



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



City Planning Commission

Date: March 10, 2016
Time: After 8:30am
Place: City Hall, 3rd Floor
Public Works Board Room
200 North Spring Street, Room 350
Los Angeles, CA 90012

Public Hearing: Held November 4, 2015
Appeal Status: Not Applicable (City Initiated)
Expiration Date: May 25, 2016

Case No.: CPC-2015-3199-ZC-GPA
CEQA No.: ENV-2015-3200-ND
Related Cases: CPC-2015-1295-HD-ZC
CPC-1995-0357
Council No.: 13 – O’Farrell
Plan Area: Silver Lake – Echo Park –
Elysian Valley
Certified NC: Elysian Valley Riverside
GPLU: Open Space
Zone: OS-1XL-RIO

PROJECT LOCATION: 2971 North Partridge Avenue

PROPOSED PROJECT: Pursuant to Los Angeles Municipal Code Sections (LAMC) 12.32 and 11.5.6, a city initiated ordinance to revise the existing zoning and land use designation for a private property, located at 2971 Partridge Avenue.

REQUESTED ACTION:

1. Pursuant to Section 11.5.6 of the Municipal Code, a **General Plan Amendment** to the Silver Lake - Echo Park – Elysian Valley Community Plan from Open Space to Commercial Manufacturing.
2. Pursuant to Section 12.32 of the Municipal Code, a **Zone Change** from OS-1XL-RIO to [Q]CM-1XL-RIO

RECOMMENDED ACTIONS:

1. **Adopt** the Negative Declaration, ENV-2015-3200-ND, for the above reference project pursuant to Section 21082.1(c)(3) of the California Public Resources Code;
2. **Approve and recommend** that the City Council approve a **General Plan Amendment** from Open Space to Commercial Manufacturing for the subject site;
3. **Approve and recommend** that the City Council approve a **Zone Change** from OS-1XL-RIO to [Q]CM-1XL-RIO for the subject site;
4. **Approve and recommend** that the City Council adopt **Qualifying “Q” Conditions** establishing development standards and restrictions for the subject site.
5. **Adopt** the attached findings.

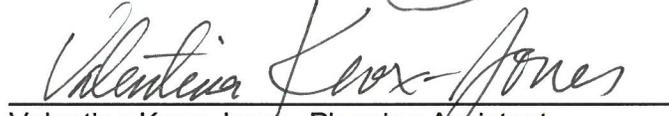
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TABLE OF CONTENTS

Project Analysis **A-1**

Project Summary
Background
Conclusion

Findings **F-1**

General Plan/Charter Findings
Legislative Action Findings
CEQA Finding

Public Hearing and Communications **P-1**

Exhibits:

- A – Draft Ordinance
- B – Draft Resolution
- C – Environmental Clearance – Negative Declaration, ENV-2015-3200-ND
- D – Existing Elysian Valley Q Condition: Ordinance 183,954
- E – Land Use/Zone Change Matrix Excerpt (Recommendation Report to the City Planning Commission, April 8, 2004)

PROJECT ANALYSIS

Project Summary

The 'Project' is a Department of City Planning initiated General Plan amendment and Zone Change for a private property, located at 2971 Partridge Avenue and 2993 Alessandro Street, of which a portion of the site was incorrectly designated for Open Space purposes in the Silver Lake - Echo Park – Elysian Valley Community Plan Update of 2004, with a corresponding zone of OS-1XL-RIO.

The proposed action on the part of the City is to re-designate the portion of the subject property from Open Space to Commercial Manufacturing, and to re-zone from OS-1XL-RIO to [Q]CM-1XL-RIO. This action would conform both the land use designation and the zone to be consistent with: the designation and zoning on the remainder of the subject site, the existing manufacturing enterprise on site, and the designation and zoning of surrounding properties within the Elysian Valley river frontage.

Part of the subject property is already designated Commercial Manufacturing with a zone of [Q]CM-1XL-RIO, and the entire commercial manufacturing site needs to be consistent with the corresponding commercial manufacturing land use designation. This action is viewed as a correction by the City, in that the Open Space designation and OS zone were improperly applied to a private property with viable manufacturing use in the 2004 Community Plan Update.

This Zone Change and Land Use designation would apply to the parcels highlighted in the accompanying map (Exhibit A). A correction to the Zoning and General Plan Land Use Designation is initiated to reflect the current and historic use of the site as a commercial manufacturing use. **This action does not involve properties designated as part of the Marsh Park site. No physical construction or change of use is proposed.**

Background

Site Description

The subject site is situated on the south bank of the Los Angeles River in the Elysian Valley neighborhood. This neighborhood is located in the northernmost portion of the Silver Lake – Echo Park – Elysian Valley Community Plan area, along the Los Angeles River Bike Path. The site also falls within the River Implementation Overlay (RIO) and all provisions, procedures, and development standards in the River Implementation Overlay apply to the subject site.

