreated portions of exterior building facades. The proposed building material palette is designed to respond to the scale of the adjacent residential properties with a combination of tile at the base, glass storefront systems, and integral colored rainscreen wall panels.
 - 9) Design Standard 2d states a variety of paint colors may be used. Color schemes should be simple, harmonious and compliment adjacent structures, particularly where specific architectural/historical themes exist. Accent colors are encouraged. A variety of colors are intended for the project. Predominately earth-toned in warm beige and greys, with a more colorful ground floor, and accent colors used in the glass fins above and adjacent to the building entry.
 - 10) Design Standard 2e states that desired colors for large scale areas/projects, should include, but are not limited to, earth-tones such as warm beige and grays. The façade is predominately earth-toned in warm beige and greys, with a more colorful ground floor, and accent colors used in the glass fins above and adjacent to the building entry.
 - 11) Design Standard 2f states that Awnings may be used in moderation to create shade and architectural interest. However, there are no awnings used in the project.
 - 12) Design Standard 2g states that all paint products, awning fabrics and other color elements should be durable and fade resistant. All paint products, and other color elements will be durable and fade resistant.
 - 13) Design Standards 3b and 3c apply to exterior and interior security barriers, which are not proposed in the project; therefore, these standards are not applicable.
 - 14) Design Standard 4a states that all architectural screening devices should be designed as an integral part of the building architecture. The project's materials for the screen wall of the service yard are designed to accommodate climbing plants for a dense, monolithic vegetated wall.
 - 15) Design Standard 4b states that all surface or ground mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air conditioner condensers, gas meters and electric meter cabinets should be screened from

- public view and/or treated to match the materials and colors of the building which they serve. The project's ground mounted equipment will predominantly be placed in the service yard screened from public view. Additional remote equipment will be screened with landscaping and treated to match adjacent materials and colors.
- 16) Design Standard 4c states that courtyards and outdoor areas should include seating/eating areas, landscaping which provides shade, sculpture and/or water elements and should maximize the hours of exposure to the sun to the greatest extent possible. The project will provide a variety of outdoor areas which will include seating areas with landscaping which will provide shade as well as the opportunity for learning about conservation and sustainable concepts. A water feature is also contemplated for the project.
 - 17) Design Standard 5a and 5b apply to flat and pitched roofs. The project has a parapet roof and does not include a flat nor pitched roof; therefore these design standards are not applicable.
 - 18) Design Standard 5c states that the parapet roof should be designed and constructed to accommodate roof-mounted equipment. Any portion of the equipment or ducts which are above the parapet should be screened from view from any street, public right-of-way or adjacent property. The screening should be solid and match the exterior building material, design and color of the building. The project's upper roof above the 4th floor will contain rooftop mechanical equipment, solar panels, solar panel structures, elevator enclosures and stair enclosures. All rooftop building equipment and ducts will be screened from view from any street, public right of way or adjacent property with materials which match the character and design of the building. The rooftop mechanical equipment, solar panels, solar panel structures, elevator enclosures and stair enclosures will exceed the maximum building height limit as allowed by LAMC Section 12.21.1 B.3 (Rooftop Structures and Equipment).
 - 19) Design Guideline 6 states that loading, storage and trash areas should be attractive, well-defined and located where there will be minimal negative impact, physical or visual, on pedestrians, the flow of traffic, or adjacent uses. The project's service yard which contains the loading area, the trash compactor and trash enclosures will be located immediately to the east of the proposed outpatient medical facility and to the west of the surface parking lot. The service yard's vehicular driveway fronts along Santa Rosalia Drive. The service yard is attractively designed and will have minimal negative impacts on pedestrians and on the traffic flow and adjacent uses as it is setback from the Santa Rosalia public sidewalk and it has a separate driveway.
 - 20) Design Standard 6a states that a trash enclosure is required for all projects, which should be enclosed by a minimum 5-foot high, decorative masonry wall, and each trash area should have a separate, enclosed area for recyclable materials. The project's trash compacter and trash enclosures are located in the service yard. The wall and gate enclosing the service yard will have a minimum height of 5 feet. The service yard includes a separate, enclosed area for recyclable materials.
 - 21) Design Standard 7a states that on-site lighting should be installed along all vehicular access ways and pedestrian walkways. Such lighting should be directed onto the driveways and walkways within the development and away from adjacent properties. On-site lighting will be placed in the parking area and pedestrian walkways to provide safe secure access to the site. Lighting will be placed to limit illumination of adjacent properties as conditioned by condition number 21.
 - 22) Design Standard 7b states that all other on-site lighting should be shielded and directed onto the site. No floodlighting should be located so as to shine directly

onto any adjacent residential property. This condition should not preclude the installation of low-level security lighting. All other on-site lighting will be shielded and directed onto the site. No floodlighting will be located so as to shine directly onto any adjacent residential property.

