

FINDINGS

ENTITLEMENT FINDINGS

1. Zoning Administrator's Adjustment

Pursuant to LAMC Section 12.21 C.2(b), there shall be a passageway of at least 12 feet in width extending from a street to the entrance of each dwelling unit in the proposed three (3)-story building. The applicant requests a Zoning Administrator's Adjustment to allow a six (6)-foot passageway in lieu of the 12-foot passageway from the street (Colorado Boulevard) to the entrance of each of the six (6) new dwelling units, along the easterly property line.

- a. **While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The project site consists of a rectangular-shaped, 9,461.4 square-foot lot with a street frontage of approximately 51.26 feet on the north side of Colorado Boulevard and lot depths of approximately 178.80 feet along the westerly property line and 197.77 feet along the easterly property line. The width of the lot makes strict adherence to the passageway requirement impractical, as 12 feet of passageway would reduce the width of the ground floor building frontage to 39.26 feet, which needs to be further reduced to a lesser width to provide a driveway for ingress and egress as well as side yard setbacks.

The proposed six (6)-foot passageway along the easterly property line nonetheless conforms to the intent of the passageway regulation, which is to provide light, ventilation, emergency ingress and egress and privacy to adjoining properties, as the project still complies with the six (6)-foot side yard setback and provides access to each dwelling unit from the street. Additionally, the project is required to comply with regulations of all other applicable government and regulatory agencies, and submit plans to the Fire Department for review and approval per Conditions of Approval. Therefore, as conditioned, the project meets the intent of the zoning regulation.

- b. **In light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The project site is zoned [Q]C4-2D, designated for Neighborhood Commercial General Plan Land Use, and located within Subarea III of the Colorado Boulevard Specific Plan and the Northeast Los Angeles Community Plan Area. The proposed project includes the construction, use and maintenance of a mixed-use development consisting of six (6) dwelling units, office and retail commercial space. The proposed project is located on a site that is zoned and designated for a mixed-use development. The operations of the building will be similar to other typical multi-family, office and retail commercial uses in the area.

The applicant requests a Specific Plan Exception to allow a maximum FAR of 1.1:1 for a maximum floor area of 10,379 square feet in lieu of a maximum FAR of 1:1 that allows a maximum floor area of 9,461.6 square feet as otherwise permitted by the Specific Plan. However, the requested Specific Plan Exception is denied, as the legally

mandated findings delineated in LAMC Section 11.5.7. F.2. cannot be made in the affirmative. Therefore, the applicant is required to submit revised plans to show compliance with the maximum FAR of 1:1 for a maximum floor area of 9,461.4 square feet. As conditioned, the project is in compliance with the FAR provision of the Specific Plan that is intended to preserve and protect the character and scale of the existing low density residential neighborhoods in the area. The proposed building height will be a maximum of 46 feet, 7 inches, which is within the maximum building height of 55 feet permitted by the Colorado Boulevard Specific Plan.

The proposed six (6)-foot passageway from the street to the entrance of each of the six (6) dwelling units will be located along the easterly property line. The lots abutting the subject property to the east are developed with a one (1)-story single-family dwelling (5129 North Loleta Avenue), one (1)-story single-family dwelling (1515 West Colorado Boulevard) and two (2)-story seven (7)-unit apartment (1517 West Colorado Boulevard). While the passageway will be reduced from 12 feet to six (6) feet, the proposed project will provide the minimum required side yard setback of six (6) feet along the easterly property line, thereby meeting the purpose of a side yard setback to provide light, ventilation and privacy to adjoining properties. Furthermore, the project is required to comply with regulations of all other applicable government and regulatory agencies, and submit plans to the Fire Department for review and approval per Conditions of Approval. Therefore, the proposed project, as conditioned, will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

- c. The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.**

The project site is located within the Northeast Los Angeles Community Plan area. The Northeast Los Angeles Community Plan designates the property for Neighborhood Commercial land uses with corresponding zones of C1, C1.5, P, C2, C4, and RAS3. The Community Plan does not have policies that pertain to passageways. However, the Community Plan promotes an arrangement of land uses, circulation and services that encourages and contributes to the economic, social, physical health, safety, welfare and convenience of the people who live and work in the Plan area. The Community Plan also aims to preserve and enhance the positive characteristics of residential neighborhoods while providing a variety of compatible new housing opportunities, and improve the function, design and economic vitality of commercial areas. The project proposes a mixed-use development with six (6) new dwelling units, office, and retail commercial uses that will provide new housing opportunities and contribute to the economic vitality of the commercial area along Colorado Boulevard as envisioned by the Community Plan.