The site is an irregularly shaped lot – comprised of three triangular parcels developed with commercial manufacturing uses. The shortest property line segment is along the western boundary and is adjacent to the Marsh Street Nature Park. The longer property line along the northern boundary serves as the edge of the Los Angeles River right-of-way as it curved to respond to the shape of the river. The property line along the southern boundary spans the width of one and a half blocks and has two streets which terminate at the property line.

Existing Land Uses and Zoning

The two parcels on the western side of the property are currently designated Open Space with a corresponding zone of OS-1XL-RIO; the third parcel that comprises this subject site, which is located on the eastern side, is designated Commercial Manufacturing with a corresponding zone of [Q]CM-1XL-RIO. As a result, the site has split zoning although the buildings on site extend over the parcel lines.

Surrounding Land Use and Zoning

Immediately to the west of the site is the Marsh Street Nature Park with an Open Space land use designation and an OS-1XL-RIO zone. To the south of the subject site are residential structures; mostly single family homes, duplexes and other low-density forms located along Marsh Street and Partridge Street, with a Low Medium I Residential land use designation and a zone of R2-1VL-RIO. To the southeast of the subject site are industrial uses; mostly manufacturing, open storage, warehouse, distributor, machine shop, and artist-in-residence uses, with a Commercial Manufacturing land use designation and a zone of [Q]CM-1XL-RIO. To the north and northeast of the subject site are the Los Angeles Bike Path and Los Angeles River channel with an Open Space land use designation and an OS-1XL-RIO zone.

Site History

The subject site has been occupied with manufacturing uses since the 1940s. Building permits were approved in 1946 to allow the construction of a new, light manufacturing building on the site for what were then metal fabricators – the building was one-story tall, 24' feet in height, and 9600 square feet in size. The Certificate of Occupancy was issued the following year, in 1947, for the metal fabricating use and an office. Another two years later, a Certificate of Occupancy was obtained to allow for a sheet fabrication and storage building which was one-story tall and approximately 4040 square feet in size. In 1951, building permits were obtained to create an addition of approximately 330 square feet, to serve as offices for the existing metal fabricating use. Additional and exterior improvements were permitted and built between the late 1960s and the late 1980s.

According to Zoning Maps from 1946 and 1969, the site was zoned M2-1 for decades. In 1984, the Silver Lake – Echo Park District Plan was adopted (Council File 83-0071); a precursor to the Silver Lake-Echo Park-Elysian Valley Community Plan, it was an element of the General Plan that was used to guide land use development. The subject site, according to that plan, was identified as Light Industrial with M2 as a corresponding zone.

In 1989, as part of the City's AB283 General Plan/Zoning Consistency Program for the Silver Lake-Echo Park-Elysian Valley area – community wide zone and height district changes were adopted to bring the zoning into consistency with the Community Plan. Ordinance No. 165,167 adopted these zone and height district changes, the subject site was included in this ordinance and the height district changed from M2-1 to M2-1VL.

The Land Use designation and zoning for the whole site remained consistently Light Industrial/M2-1VL from 1989 until the Community Plan Update of 2004. At that point, a portion of the subject site was changed to an Open Space land use designation, and the zoning ordinance was adopted the following year with a corresponding zone of OS-1XL. The Land Use/Zone Change Matrix (Recommendation Report, Exhibit E submitted to the City Planning Commission at April 8, 2004 meeting) indicates that the purpose of the Land Use/Zone Change was to 'reflect public acquisition and future uses as a park; newly acquired park by nonprofit land trusts with temporarily lease back to current industrial tenant.'

However, the existing use is not leasing the site from a non-profit, instead the site is privately-owned and operated. Additionally, the landowner's representative has indicated that they have no plans to use the site as Open Space; therefore the zone and land use designation are inconsistent with the existing use on site. Since the site was designated/rezoned for the purpose of reflecting public acquisition, yet the site was never acquired by a non-profit organization or government entity and the immediately adjacent site was developed into a park by the Santa Monica Mountains Conservancy, it is reasonable to infer that the boundaries of the proposed park were misunderstood by staff of the 2004 update and mistakenly applied to the subject site.

Issues

Community Plan Footnote

According to Footnote #22 of the Silver Lake-Echo Park-Elysian Valley General Plan Land Use Map:

*“When the use of property designated as “Open Space” (e.g. recreation, environmental protections) is proposed to be discontinued, **the proposed use shall be approved by the appropriate decision- makers through a procedure similar to a conditional use.** The decision-makers shall find that the proposed use is consistent with the elements and objectives of the General Plan and may impose additional restrictions on the existing zoning as deemed necessary to assure that the proposed land use will be compatible with the land uses, zoning classifications or other restrictions of adjacent and surrounding properties, and consistent with the General Plan.”*

Staff for the 2004 Community Plan Update provided guidance in the form of a footnote, directing future staff on the process which should occur when the use of a site designated as “Open Space” is proposed to be discontinued. The footnote indicates that the change of use should be approved by decision makers in a fashion similar to a Conditional Use. It is possible that one could infer that this site should follow this procedure.

However, the subject site has manufacturing uses on site, and the use of the property is not proposed to be discontinued. Therefore, there is no ‘proposed use’, only an ‘existing use’, and as such, there is no need to approve a ‘proposed use’ and this footnote does not apply.

