



CITY PLANNING COMMISSION

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

Mailing Date: JAN 16 2015

CASE NO.: CPC-2006-8689-GPA-ZC-HD-
CU-ZAA-SPR
CEQA: ENV-2006-7211-MND

Location: 805-833 S. Catalina St. and 806-836
S. Kenmore Ave.

Council District: 10 - Wesson

Plan Area: Wilshire

Zone: (Q)C2-1 and R4-2

Applicant: Mike Hakim, Colony Holdings LLC

At its meeting on December 11, 2014, the following action was taken by the City Planning Commission:

1. **Disapproved** the requested **General Plan Amendment** to the Wilshire Community Plan from Neighborhood Commercial and High Medium Residential to **Regional Commercial**.
2. **Disapproved** the requested **Zone Change** from (Q)C2-1 and R4-2 to **R5-2**.
3. **Denied a Conditional Use** for a development combining residential and commercial uses in the R5 zone when located in a redevelopment project area.
4. **Denied Zoning Administrator Adjustments** to permit a 15 foot side yard setback along the northerly portion of the property parallel to 8th Street and along the southern portion of the property in lieu of the minimum 16 foot setback otherwise required.
5. **Denied a Site Plan Review** approval for a development project which will result in an increase of 50 or more dwelling units.
6. **Adopted** the attached findings.
7. **Did not adopt** Mitigated Negative Declaration No. **ENV-2006-7211-MND**.

RECOMMENDATION TO CITY COUNCIL:

1. **Recommend** that the City Council **not adopt** the requested **General Plan Amendment** to the Wilshire Community Plan from Neighborhood Commercial and High Medium Residential to **Regional Commercial**.
2. **Recommend** that the City Council **not adopt** the requested **Zone Change** from (Q)C2-1 and R4-2 to **R5-2**.
3. **Recommend** that the City Council **not adopt** Mitigated Negative Declaration No. **ENV-2006-7211-MND**.

This action was taken by the following vote:

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

Vote: 8 – 0



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

Effective Date/Appeals: The City Planning Commission's determination is appealable. Any aggrieved party may file an appeal within 20-days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the City Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

FINAL APPEAL DATE: FEB 05 2015

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Findings
City Planner: Debbie Lawrence

FINDINGS

1. **General Plan Finding.** The subject property is located within the Wilshire Community Plan, which was adopted by the City Council on September 19, 2001 (Case No. CPC 97-0051 CPU). The Plan map designates the subject property as Neighborhood Commercial with corresponding zones of: C1, C1.5, C2, C4, P, CR, RAS3 and RAS4 and High Medium Residential with corresponding zone(s) of R4 (with Height District 2).
2. **General Plan Text.**

Framework Element

The Citywide General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Element establishes categories of land use -- Neighborhood District, Community Center, Regional Center, Downtown Center, and Mixed-Use Boulevard -- that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The definitions reflect a range of land use possibilities found in the City's already diverse urban, suburban, and rural land use patterns.

The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services. The proposed project would not be in conformance with several goals of the Framework as described below.

Objective 3.4. Distribution of Land Use: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1. Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

Wilshire Community Plan.

The Wilshire Community Plan text includes the following relevant land use objectives and policies:

GOAL 1: A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.

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

Policy 1-1.2. Promote neighborhood preservation in all stable residential neighborhoods.

Program: With the implementation of the Wilshire Community Plan, all discretionary actions, Specific Plans, and any community and neighborhood residential projects must be consistent with Wilshire Community Plan recommendations.

Policy 1-1.4 Provide for housing along mixed-use boulevards where appropriate.

Program: Create Mixed Use Districts along targeted boulevards identified in the General Plan Framework to support the construction of mixed use development.

Objective 1-2. Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops.

Policies 1-2.1. Encourage higher density residential uses near major public transportation centers.

Policy 1-3.4. Monitor the impact of new development on residential streets. Locate access to major development projects so as not to encourage spillover traffic on local residential streets.