The site is also located within Subarea III of the Colorado Boulevard Specific Plan. The purpose of the Specific Plan is to enhance Colorado Boulevard and address overconcentration of auto-related businesses while insuring that future development in the Specific Plan area occurs in a manner which is compatible with the surrounding residential community and with the capacity of the circulation system. The proposed mixed-use development is consistent with the purpose of the Specific Plan in that it will enhance Colorado Boulevard by replacing the existing auto-repair building with new office and retail commercial uses, while being compatible with the surrounding residential community by complying with the provisions of the Specific Plan as conditioned herein. Therefore, the project is in substantial conformance with the

purpose, intent and provisions of the General Plan and the Colorado Boulevard Specific Plan.

2. Project Permit Compliance Review

a. The project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan.

- i. **Permitted Uses.** Section 6.A of the Specific Plan states that any use permitted in the C4 Zone shall be permitted within the Specific Plan area on C4 zoned lots with the limitations set forth in Section 6.B.1. Section 6.A. further stipulates that in Subarea III, multi-family uses shall only be permitted in mixed-use projects with a residential density not to exceed the density permitted in the R3 Zone; however, the subject site is zoned [Q]C4-2D. The Qualified Condition (Q Condition) in Ordinance No. 173,606 Subarea 1345 limits density on the subject property to the RD1.5 Zone, which allows a maximum of 1,500 square feet of lot area per dwelling unit. The 9,461.4-square-foot lot is permitted a maximum of six (6) dwelling units. The proposed project is a mixed-use development containing six (6) residential dwelling units and office and retail commercial uses, and does not contain any prohibited uses listed in Section 6.B.1. As such, the project complies with Section 6.A of the Specific Plan.
- ii. **Ground Level Development.** Section 7.A of the Specific Plan states that every project shall include a street wall, which shall extend for at least 75 percent of the length of the street frontage, and shall be located five (5) feet from the front lot line. Section 7.A further stipulates that blank walls shall be limited to segments of 15 feet in length, except that blank walls which contain a vehicle entry door shall be limited to the width of the door plus five (5) feet. The subject property has approximately 51.26 feet of street frontage, and therefore is required to provide a street wall that extends 38.5 feet along Colorado Boulevard and located five (5) feet from the front lot line. The plans submitted by the applicant shows an incorrect minimum street wall length requirement of 28.84 feet. In addition, the proposed street wall is shown as approximately 38.2 feet, which is less than the minimum requirement of 38.5 feet. Lastly, the proposed street wall is located approximately 5.7 feet from the front lot line, which does not comply with the five-foot setback requirement. The project has been conditioned to submit revised plans showing compliance with the minimum street wall requirement. The proposed street wall does not have any blank walls that extend more than 15 feet in length. Therefore, as conditioned, the project complies with Section 6.A. of the Specific Plan.
- iii. **Building Height.** Section 8 of the Specific Plan states that notwithstanding LAMC Section 12.21.1 A.10 to the contrary, no project within Subarea III shall exceed 55 feet in height above grade. The proposed building will have a maximum height of 46 feet, 7 inches, as measured from grade. As such, the project complies with Section 8 of the Specific Plan.
- iv. **Buffering Walls.** Section 9.A of the Specific Plan states that any project located on a lot which abuts a residentially zoned lot or a lot on which a residential use is located shall include a solid, decorative masonry wall that is six (6) feet in height, as measured from grade. The project site abuts R1-zoned properties to the north and northeast and a C-zoned property with a residential use to the east. The project proposes a six (6)-foot masonry wall along the north property line; however, the plans submitted by the applicant shows six

(6)-foot fences with unspecified materials on the east and west property lines. The project is conditioned to provide a solid, six (6)-foot decorative masonry wall along the perimeter of subject property, except for a portion of the west property line that requires an opening for ingress to the site. Therefore, as conditioned, the project complies with Section 9.A of the Specific Plan.