Staff Intent (2004)

It is useful to review all the documents within the administrative record to understand the intent of staff who updated the Community Plan, in order to understand whether they intended to change the zone and land use designation for an industrial site which would not be publically acquired.

According to the Mitigated Negative Declaration (ENV-2003-7281-MND) for the Silver Lake – Echo Park – Elysian Valley Community Plan Update:

*“The proposed Plan mitigates potential impacts on parks, open space and recreational facilities by encouraging the preservation and acquisition of parkland and strategies to develop greenways that link existing and future open spaces. In an effort to restore the Los Angeles River (just outside of the boundaries of the Plan area) to a more natural state and to improve it as a recreational resources, **parcels of land have been purchased by land trusts and other private nonprofit organizations and developed (or with future intent to develop) as open space and parks for public use.** The proposed Plan recommends Plan Amendments and Zone Changes to designate and rezone these properties as open space to ensure their preservation for this use.”*

Reading this section of the MND, it is clear that it was the intent of the Community Plan Update staff to zone and designate properties which were actively being planned for as parks. Since the site immediately west was acquired by the Santa Monica Mountain Conservancy and developed as a park, it is reasonable to infer that the boundaries of the proposed park were misunderstood by staff of the 2004 update and mistakenly applied to the subject site.

Summary of Major Legislative Actions for the Subject Site

- February 17, 1984: Council adopted the *Silver Lake-Echo Park Community Plan* (Council File #83-0071). The adopted Plan zoned the subject site as M2-1 with a light industrial corresponding land use designation.
- October 22, 1989: As part of the City's AB283 General Plan/Zoning Consistency Program for the Silver Lake-Echo Park-Elysian Valley area – community wide zone and height district changes were adopted to bring the zoning into consistency with the Community Plan (Council File #83-0071). Ordinance No. 165,167 adopted these zone and height district changes, the subject site was included in this ordinance and the height district changed from M2-1 to M2-1VL.
- August 11, 2004: Council adopted the *Silver Lake-Echo Park-Elysian Valley Community Plan Update* (Council File #00-2217). The adopted Plan Update amended land use designations within the Community Plan Area. It was at this time that a portion of the subject site was redesigned from Light Industrial to Open Space.
- The Council also adopted “in-concept” zone changes and directed the Department of City Planning to develop the necessary ordinance to implement the zoning regulations.
- May 3, 2005: The Department of City Planning transmitted said Zone Change Ordinance to the City Council – it included zone changes, height district changes, Qualifying Q Conditions, and Development D Limitations.
- This Zone Change Ordinance included Q Conditions for industrial parcels located along the Los Angeles River in the Elysian Park neighborhood. The purpose of the Q Condition was to limit certain land uses and establish design standards for residential and non-residential uses. Since the subject site now had split land use designation and zoning, a portion of the site was included in the Elysian Valley Q Condition sub-area.
- July 19, 2005: The Zone Change Ordinance was adopted through Ordinance No. 176,825.
- July 2, 2014: The River Improvement Overlay (RIO) and River Design Guidelines were adopted and applied to areas adjacent to the City's waterways. Zones were amended to include a –RIO suffix and were adopted through Ordinance No. 183,145. The Overlay requires new developments within the District boundaries to comply with additional landscaping, screening, and accessibility regulations. The subject site was located within the Overlay District.
- October 7, 2014: Council motion (CF-14-0214) instructed the Department of City Planning to update the Elysian Valley “Q” Conditions to include provisions for live/work and incentives for adaptive reuse and affordable housing.
- October 30, 2015: City Council adopts Ordinance No. 183,954 for the industrial parcels along the Los Angeles River in the Elysian Valley neighborhood. The ordinance decreases the Height District in the area from 1VL to 1XL and replaces the previous Q Condition with additional development standards and

restrictions on new residential and commercial uses. Since the subject site has split zoning, a portion of the site was included in the Height District change and Q Condition amendment.

Conclusion

The Department recommends that the Zoning and the Land Use designation for the subject site be revised: to make the zone and designation consistent with the historic use of the site, to remove the split zoning and land use designation which is present on the subject site, and so the zoning and land use conforms with the adjacent industrial parcels in the area. The –RIO suffix will continue to remain in the zoning string since the site will continue to be regulated by the River Implementation Overlay. The Overlay will continue to require future developments within the District boundaries to comply with additional landscaping, screening, and accessibility regulations.

Applying the Elysian Valley Q Condition (Ordinance 183,954) evenly across the site will prohibit uses that are not compatible with the Los Angeles River as a recreation area; such as adult entertainment, auto uses, bail bonds, gas stations, open storage, recycling facilities, pawn shops, and tow truck dispatching. The Height District for the site will remain consistent – 1XL, which is 30'. The Elysian Valley Q Conditions also limit lot coverage and the height of buildings near the river. If redevelopment of the site were proposed in the future: residential uses would be limited to live/work units, floor plates of retail establishments would be limited, and an option for offsetting vehicle parking through the provision of bicycle parking would be allowed.

