

MEMO

To: George Abrahams, Citizens for Open Space
From: Hans Giroux, Senior Analyst, Giroux & Associates
Subject: ENV-2015-3200-ND (2791 Partridge)
Date: May 10, 2016

Via e-mail:

As per your request, we have reviewed the air quality and noise impact analyses for the proposed zone change. The CEQA documentation goes to great length to state that the proposed action does not entail any construction of replacement uses. However, at multiple responses to the CEQA checklist questions, the document acknowledges that impacts to several elements of the physical environment would likely occur. At the stated limit of one live-work unit per 1,200 square feet of lot space, the site could produce up to 47 dwelling units. Between set-back requirements and height limits created by Q Conditions, 47 units may be a tight squeeze, but residential repurposing is clearly the 800 pound gorilla in the room.

If this parcel is rezoned to CM, all uses in the CM, C2 and R3 zones will be allowed. Issuance of a building permit for any project within the scope of allowed uses would only require ministerial approval and no environmental review. For example, some of the uses that could be approved without CEQA review which conform to the allowable CM and Q-Condition uses include:

Hotel or Lodge	Building Materials or Hardware Store
Construction Equipment Rental	Doggy Day Care
Café w/ Entertainment/Karaoke	Nightclub without Dancing
Rescue Mission	Taxicab Dispatch and Service
Car Wash	Sheet Metal Shop
Parcel Delivery Service & Dispatch	Probation Ofc./Drug Rehab out-patient

It is interesting to note that the CM zone and the Elysian Valley Q-conditions seem to be designed to encourage increased housing opportunities, but unfortunately the CM zone forbids daycare facilities in the zone, unless they are for dogs.

Our concern is that a proper environmental analysis may be side-stepped by declaring that the anticipated future [likely live-work] project meets all the requirements of the Planning Commission Letter of Determination. Presumably the Courts would see through the transparent effort to bifurcate the CEQA process if there was an attempt to evade CEQA processing. Clearly, the proposed zone change could create potential for environmental impacts even if no specific change in site uses is being advanced at this time. The current owner of the property is a developer and not an operator of light industrial facilities. The statement that the proposed

action (zone change) entails no physical development is a smoke-screen for an almost guaranteed intent to increase site intensity.

The City should further be cautioned that reliance on the Ordinance that created the various Q Conditions as a basis for approval of future development CEQA clearance has been invalidated by the Courts in the recent *Keep our Mountains Quiet v. Santa Clara County* (the “Wozniak” case) decision. The Court ruled that compliance with development standards alone to approve a project under CEQA fails to focus on unique local opportunities and constraints and sent the CEQA process back for an EIR for a very small project in itself. That finding was echoed in the Newhall decision which concluded that one size fits all compliance with state programs ignores the very local aspects of many environmental impacts.

The parcel in question was studied as Open Space in the 2004 MND for the community plan. In response to citizen concerns regarding the up-zoning of numerous parcels in the Elysian Valley to promote infill, additional future parklands were identified, including this parcel. It was offered as a mitigation measure in the 2004 Plan Update. To undo the Open Space zoning of 2791 Partridge constitutes a taking of future greenways offered to ensure continued development and access to recreational resources. (see Community Plan Goals 4 and 5)

Rather than trying a possible end-around, it would have made much more sense to be honest about that the proposed zone change was intending to accomplish and analyze impacts from a residential conversion of the site. Given the degree of local controversy, it would likely have been even better to incorporate the analysis into an EIR rather than relying on subterfuge at all.

HANS D. GIROUX

SUMMARY OF QUALIFICATIONS AND EXPERIENCE

EDUCATION:

- Bachelor of Arts in Physics, University of California (Berkeley), 1965.
- Bachelor of Science in Meteorology, University of Utah, 1966.
- Graduate studies in Meteorology, University of Wisconsin, 1967-68.
- Masters of Science in Meteorology, UCLA, 1972.
- Candidacy for Doctorate in Meteorology, UCLA, 1974.

PROFESSIONAL EXPERIENCE:

- Weather Forecaster, U.S. Air Force, Truax AFB, Madison, WI, 1966-67.
- Staff Weather Officer/Chief Forecaster, McChord AFB, WA, 1968-69.
- Teaching Assistant, Basic Meteorology/Advanced Dynamics, UCLA, 1969-71.
- Research Assistant, California Marine Layer Structure, UCLA, 1971.
- Research Assistant, Remote Air Pollution Sensing by Satellites, UCLA, 1972.
- Research Assistant, Climate Change - Aircraft Pollution, UCLA, 1973.
- Instructor, Basic Meteorology, Cal State Northridge, 1972-74.
- Air Pollution Meteorologist, S-Cubed, LaJolla, CA 1973-75.
- Senior Meteorologist, Meteorology Research, Inc., Altadena, CA 1975-77.
- Instructor, Weather for Flight Aircrews, Orange Coast College, 1976.
- Instructor, Basic Meteorology, Golden West Community College, 1976-81.
- Instructor, Basic Meteorology, Orange Coast College, 1977-81.
- Consultant, Atmospheric Impact Processes, Irvine, CA, 1977-present.