- v. **Screening.** Section 9.B of the Specific Plan states that screening shall be required for auto-servicing uses, storage yards and surface parking. The proposed project does not propose any of these uses. Section 9.B also states that roof-mounted mechanical equipment and/or duct work which exceeds the height of the roof ridge or parapet wall, whichever is higher, shall be screened from a horizontal view with materials compatible with the design of the building. Per plans submitted by the applicant, the proposed rooftop mechanical equipment does not exceed the height of the parapet wall. Therefore, the project complies with Section 9.B of the Specific Plan.
- vi. **Yards.** Section 10.B of the Specific Plan states that all lots shall have a five (5)-foot front yard and a 10-foot rear yard, and that no portion of a project above 15 feet in height shall be within 20 feet of the rear lot line. The proposed building will observe a five-foot front yard setback as conditioned per Finding No. 2.a.ii and a 20-foot rear yard setback. The project includes a carport located within 20 feet of the rear lot line. The plans submitted by the applicant do not show the height of the carport. Per Condition of Approval No. 6 and Finding No. 2.a.iii, no building or structures shall exceed 15 feet in height within 20 feet of the rear lot line. The applicant is required to submit revised plans showing compliance with this provision of the Specific Plan. Therefore, as conditioned, the project complies with Section 10.B of the Specific Plan.
- vii. **Landscaping.** Section 11 of the Specific Plan contains the following landscaping requirements for the proposed project:
- At least five (5) percent of the project's total lot area shall be landscaped;
 - 24-inch box tree shall be planted at 25-foot intervals along the street frontage of the project site; and
 - The front yard shall be attractively landscaped; however, no landscaping is required for driveways or passageway areas when surface parking or a parking structure is provided along the street frontage.

The project is required to provide at least two (2) 24-inch box trees along the street frontage of the project site, which is approximately 51.26 in width. The applicant submitted a landscape plan, which shows two (2) 24-inch box trees in the parkway along the street frontage of the project site, thereby complying with the Specific Plan. The project is also required to landscape at least five (5) percent (473 square feet) of the 9,461.4-square-foot lot, and the front yard must be attractively landscaped. However, the landscape plan does not show neither the amount of required landscaping nor the front yard landscaping. The project has been conditioned to show compliance with these requirements. The Specific Plan further stipulates that it shall be the responsibility of the property owner of the project to maintain all landscape features located on private property in accordance with the following criteria:

- Each fabricated feature shall be maintained in a condition as near as possible to its original state when installed, both in structural integrity and cosmetic appearance; and
- All vegetation shall be maintained, i.e., watered, fertilized, trimmed, etc., in a first-class condition and shall be designed in accordance with water conservation principles.

The project has been conditioned to submit a revised landscape plan showing compliance with the landscape provisions of the Specific Plan and to maintain all landscape features on the subject property in accordance with the Specific Plan.

Section 11 of the Specific Plan also states that all mixed-use projects must provide at least 100 square feet of open space area per dwelling unit. However, per Section 2 of the Specific Plan, the Specific Plan prevails and supersedes the applicable provisions of LAMC Chapter I wherever the Specific Plan contains provisions which require greater restrictions or limitations on development than would be required by the provisions contained in LAMC Chapter I. Per LAMC Section 12.21 G.2, the proposed project is required to provide at least 125 square feet of usable open space for each dwelling unit, as the project proposes six (6) two-bedroom units, each containing three (3) habitable rooms. Since the Specific Plan's open space provision is less restrictive than the provision in LAMC, the project is required to provide at least 125 square feet for each dwelling unit for a minimum of 750 square feet of usable open space for six (6) new dwelling units.

The project proposes a private roof deck for each dwelling unit, thereby providing a total of 3,636 square feet of private open space, which satisfies the minimum 750-square-foot usable open space requirement. However, per LAMC Section 12.21 G.2(b)(1)(i), private open space must be located at grade level or the first habitable room level. The proposed private open space is located at the roof level, and therefore does not comply with the location requirement. As such, the project has been conditioned to provide usable open space that complies with LAMC Section 12.21 G.2. Therefore, as conditioned, the project complies with Section 11 of the Specific Plan.

- viii. **Parking.** Section 13.A.1 of the Specific Plan states that for residential portions of mixed-use projects, the project shall provide for tenant parking on the subject lot, as required by LAMC Section 12.21 A.4(a), and guest parking at a ratio of one-quarter of a parking space for each dwelling unit, in excess of that required by the LAMC. The project proposes six (6) residential dwelling units, each with more than three (3) habitable rooms¹, requiring two (2) spaces per dwelling unit for a total of 12 spaces for tenants. Per the Specific Plan, the project is required to provide one (1) guest parking space in addition to the 12 tenant parking spaces. The plans submitted by the applicant shows 12 residential parking spaces for tenants and two (2) parking spaces required by LAMC Section 12.21 A.4 for 1,016 square feet of office and retail commercial space; however, the plans do not show one (1) guest parking space required by the Specific Plan. The project has been conditioned to submit revised plans showing compliance with the guest parking space provision of the Specific

¹ Per LAMC Section 12.03, a kitchen is considered a habitable room for the purpose of applying automobile parking space requirements, while a kitchen is not considered a habitable room for the purpose of applying open space requirements.