- 23) Design Standard 8a states that freestanding walls located parallel to and visible from a public street should provide a minimum three-foot wide landscaped buffer for the length of the wall adjacent to that public street, with a maximum height of four feet. The landscaped buffer should contain clinging vines, oleander trees or similar vegetation capable of covering or screening the length of such wall, and should include the installation of an automatic irrigation system. Chain-link, barbed-wire and wrought iron are not permitted. The project will construct a 3.5-foot high solid decorative wall along the property line where the surface parking lots abut Marlton Avenue, Santa Rosalia Drive and Buckingham Road. Additionally, a 3-foot wide landscape buffer will be provided between the sidewalk and the wall which contains one 15 gallon tree every 20 lineal feet. The project requested a Specific Plan exception to allow a six foot wall in lieu of a four foot wall, however the request is denied and the project is conditioned to comply with the design standard of four feet.
- 24) Design Standard 11a states that landscaping which includes grouping of plant materials, consisting of small trees, shrubs, planter boxes or tubs of flowers should be placed at entrances to courtyards and along walkways. The project's landscaping will be placed to provide clear definition of entrances and walkways within the site. Plant materials will vary appropriately to define different site features and uses within the site.
- 25) Design Standard 11b states that lighting should not impede upon adjacent properties. The project's lighting in the landscaped areas will not impede upon adjacent properties. Lighting will be designed to be contained on-site in compliance with condition number 21.
- 26) Design Standard 11c states that side and rear yards should be landscaped using plant materials similar to those used in the front yard or entrance of a project. The Project Site has a C Zone designation and there are no required yards.
- 27) Advisory Design Criteria for surface parking states that a minimum of 7% of the total area of a surface parking lot is to be landscaped. The project's surface parking lots provide landscaping that is more than 7% of the total area of the surface parking lots.
- 28) Design Standard 11d states that all surface parking lots should contain one tree for every 4 parking spaces and such trees should be dispersed evenly throughout the parking lot. The project's four surface parking lots will contain a minimum of one tree for every four parking spaces. The trees will be dispersed evenly throughout the four surface parking lots.
- 29) Design Standard 11e states that wherever a surface parking lot abuts a public street, public sidewalk or public alley, a three foot landscaped buffer should be provided, that should contain one 15-gallon tree every 20 lineal feet. The project's surface parking lots that abut Marlton Avenue, Santa Rosalia Drive and Buckingham Road provide a minimum 3-foot landscaped buffer which contains one 15-gallon tree every 20 lineal feet.
- 30) Design Standard 11f states that a three and one-half foot solid decorative wall should be provided along the property line facing such public right-of-way. As part of the project, a three and one-half foot high solid decorative wall will be provided along the property line where the surface parking lots abut Marlton Avenue, Santa Rosalia Drive and Buckingham Road.
- 31) Design Standard 11g states wherever a surface parking lot abuts, or is directly across an alley from any residential use or R zoned lot, a solid decorative wall, at least six feet in height, should be erected along the perimeter of the parking area

facing such residential use or R zoned lot. A minimum three-foot wide landscaped buffer should be installed along the residential side of this wall and planted with ground cover. The surface parking lot on the northwest portion of the site is adjacent to an existing senior housing development. The existing wall between the Project Site and the existing senior housing development is a 12-foot high solid decorative wall. The project will provide a 3-foot landscape buffer on the project side of the wall between the parking and the existing wall, which will be planted with ground cover.