With these recommendations in place, the Zone Change and Land Use designation, including Elysian Valley Q conditions for the subject site will ensure compatibility with the existing neighborhood.

FINDINGS

GENERAL PLAN/CHARTER FINDINGS

1. General Plan Findings

a. Framework Element

The General Plan defines the foundation for all land use decisions as the city implements growth and development policies; it also provides a holistic and comprehensive view of the City of Los Angeles as a whole. Per City Charter Section 555, and General Plan Framework Element Policy 3.1.5, amendments to community plans are allowed to further refine land use boundaries and categories to reflect local conditions, existing land uses, parcel characteristics, and public input. The proposed action re-designates the subject site from OS-1XL-RIO to [Q]CM-1XL-RIO and the General Plan Land Use designation from Open Space to Commercial Manufacturing – the proposed zone change and land use designation change are a reflection of the current local conditions and current existing land uses. In addition, the proposed [Q]CM-1XL-RIO zone is consistent with adjacent parcels that are fronting the river along the bike path.

The Open Space land use designation is appropriate for parcels that are planned for open space and recreation, and/or open space conservation areas, not for manufacturing facilities. The existing land use designation on the site is Open Space, and is not consistent with the existing, and historic use of the site. The subject site is currently a manufacturing use and has been historically occupied with manufacturing uses since the 1940s. Immediately to the west of the site is the Marsh Street Nature Park, to the south are residential structures, to the southeast are additional manufacturing uses, and to the north and northeast are the Los Angeles Bike Path and Los Angeles River channel. The proposed [Q]CM-1XL-RIO zone will allow for the ongoing use of manufacturing use at a viable manufacturing site. Should the site be adaptively re-used, the proposed Q conditions, 1XL height district, and RIO ordinance will ensure compatibility with the existing scale and neighborhood character of the river fronting parcels in connection to the surrounding uses.

The proposed zone and land use designation change are consistent with the General Plan Framework's policies that seek to retain adequate industrial land uses with an emphasis on retention of existing industrial businesses, as follows:

Policy 7.2.8 Retain the current manufacturing and industrial land use designations, consistent with other Framework Element policies, to provide adequate quantities of land for emerging industrial sectors.

Policy 3.14.3: Promote the re-use of industrial corridors for small scale incubator industries.

The neighboring parcels with Commercial Manufacturing zoning consist mostly of warehouses and storage facilities that resemble the historical pattern of industrial development locating along the Los Angeles River's banks. As we know, some industrial uses moved out of the area; and some warehouses have been repurposed as studios for creative industries, and some remain with light manufacturing uses.

The proposed zone [Q]CM-1XL-RIO and land use designation change to commercial manufacturing would ensure that future development would be aligned with the Policy 7.3.7 of the general plan framework that emphasizes priority for the retention of industrial businesses, as follows:

Policy 7.3.7 Prioritize the retention and renewal of existing industrial businesses

The re-use of underutilized industrial buildings along the river by artists and artisans has become a defining characteristic of Elysian Valley's Commercial Manufacturing designated area. For the most part, these industrial buildings have been become popular and profitable real estate investment opportunities, and have been either redeveloped and/or adaptively reused for live-work units. The river fronting parcels along the bike path have attracted an established community of creative professionals to work and increasingly live in the area.

Currently, the small local neighborhood businesses along the River Bike Path have established a live-work type of low scale corridor that is consistent with the following general plan framework policy:

Policy 3.2.4: Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts.

The proposed zoning complements the desire to encourage this activity by accommodating live/work housing that allows this workforce to reside in dwelling areas that conform to the Los Angeles Building Code. In addition, the Commercial Manufacturing zoning and land use designation, including the Elysian Valley Q conditions, meet the unique needs of professions and emerging industries that require flexible work spaces combined with the opportunities for collaboration that living within a creative community fosters. In addition to maintaining the established scale and character of this area.

Elysian Valley Q Conditions (Ord. No. 183,954)

In order to achieve improved compatibility between residential, commercial manufacturing uses, several Q conditions have been approved since the Community Plan Update, the proposed zoning includes a "Q" condition (Ordinance No. 183,954), this ordinance was the latest Q condition approved and it decreased the Height District for river fronting parcels from 1VL to 1XL (from 45 feet to 30 feet) and replaced the previous Q Conditions with additional development standards and restrictions on new residential and commercial uses, to address the public's concerns on incompatible development and to enhance connections to the River. Hence, the height district (1XL) to limit the height to 30 feet will remain the same, and the RIO (River Implementation Ordinance) will also remain the same. The proposed land use designation change and zone change will result in a zoning consistency between the land use designation, zoning (including the "Q" condition), and current use on site. The proposed general plan amendment and zone change would be in conformance with reinforcing an existing mixed use residential-commercial manufacturing district, as stated in the following general plan framework land use objective:

Objective 3.8: Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit.