Plan. Therefore, as conditioned, the project complies with Section 13.A.1 of the Specific Plan.

- ix. **Floor Area Ratio (FAR).** Per Section 15.A of the Specific Plan, projects within the Specific Plan area shall have a Base Permitted FAR of 1:1. The project proposes 9,363 square feet of floor area for the residential component and 1,016 square feet of floor area for the office and commercial component, for a total of 10,379 square feet on a 9,461.4-square-foot lot, resulting in a maximum FAR of 1.1:1. The applicant requests a Specific Plan Exception to increase the maximum allowable FAR from 1:1 to 1.1:1. However, as found in Finding No. 3 below, the requested Specific Plan Exception is denied, as the legally mandated findings delineated in LAMC Section 11.5.7. F.2 cannot be made in the affirmative. Therefore, the applicant is required to submit revised plans to show compliance with the maximum FAR requirement of 1:1, or maximum floor area of 9,461.4 square feet. Therefore, as conditioned, the project complies with Section 15.A of the Specific Plan.
 - x. **Underground Utilities.** Section 17 of the Specific Plan states that all new utility lines which directly serve a new project shall be installed underground, and if underground service is not currently available, then provisions shall be made for future underground service. The project has been conditioned to install all new utility lines underground. Therefore, as conditioned, the project complies with Section 17 of the Specific Plan.
 - xi. **Lighting.** Section 18 of the Specific Plan states that all exterior outdoor lamp fixtures shall be shielded to minimize illumination of adjacent properties and to reduce glare. Section 18 further stipulates that floodlighting of buildings and the use of low-pressure sodium lighting devices shall be prohibited. The Specific Plan also states that all exterior lighting, except for purposes of safety, security and to illuminate signs and billboards, shall be turned off at the end of business hours. The project has been conditioned to comply with the lighting provisions of the Specific Plan. Therefore, as conditioned, the project complies with Section 18 of the Specific Plan.
- b. **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.**

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(b), Negative Declaration, No. ENV-2017-2051-ND has been prepared for the proposed project (Exhibit I). The Initial Study Checklist found that the proposed project would not have potentially significant impacts in any of the environmental factors: Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Therefore, no mitigation measures are required for the proposed project. In addition, the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301(l), Class 1 (Demolition of an Individual Small Structure), and Sections 15303(b) and 15303(c), Class 3 (New Construction of a Small Structure), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies (Exhibit J).

3. Specific Plan Exception

Per Section 15.A. of the Colorado Boulevard Specific Plan, projects within the Specific Plan area shall have a maximum FAR of 1:1. The applicant requests a Specific Plan Exception to allow a maximum FAR of 1.1:1 for a maximum floor area of 10,379 square feet in lieu of otherwise required FAR of 1.1 permitting a maximum floor area of 9,461.4 square feet. The increase in the maximum FAR will allow an increase in the maximum floor area by 917.6 square feet. In order for the Specific Plan Exception to be granted, **all** of the following five (5) legally mandated findings delineated in LAMC Section 11.5.7 F.2 must be made in the affirmative.

- a. **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.**

The purpose of the Colorado Boulevard Specific Plan is to ensure that future development in the Specific Plan area occurs in a manner which is compatible with the surrounding residential community. The Specific Plan achieves this purpose through provisions limiting the intensity of development in the area with the maximum FAR of 1:1 for all properties subject to the Specific Plan. The project site abuts R1-zoned lots that are designated for Low Residential General Plan Land Uses and improved with one (1)-story single-family residential buildings to the north and east. The maximum FAR of 1:1 is tailored to implement the purpose of the Specific Plan to limit the scale and intensity of developments in order to protect nearby low density residential neighborhoods. In general, the City limits the FAR to 1.5:1 for properties located along commercial corridors with a General Plan Land Use Designation of Neighborhood Commercial; however, the Colorado Boulevard Specific Plan intentionally lowered the maximum FAR limit to 1:1 in order to preserve the scale of development along Colorado Boulevard.