- 32) Design Standard 11h states an automatic irrigation system should be installed for all landscaped areas. As part of the project, an automatic irrigation system will be installed for all landscaped areas. This requirement is also identified as project mitigation measures and is condition of approval No. 10.
 - 33) Design Standard 11i states that surface parking lots, parking structures, garages and carports shall always be to the rear of the buildings. The majority of the parking will be placed away from the street on the far side of the building. Due to the site configuration a portion of the parking will occur to the sides of the building and be buffered from the street with a buffer wall and appropriate landscaping. A Specific Plan Exception request to allow two surface parking lots on the sides of the building is part of this application.
 - 34) Design Standard 12a states that large, continuous areas of unbroken plain concrete are prohibited. These areas should be interspersed with other paving materials or with plant materials, which can include the following: Integrated color cement with salt finish, stamped concrete, brick and tiles, precast pavers, murals/artwork by local artists. On site paving will consist of integral colored concrete in multiple colors and finishes.
 - 35) Design Standards 13a through 13d apply to parking structures. A parking structure is not included in the project; therefore, these standards are not applicable.
 - 36) Design Standard 14a through 14e apply to signs. The current entitlement application does not include signage. The Applicant will submit a separate signage application at a later date.
7. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

A Mitigated Negative Declaration, ENV-2013-4103-MND, was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval herein), there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

PUBLIC HEARING AND COMMUNICATIONS

A Public Hearing conducted by the Hearing Officer on this matter was held at Los Angeles City Hall, 200 North Spring Street, 10th Floor, Room 1050, Los Angeles, CA 90012 on Friday, July 18, 2014 at 10:00 a.m.

Summary of Public Hearing

1. Attendance: Present at the hearing was: the Applicant, the Applicant's Representative, the project architect, Applicant's consultant, Council Office 10 representative, residents and property owners near the project area.
2. Present: About 30 people attended the public hearing.
3. Speaker(s): Twelve speakers provided testimonies. Nine people spoke in support of the project and three people spoke in opposition.
4. A representative from the office of Councilman Herb Wesson, CD 10 spoke and stated the Councilman support of the project

The applicant's consultants made a presentation describing the project and entitlement request. The consultant explained that the project team attended a eight community outreach meetings.

A Police Department community relation officer from the southwest division expressed the following concerns:

- Potential for trespassing, loitering, narcotic sales, prostitution, graffiti or vandalism
- Potential for homeless encampments if the site is unsecured.
- Requested the applicant post no trespassing signs

The Empowerment Congress Neighborhood Council Representative stated the following:

- The ECNC recommended approval of the project in April 2014, but the Specific Plan Exception for additional fence height was not proposed at that time. Subsequent to the April Neighborhood Council meeting, Kaiser returned with the additional Specific Plan exception request.
- The council does not support the six-foot fence height.
- A commanding officer for the subject area attended an ECNC meeting and stated that during July 6 through July 14, 2014 there was zero reported crime.
- The fence was not proposed or discussed at three of the four ECNC meetings Kaiser attended
- Fences that were erected in surrounding neighborhood were done prior to 2004 (adoption of the Specific Plan).
- ECNC is opposed to the six-foot fence; it would not be conducive to the pedestrian experience.
- Contrary to the community relations officer statement about the various activity that might occur on the Kaiser site, the currently vacant 20 acre site does not experience those issues or activities.

Community members Comments include the following:

- Adjacent property owner to the north stated that the interior parking spaces are under an easement that is to ensure the land is maintained as a parking lot and available to the adjacent business owner. A parking certificate was furnished by the property owner
- The site has become a water reservoir.

- The wall and/or fence would not make the person testifying feel safer. Most buildings in the area do not have fences, and the only reason the subject site is currently fenced is because it is vacant.
- Members of the YMCA support a fence because they feel it would maintain the beauty of the facility.
- Representative of the Church across Santa Rosalia Drive supports the project and the fence.
- The project will provide a service to the community
- Will construction of the project employ local workers and represent the diversity of the community?
- The project's MND does not discuss the migratory birds in the on-site "pond"
- The site is contaminated
- The applicant should provide a security guard and more parking to the rear
- The current site fencing is illegal and violates other property owners property right
- A 1950 declaration of restriction exist and is an easement for parking and access driveways.
- Construction noise will be a significant impact

Communications Received

One letter was received from John A Henning, Jr., Esq., on behalf of MLK Marlton LLC which owns parcels at 3710 and 3718 Martin Luther King Boulevard abutting the project site. The properties are less than 200 feet from the subject project. The adjacent owners oppose the project's entitlement request, and believe the Mitigated Negative Declaration is an inadequate CEQA clearance.