The project area and its immediate vicinity consists primarily of one and two story buildings and can be broadly identified within three distinct portions of the project area. The southern residential portion of Elysian Valley is primarily made up of one-story detached single family homes, the northern portion is developed with a mix that includes single-family and multilevel apartment buildings, and the commercial and industrial uses are clustered along the riverside within mostly one and two-story warehouses. The proposed conditions preserve the character of the area by limiting new buildings to 30 feet. The proposed zoning, including the Elysian Valley Q conditions would prevent out-of scale development on properties nearby the river by limiting new projects to 60% lot coverage. The proposed building height regulations include building step backs to ensure improved orientation of buildings toward the river. The proposed decrease in height from 45-feet to 30-feet, in addition to the 20-foot height limit step-back for buildings with frontages toward the Los Angeles River, will better achieve compatibility with the scale and height of this neighborhood area and ensure consistency with the policies of the General Plan Framework.

The Q Conditions would support the preservation of the existing river-oriented qualities currently appreciated by residents and visitors by limiting development to 60% lot coverage and a maximum height of 30-feet. These conditions are consistent with the following policy which calls for consistency with predominant neighborhood characteristics:

Policy 3.5.4: Require new development in special use neighborhoods such as water-oriented, rural/agricultural and equestrian communities to maintain their predominant and distinguishing characteristics.

These restrictions would prevent inappropriately large structures from being built to a height and scale that overshadow the river path and obstructs views to and from the river. In addition, the proposed Q Conditions prohibit commercial uses that would detract significantly from the existing character of the area; they include: auto servicing and repair, recyclable waste processing facilities, public storage facilities, pawn shops, bail bond brokers, adult entertainment, shooting galleries, and drive-thrus of any kind. Currently, the subject site is a commercial manufacturing company and it does not include any of the above prohibited uses.

The proposed General Plan Amendment and corresponding Zone Change comply with Charter Sections 556 and 558 in that the recommended amendment and zone change do reflect the land use patterns, trends and uses in the immediate area and do further the intent, purposes and objectives of the City's General Plan, specifically the Framework Element and the Silver Lake-Echo Park-Elysian Valley Community Plan.

b. Silver Lake-Echo Park-Elysian Valley Community Plan

The land use element of the General Plan is comprised of 35 community plans and they strive to ensure that sufficient land is designated to provide for the housing, commercial, employment, educational, cultural, social and aesthetic needs of the City's residents. Community plans are intended to promote an arrangement of land uses, streets, and services which encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community.

The subject site is situated on the south bank of the Los Angeles River in the Elysian Valley neighborhood. This neighborhood is located in the northernmost portion of the Silver Lake – Echo Park – Elysian Valley Community Plan area, along the Los Angeles River Bike Path. Most of the buildings in the neighborhood were developed in the 1920s-

1960s. The streets to the east of the site (Alessandro Street, North Coolidge Avenue, etc.) generally follow a pattern of low density residential in the southern areas with a commercial manufacturing parcels along the river, developed with manufacturing, open storage, warehouse, distributors, machine shops, and artists in residences, all in the [Q]CM-1XL-RIO Zone.

The community plan was first adopted in 1984, and from 1984 up to 2004, the subject property had been consistently zoned for light industrial. Per LADBS, the subject site had been legally permitted for commercial manufacturing uses since the 1940s. The site is an irregularly shaped lot - comprised of three triangular parcels developed with commercial manufacturing uses (5 commercial manufacturing buildings since the 1940s). According to Los Angeles Building and Safety permit records and Assessor Information, the subject site is developed with five legally permitted buildings that are privately owned. Three buildings were built between 1947 and 1948, another building in 1970, and the most recent building in 1987. All buildings conform to the current height restrictions as applied by Height District 1XL (30 feet), proposed zoning [Q]CM and the RIO (River Implementation Overlay Ordinance).

The subject site is privately owned and has been legally operating with commercial manufacturing uses. Changing the zoning and land use designation to match the current legally permitted commercial manufacturing uses is consistent with the following policies and objectives described in the Silver Lake-Echo Park-Elysian Valley Community Plan:

Objective 3-2 Maintain the viability of the industrial area in Elysian Valley and increase compatibility with adjacent residential properties through land use policy and traditional commercial district revitalization strategies.

The proposed zone change and general plan amendment are consistent with increasing compatibility with adjacent residential properties, in that that proposed zoning includes the recently adopted Elysian Valley Q conditions (Ordinance No. 183,954). The Q Conditions include a series of restrictions to new industrial development. A number of the most offensive uses would be prohibited altogether, including: automobile uses involving servicing, repair, storage and sales, recycling facilities, public storage facilities for household goods and open storage areas. Permitted industrial uses adjacent to residential uses would be required to provide a five-foot-deep continuous landscaped buffer inclusive of 24-inch box trees planted in 20-foot intervals. Designated loading areas would be required to be located as far as possible from residential areas and loading and deliveries would be restricted to normal business hours. Noises generated by electronic or mechanical equipment would be required to be enclosed and insulated to a level that is not excessively audible from beyond the property. Measures such as these would reduce the disruptions caused by industrial uses to residential areas in Elysian Valley.