PRINCIPAL PROFESSIONAL RESPONSIBILITIES:

- Military:** Performed operational weather forecasting for jet aircrews; trained new personnel; responsible for ground safety, security, records administration, quality control, forecasting methodology research, and liaison with other base units; air defense battle staff weather officer; and deputy detachment commander.
- University:** Conducted laboratory sessions; instructed students in the use of meteorological instrumentation; demonstrated weather analysis techniques; supervised student weather observation programs; gave lectures and tests.
- Private:** Prepared air quality impact assessments for coal- and oil-fired, nuclear, solar geothermal and wind energy power generation systems; prepared impact assessments for transportation systems, industrial emissions sources, wastewater treatment plants, landfills, toxic disposal sites, oil processing facilities, mining operations, commercial, residential, institutional and recreational land uses, airports and harbors; conducted atmospheric gas tracer experiments; developed numerical airflow analyses; and conducted numerous meteorological and air quality data acquisition programs with a very strong emphasis in arid environments, geothermal development, odors and nuisance and in regional pollution impacts from Southern California urbanization.
- Air Quality
- Noise Developed impact assessments for roadways sources, construction equipment, sand and gravel plants, wineries, industrial equipment, gas recovery plants, railroads, recreational activities and oil refineries; monitored ambient noise levels from above sources, calibrated highway traffic noise model (FHWA-RD-77-108), and calculated sensitive receptor noise exposures; wrote community noise ordinances, purchased monitoring equipment and trained city staff; performed noise mitigation studies including barrier design, location, equipment noise control, and residential building retrofits.

PROFESSIONAL REFERENCES

- Dr. Don B. Blumenthal, President, Sonoma Technology, Inc., 707-527-9372
Mr. Jerry Backoff, Planning Director, City of San Marcos, 760-744-1050
Mr. Thom Ryan, Principal Planner, EDAW, Inc., 949-660-8044
Ms. Josephine Alido, Senior Planner, David Evans Associates, 909-481-5750
Dr. Joyce Hsiao, President, Orion Environmental Associates, 415-951-9503
Ms. Valerie Geier, President, Geier & Geier Consulting, 510-644-2535
Mr. Tom Dodson, President, Tom Dodson & Associates, 909-882-3612
Mr. David Tanner, President, EARS, 949-646-8958
Ms. Betty Dehoney, Principal Planner, HDR, Inc., 858-712-8400



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June 13, 2016

Planning and Land Use Management
Committee
City Council
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Re: Zoning and General Plan Correction Action for 2971 Partridge Avenue; Council File 05-0876-S2 (CPC-2015-3199-ZC-GPA); June 14, 2016 Item No. 6

Honorable Council Members:

We represent the owners of the property generally known as 2971 Partridge Avenue (the "Property") which is the subject of the above referenced zoning and general plan correction action scheduled for consideration before the Planning and Land Use Management Committee on June 7, 2016.

On behalf of the property owner, we extend our appreciation to planning staff for the extensive work performed over the last year to thoroughly review this matter and identify the appropriate responsive action, and we support staff's recommendation.

The Property is and always has been privately owned. As noted in the staff report, the Property's current open space zoning and general plan designation were erroneously applied as the result of an apparent mapping error in connection with the Silver Lake – Echo Park – Elysian Valley Community Plan update of 2004. While public entities acquired the land next door to our client's Property for open space purposes in 2001, our client's Property was never the subject of any public acquisition, and to our knowledge no public agency has ever proposed to acquire it. The Property is part of a larger site, the remainder of which is zoned [Q]CM-1XL-RIO, and all of which has been an active industrial use since the 1940's, developed with industrial structures built between the 1940's and 1980's. Under Municipal Code Section 12.04.05, the City's open space designation may only be assigned to "publicly owned land." The erroneous designation and the resulting split-zoning of a single industrial building site interferes with the owner's ability to finance and manage both the Property and the larger site of which it is a part.

Staff agrees that the Property's open space zoning and general plan designation were imposed in error, are not appropriate for this privately owned property currently in active industrial use, and are inconsistent with the intent of the 2004 community plan update. Accordingly, we respectfully request that the Commission adopt staff's recommendation to correct the problem by reverting the Property to the designation currently used for adjacent manufacturing properties, which will result in an appropriate and unified zoning and general plan designation for this site.

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We will be available at the PLUM Committee meeting on June 14, 2016 to address any questions the Committee members may have. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth A. Camacho".

Elizabeth A. Camacho
Senior Counsel