The applicant is requesting an intensity of development that is inconsistent with the general purpose and intent of the Specific Plan. Furthermore, pursuant to LAMC Section 11.5.7. F.1(a), an exception from a specific plan shall not be used to grant a special privilege nor to grant relief from self-imposed hardships. All properties in the Specific Plan Area are subject to the same maximum FAR of 1:1. Granting of the Specific Plan Exception to allow an increase in the maximum FAR would grant a special privilege to the project site that is otherwise not provided to other property owners in the area. Additionally, the proposed building is designed in a way that exceeds the maximum floor area permitted by 917.6 square feet, which is a self-imposed hardship. There is no hardship that is directly related to the ability to build a mixed-use development on the property. Therefore, the strict application of the FAR regulation of the Specific Plan does not create practical difficulties or unnecessary hardships inconsistent with the following purposes of the Specific Plan.

- b. **There are NO 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 project site is a rectangular-shaped lot with a street frontage of approximately 51.26 feet on the north side of Colorado Boulevard and lot depths of approximately 178.80 feet along the westerly property line and 197.77 feet along the easterly property line, with a total lot area of 9,461.4 square feet. Neighboring properties in the vicinity are mostly rectangular-shaped and range in street frontage from approximately 25 feet to 155 feet and lot depth from approximately 42 feet to 200 feet. As such, the subject

property is not considered an unconventionally narrow lot or significantly longer in length compared to other properties. In addition, the project site does not have any significant slopes or easements that preclude the applicant from developing the property. Therefore, the shape and size of the subject property are comparable to the size range of other properties, and there are no exceptional circumstances or conditions applicable to the subject property involved that do not apply generally to other property in the specific plan area. Furthermore, the applicant proposes to construct a mixed-use development containing residential, office and retail commercial uses. Other properties in the Colorado Boulevard Specific Plan area with the Q Conditions in Ordinance No. 173,606 are subject to the same limitations as the subject site in that the Q conditions prohibit 100 percent residential development, thereby requiring a mixed-use development. As such, other properties need to be developed with a mixed-use development, same as the intended use and development of the subject property. Therefore, there are no exceptional circumstances or conditions that are peculiar to the subject site or the intended use or development of the subject property.

- c. **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 Colorado Boulevard Specific Plan and the [Q]C4-2D Zone allow the proposed mixed-use development with a maximum of six (6) dwelling units on this property and a maximum FAR of 1:1. This maximum 1:1 FAR provision applies to all other properties within the Colorado Boulevard Specific Plan area and is not peculiar to this subject property or use. As previously mentioned, there are no special circumstances applicable to the subject site or the use, as the lot shape and size are comparable to other properties in the specific plan area, and all properties with the same Q Conditions are subject to the regulation that prohibits 100 percent residential development. Additionally, the denial of the exception will not result in practical difficulties or unnecessary hardships that are inconsistent with the intent of the Specific Plan. The requested Specific Plan Exception is not necessary to make the site developable. Rather, the requested Specific Plan Exception would make an already developable site *more* developable, which grants a special privilege that none of the other properties in the Specific Plan area have. Therefore, 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 properties but denied to the subject property.

- d. **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.**

The requested Specific Plan Exception does not achieve the goal of the Specific Plan to preserve the character and scale of low density neighborhoods in the area. Rather, the project is designed in contrary to the purposes of the Specific Plan. The FAR provision of the Specific Plan is tailored to limit the scale of future developments to ensure projects' compatibility with the low-scale and intensity, single-family residential dwellings located directly north and south of commercially zoned properties along Colorado Boulevard. The granting of the Exception will be detrimental to the public welfare by allowing a larger development that is out of scale and incompatible with the low density properties located directly north and east of the project site.

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

The Northeast Los Angeles Community Plan identifies incompatibilities among types of land uses and scale of development that detract from established neighborhood or community character and inappropriately-scaled development into single-family and low density neighborhoods as issues in the area that can be improved. The Community Plan aims to provide guidance for land use and zoning recommendations to constrain future development to the densities and scale that have already occurred in the neighborhoods throughout Northeast Los Angeles, and identifies the following policies to reach the goal:

Policy 1-1.1 Protect existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential and other uses that are incompatible as to scale and character or would otherwise diminish the quality of life.

Policy 1-1.2 Promote neighborhood preservation, particularly in existing single-family neighborhoods, as well as in areas with existing multiple-family residences.