The subject property is developed with commercial manufacturing uses on site and on surrounding lots that front the river. The two parcels on the western side of the property are currently designated Open Space with a corresponding zone of OS-1XL-RIO; the 3rd parcel that comprises this subject site lies on the eastern side is designated Commercial Manufacturing with a corresponding zone of [Q]CM-1XL-RIO. As a result, the site has split zoning although the buildings on site extend over parcel lines. Immediately to the west of the site is the Marsh Street Nature Park located in the OS-1XL-RIO zone; and to the south of the site are three residential parcels (situated along Marsh Street and Partridge Street) all in the R2-1VL-RIO zone and one commercial manufacturing parcel (situated along Alessandro Street) all in the [Q]CM-1XL-RIO zone. As such, the proposed zone change and general plan amendment are not in conflict with the following community plan statements:

Policy 4-1.2 Preserve and encourage acquisition, development and funding of new recreational facilities and park space with the goal of creating greenways and trail systems.

Program: Encourage acquisition by the City and private land trusts of properties that would complete or provide integral linkages in creating greenways and other trail systems.

The proposed actions do not interfere with the existing parks or greenways. To the north and east of the site is the Los Angeles River Greenway Trail, also known as the LA River Bike path, and beyond that, the channel for the river all in the OS-1XL-RIO zone. The streets in the area are angled and run perpendicular to the river. The parcels along Partridge Avenue, and the streets to the west of the site, are primarily single family homes, duplexes and other low-density forms. The immediate neighborhood is served by parks and recreation amenities. Changing the zoning and land use designation from Open Space to Commercial Manufacturing creates the appearance of a diminishment of park space, however there are no plans on the part of any public agency to operate a park at the subject property location.

There are existing park and recreation amenities adjacent to the subject site that serve the immediate neighborhood that will remain as such. These existing park and recreation include but are not limited to the following:

- *The LA River Greenway Trail* (approximately a 7 mile trail) commonly known as the LA River Bike Path that starts in the Valley Area and ends near Fletcher Drive and Glendale Avenue;
- *Marsh Street Skate Park* located at 2945 N. Marsh Street, this site measures approximately 12,000 square feet and is located in the OS-1XL-RIO zone, in addition Marsh Nature Park (immediately adjacent to the subject property) which measures approximately 19,000 square feet and is located in the OS-1XL-Zone; and
- *Marsh Park* which comprises the largest portion of open green space and measures approximately 180,000 square feet and is located in the OS-1XL-RIO zone.

All properties that are part of Marsh Park, Skate Park, and Nature Park are all owned by the State of California, Santa Monica Mountains Conservancy. All these properties (approximately 200,000 square feet of land zoned Open Space [OS-1XL-RIO]) will remain as such and are not a part of proposed changes to land use designation and zone change.

The immediate neighborhood is also served by other recreational amenities such as the Elysian Valley Recreation Center which is located at 1811 Ripple St (approximately 0.5 miles from the subject property) and this recreation facility measures approximately 80,000 square feet and is zoned OS-1XL-RIO, owned and operated by the City of Los Angeles Recreation and Parks Department. It is anticipated that the proposed changes to zoning and land use designations would not result in impacts to park services. If a hypothetical new construction project resulted in impacting local recreation and park services, the new project would be subject to review and analysis and would be subject to the city's Quimby Fee Ordinance and procedures. Impacts to park and recreation services are considered less than significant.

Currently, the Silver Lake-Echo Park-Elysian Valley Community Plan designates the subject property with an Open Space land use designation and OS-1XL-RIO zoning. The

purpose of the change was to “reflect public acquisition and future uses as a park; newly acquired park by nonprofit land trusts with temporarily lease back to current industrial tenant.” As stated in one of the 2004 plan update program intent statements: “The Plan Map re-designates privately owned lands acquired as parkland for public use to the Open Space land use designation and zone to protect them from development”. This program has been implemented. As stated, the intent for the zone change for OS was to reflect acquisition for future park use from a nonprofit land trust, hence the Santa Monica Mountains Conservancy, which is a state agency that owns the adjacent OS designated lands. The subject site is not for lease and there are not intentions to sell it or lease it for park uses. The proposed Q Conditions would not divide an established community. This neighborhood is developed with a mix of residential and commercial manufacturing uses, and with the proposed general plan amendment, and zone change (which includes the aforementioned Q Conditions), development that is incompatible and out-of-scale with the existing character of Elysian Valley’s residential neighborhoods would not be permitted.

c. River Implementation Overlay District

The subject site also falls within the River Implementation Overlay (RIO) and per the Los Angeles Municipal Code (LAMC) Section 13.17, all provisions, procedures, and development standards in the River Implementation Overlay apply to the subject site.

The project area is included within the River Improvement Overlay (RIO) Ordinance (Ordinance No. 183145) District and River Design Guidelines adopted in July 2014, which provide a set of goals as well as specific design standards for new development. The current zoning includes the RIO zone as part of the zoning string and the proposed zoning also includes the RIO Zone. As such, the proposed zone change and general plan amendment is consistent with the intent of the RIO Ordinance and it does not conflict with the goals of the Los Angeles River Master Plan to enhance river identity and the purpose and guidelines set out in the RIO, including the following purpose statements:

Purpose Support the goals of the Los Angeles River Revitalization Master Plan

Establish a positive interface between river adjacent property and river parks and/or greenways

Promote the river identity of river adjacent communities

The proposed land use designation and zone change are consistent with the overall goals of the Master Plan to create a positive interface between adjacent river properties and the river. A commercial manufacturing land use designation and zone change complements the historical pattern of development and emerging live-work adaptive reuses along the river; and the Q conditions ensure that development is compatible and consistent with the neighborhood’s character. The Q condition is also consistent with the RIO’s Overlay (Ordinance No. 183,145) which includes detailed development regulations involving screening, fencing, exterior site lighting, landscaping, noise-attenuation, and river access. As part of the proposed zoning, the Q Conditions would require projects to comply with the provisions of the River Improvement Overlay except where they are in conflict with the proposed Q Conditions. The proposed Q conditions provide further specificity to ensure compatibility with the RIOs goals. The proposed land use designation and zone change provide for a positive interface between commercial, residential, and river oriented uses. The legislative actions, as proposed, are consistent with applicable RIO standards.

LEGISLATIVE ACTION FINDINGS

2. **City Charter Sections 556 and 558.** Los Angeles City Charter Section 558 and Section 12.32(c)(7) require that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with public necessity, convenience, general welfare and good zoning practice.
- a. **Public Necessity.** Granting the requested legislative action, as recommended, will be deemed consistent with public necessity. The current zoning and land use designation is for OS (Open Space). The OS zone and land use designation category is applied to parcels that are planned for open space conservation, and/or open space amenities. The existing use on site which is a viable commercial manufacturing use does not correspond to an Open Space land use designation, the subject site is not planned for park land acquisition nor for open space preservation. Changing the zoning and land use designation from Open Space to Commercial Manufacturing creates the appearance of a diminishment of park space, however there are no plans on the part of any public agency to operate a park at the subject property location. The proposed legislative action ensures consistency with the adjacent parcels that are currently zoned [Q]CM-1XL-RIO and correspond to a commercial manufacturing land use designation. The proposed legislative action is consistent with the existing commercial manufacturing land use designation and zoning for adjacent river fronting parcels for this area; and ensures that the proper regulatory zoning and land use designation is in place for compatible development.
 - b. **Convenience.** Granting the requested legislative action, as recommended, will be deemed consistent with public convenience. The proposed general plan amendment, and zone change, which includes the Elysian Valley Q Conditions, all contribute to the preservation of the neighborhood character and provides neighborhood stabilization along river fronting parcels. The legislative action is consistent with the current commercial manufacturing land use that has been legally permitted by LADBS. In addition, the proposed legislative action applies zoning to a site with viable and existing commercial manufacturing uses; and the proposed Q Conditions provide certainty that the character and unique local neighborhood culture of Elysian Valley, including the maintenance and preservation of the river fronting parcels that are compatible with the existing neighborhood.
 - c. **General Welfare.** Granting the requested legislative action, as recommended, will be deemed consistent with the general welfare, in that the proposed general plan amendment and zone change that would preserve industrial commercial uses that are compatible and consistent with land use designation and zoning of adjacent parcels with Commercial Manufacturing (CM) uses along the river. In addition, the proposed Q conditions prevent the over development or out of scale development of the Elysian Valley's Commercial Manufacturing district with residential uses.

The current zoning conditions allow for market rate residential development to an allowed density of 1 dwelling unit for every 1,200 square feet of lot area, with the requirement that 25% of the units contain 3 or more bedrooms. Based on growing development interest in the area, it is anticipated that under current conditions the Commercial Manufacturing area could be largely redeveloped with residential uses. The proposed Q Conditions would prevent this by drastically limiting the opportunities for residential development to live/work units in addition to a reduction in the maximum allowable height of building from 45 feet to 30 feet and a lot coverage limit of 60%. These restrictions would result in the preservation of property within the Commercial Manufacturing area for the jobs and productivity

provided by industrial and artisan uses, as well as protecting the character of the surrounding residential neighborhoods and the adjacent riverfront.

- d. Good Zoning Practice. Granting the requested legislative action, as recommended, will be deemed consistent with the good zoning practice. Currently, the OS land use designation and zone does not reflect the use on site. The use on site has been legally permitted to exist with commercial manufacturing uses. The proposed general plan amendment and zone change would create consistency between the existing commercial manufacturing use and the proposed land use designation and CM zoning. In addition, the proposed Q conditions limits the range and scale of residential uses permitted in Elysian Valley's Commercial Manufacturing zone. The proposed legislative action would preserve the zoning intention to implement the community plan's goals to protect and conserve industrial districts while creating a positive interface with the river.

Based on these findings, the recommended action is deemed consistent with the public necessity, convenience, general welfare and good zoning practice.

3. Pursuant to Section 12.32-G.2 of the Municipal Code, the recommended action is deemed consistent with the purpose of the Q Qualified Classification, which is deemed necessary to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood. The recommended action secures an appropriate development in harmony with the objectives of the General Plan; and creates consistency with adjacent parcels with existing commercial manufacturing zoning and land uses, that are similarly fronting the river.