Consistent with the Community Plan, the Colorado Boulevard Specific Plan is also intended to regulate future development in the Specific Plan area to ensure the development occurs in a manner which is compatible with the surrounding residential community, and identifies the following purposes:

- A. Intensity and type of commercial uses shall be consistent with the character of the Eagle Rock Community. The regulations developed in this Specific Plan are intended to protect nearby residential neighborhoods from possible detrimental effects of commercial uses.
- B. This Specific Plan for the Colorado Boulevard area is in conformance with the Northeast Community Plan which calls for the development of a Specific Plan for the purposes of designating land uses and building intensities [...].
- C. This Specific Plan is necessary in order to assure that development proceeds in an orderly fashion and in conformance with the General Plan of the City of Los Angeles.

The Specific Plan limits the maximum FAR to 1:1 for all properties within its area in order to implement the purposes of the Specific Plan as well as the Northeast Los Angeles Community Plan. The applicant requests a Specific Plan Exception to exceed the maximum base FAR by 10 percent, which would result in an increase of the maximum floor area permitted by 917.6 square feet. As previously mentioned, the project site abuts R1-zoned properties that are designated for Low Residential General Plan Land Uses and improved with one (1)-story single-family dwellings that are approximately 1,100 to 1,725 square feet in size to the north and east. The Community Plan and the Specific Plan both aim to preserve and protect the character and scale of the existing low density residential neighborhoods in the area. Granting the Specific Plan Exception to exceed the maximum allowable FAR without special circumstances, practical difficulties or unnecessary hardship will not be consistent with the principles, intent and goals of the specific plan and the general plan.

CEQA FINDINGS

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(b), Negative Declaration, No. ENV-2017-2051-ND has been prepared for the proposed project (Exhibit I). The Negative Declaration was initially published erroneously on February 14, 2019 for a 13-day comment period. The Negative Declaration was republished on April 11, 2019 through May 13, 2019 for a 30-day comment period. The Initial Study Checklist found that the proposed project would not have potentially significant impacts in any of the environmental factors: Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Therefore, no mitigation measures are required for the proposed project.

In addition, the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301(l), Class 1 (Demolition of an Individual Small Structure), and Sections 15303(b) and 15303(c), Class 3 (New Construction of a Small Structure), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies (Exhibit J).

There are six (6) Exceptions which the City is required to consider before finding a project exempt under above-referenced Classes of the Categorical Exemption: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

While the subject site is located within a Bureau of Engineering (BOE) Special Grading Area, a liquefaction area, and the Raymond Fault Zone, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of "sensitive" locations and will reduce any potential impacts to less than significant. RCMs include the following:

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-GEO-4 (Liquefaction Area):** The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to:
 - ground stabilization
 - selection of appropriate foundation type and depths
 - selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

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.

These RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment the project is located. Thus, the location of the project will not result in a significant impact based on its location.

There is not a succession of known projects of the same type and in the same place as the subject project, and therefore, the project is not expected to contribute to cumulative impacts.

The project site is zoned [Q]C4-2D and designated for Neighborhood Commercial Land Use by the Northeast Los Angeles Community Plan. The project proposes a mixed-use development containing 1,016 square feet of office and retail commercial space and six (6) dwelling units in an area zoned and designated for such development. The project would have a maximum Floor Area Ratio (FAR) of 1:1 and a maximum building height of 46 feet, 7 inches on a site that is permitted to have a maximum FAR of 1:1 and building height of 55 feet. The surrounding area is generally characterized by a mix of various urban uses. Properties to the north of the site are zoned R1-1, designated for Low Residential General Plan Land Uses and improved with one- to two-story single-family homes. Properties to the west are zoned [Q]C4-2D, designated for Neighborhood Commercial General Plan Land Uses and improved with one-story motel and car wash buildings. Properties to the east are zoned R1-1 and [Q]C4-2D, designated for Low Residential and Neighborhood Commercial General Plan Land Uses and improved with one- to two-story single-family dwellings, retail, commercial, office and multi-family residential buildings. Properties to the south are zoned PF-1 and [Q]C4-1XL, designated for Public Facilities and Neighborhood Commercial General Plan Land Uses and are improved with Dahlia Heights Elementary School and restaurant buildings. As such, the proposed mixed-use development is not unusual for the vicinity of the subject site, and is similar in scope to other existing residential, commercial, retail, office and public facility uses in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 30 miles east of State Route 27. Therefore, the subject site will not create any impacts within a designated a State Scenic Highway. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.