The proposed Q Conditions are the Elysian Valley Q conditions that were approved by way of Ordinance No. 183,954. These Q conditions address potential and/or hypothetical over development of residential uses throughout an area designated for Commercial Manufacturing. The original zone change from Light Industrial (M2) to Commercial Manufacturing (CM) throughout the industrial lands in Elysian Valley effectuated in 2004 by the Silver Lake-Echo Park-Elysian Valley Community Plan was intended to address the incompatibility between industrial uses and surrounding residential areas by reducing the range of noxious uses that could be permitted in the area. This zone change also included provisions for residential uses as allowed in the CM zone and presented new opportunities for residential development along the riverside. The desirability the riverside has elevated the profile of the Commercial Manufacturing area for new residential development, which threatens to undermine the core function of an area that provides sites for light industry and manufacturing, as well as employment. Under the current conditions it is probable that many of the area's business would relocated over time as property owners take advantage of more lucrative opportunities to develop multi-story residential projects along the riverside and throughout the Commercial Manufacturing area.

The recommended action to adopt the proposed Q Conditions (Elysian Valley Q Conditions Ordinance NO. 183,954), is consistent with the purpose of the Q Qualified Classification as a means to protect the best interest of the community and the City by correcting the 2004 zone change that was incorrectly applied to a privately owned property that was granted a building permit to legally operate commercial manufacturing uses.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

Pursuant to Section 21082.1(c)(3) of the California Public Resource Code, the Department of City Planning prepared a Negative Declaration (ENV-2015-3200-ND), which concludes that the proposed zone change and land use designation change will result in less than significant impacts and/or that there will be no impacts. The Negative Declaration was published for a period of 30 days, from January 21, 2016 to February 22, 2016 - no comments were received during this time.

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

- a. The proposed changes and revisions to the zoning and land use designation would not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Potential redevelopment of the site would be required to file for an environmental assessment form to be reviewed and evaluation for the level of environmental clearance and analyses, per CEQA and City CEQA Guidelines. Implementation of future mitigation measures identified in future environmental assessments and compliance with existing regulations would reduce impacts to less-than-significant levels.
- b. The impacts of the proposed change to zoning and land use designation, in addition to hypothetical-probable future projects are considered less than significant. Considerable impacts were analyzed by way of discussing hypothetical probable new construction projects that would in the future file for entitlement review and construction and permitting processes. Although projects may be constructed in the project vicinity at a future time, the cumulative impacts to which the proposed project would contribute would be less than significant, after compliance with the proposed zoning, which includes but is not limited to the current Q conditions, height limitation, development standards that ensure compatibility with the prevailing commercial manufacturing uses along with the neighboring residential character, and the bike path that runs adjacent along the Los Angeles River. The current LAMC and all applicable ordinances and building and safety processes and procedures remain in effect. The proposed zone change and land use designation from Open Space to Commercial Manufacturing is a technical correction that will ensure consistency with the legally permitted use on the subject site that is privately owned by a commercial manufacturing operator.
- c. The proposed change to zoning and land use designation have less than significant impacts to human beings since the surrounding area is already fully developed with a mix of residential, commercial, and commercial manufacturing uses and the proposed revisions are consistent with the area.

The environmental case file can be found with the case file in the Policy Division of the Planning Department in Room 667, 200 North Spring Street, Los Angeles CA 90012.

PUBLIC HEARING AND COMMUNICATIONS

Hearing

A public hearing conducted by the Hearing Officer on this matter was held in City Hall Room 1070, located at 200 North Spring Street, Los Angeles, CA, 90012, on Wednesday, November 4, 2015 at 10:30am.

1. Present: 5 Community stakeholders signed in, including the landowner's representative, a local business owner, and three other members of the general public.
2. Initial Indication and Testimony: Three public comments were made – one provided general comments, one spoke against the proposal, and one spoke in support of the proposal. Testimony included comments about:
 - The history of the site as an industrial use, with some of the existing buildings dating back to the 1940s. The zone and land use should revert back to industrial so the existing uses can continue.
 - The parcels west of the site were acquired for the development of a park, whereas the subject site has never been part of a public acquisition process. Therefore, the open space designation is incorrectly applied to the subject site.
 - The vision of the Community Plan was to create a park along the Los Angeles River and to provide Open Space.
 - The environmental clearance (MND) for the 2004 Community Plan should not be used to clear this proposed action since the MND analyzed a change from M2 to OS and the proposed change is from OS to CM.
 - The speaker believes the zone change from M2 to OS was intentional and believes that the owner of the land wants to change the zone for speculative reasons.
 - The speaker is an advocate for a thorough process and believes that the correct level of CEQA review had not been conducted (at the time of the hearing the environmental clearance was a Categorical Exemption, it is now a MND).

Communications Received

One email was received from the general public - it was a digital copy of the letter the speaker had previously submitted when the subject site was considered before the Planning and Land Use Management Committee on August 18th, 2015.