Policy 1.4-2. Ensure that new housing opportunities minimize displacement of residents.

Policy 1.4-3. Encourage multiple family residential and mixed use development in commercial zones.

Program: The community plan identifies areas for mixed use development in commercial zones, as illustrated on the General Plan Framework Map.

Program: Create and implement mixed-use districts along boulevards as designated in the General Plan Framework.

The proposed Zone Change from (Q)C2-1 and R4-2 to R5-2 and General Plan Amendment from Neighborhood Commercial and High Medium Residential to Regional Commercial, does not meet the above Goals, Policies and Objectives of the Wilshire Community Plan in that the proposed level of development is not consistent with the existing pattern of development, is not consistent with the Wilshire Community Plan and would be better suited, and compatible with existing development along the Wilshire Corridor, to the north.

3. City Charter Sections 556 and 558. The recommended General Plan Amendment from Neighborhood Commercial and High Medium Density Residential does not comply with Charter Sections 556 and 558 in that the recommended amendment does not reflect the land use patterns, trends and uses in the immediate area and does not further the intent, purposes and objectives of the Wilshire Community Plan. The General Plan Amendment to Regional Commercial is not consistent with the Wilshire Community Plans Objectives and Policies to: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life and Provide for housing along mixed-use boulevards where appropriate.

As described in the Framework Element, Regional centers are intended to serve as the focal points of regional commerce, identity, and activity. They contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. The development of sites and structures integrating housing with commercial uses is encouraged in concert with supporting services, recreational uses, open spaces, and amenities. They are typically high-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City. Generally, regional centers will range from FAR 1.5:1 to 6:1 and are characterized by six- to twenty-story (or higher) buildings as determined in the community plan. Their densities and functions support the development of a comprehensive and inter-connected network of public transit and services.

The subject site does not meet any of General Plan Framework criteria for designation as a Regional Center. It is not located on a Secondary Highway such as Wilshire Boulevard, is not sited on a large independent lot set back from the property frontages nor does it contain a retail commercial mall, such as the Beverly Center and is not identified as a Mixed Use Boulevard by the General Plan Framework. The Wilshire Community Plan supports applicable commercially zoned portions of 8th Street (From Western Avenue to Vermont Avenue) as mixed use districts. However, the scale and intensity of the proposed project at the R5-2 and Regional Commercial density, is not compatible with the existing pattern of development along 8th Street and would be better suited and consistent with development along the Wilshire corridor to the immediate north. In addition, the proposed project does not have direct access to, or frontage along, 8th Street.

Parcels located to the north, which have their primary orientation toward Wilshire Boulevard a designated Major Class II Highway, are zoned R5-2 and have a General Plan Land Use Designation of Regional Commercial. These parcels are designated for high density residential (R5) and regional serving commercial uses. These are the only parcels in the immediate area planned and zoned for Regional Commercial uses, and they contain historically designated (Normandie-Mariposa Apartment District) high density multiple family residential uses, the LAUSD Central Los Angeles Learning Center #1, and various regional serving office and commercial uses.

4. **Zone and Height District Change Findings.** *Pursuant to Section 12.32C7 of the Municipal Code, and based on these findings, the recommended action is deemed NOT consistent with public necessity, convenience, general welfare and good zoning practice.*

The requested Zone and Height District Change from (Q)C2-1 and R4-2 to R5-2 is not in keeping with the prevailing zoning of the immediate area, and is not consistent with the existing, or planned, pattern of development within the immediate area, which includes one to six story, Low Medium Density Residential uses zoned R4-2 and one to three story Neighborhood serving Commercial uses zoned C2-1.

The subject parcel is located south of 8th Street and abuts two commercially zoned properties (to the immediate north) which face 8th Street. These parcels were studied as an ADD AREA as a portion of the subject General Plan Amendment from Neighborhood Commercial to Regional Commercial in the previously proposed project. These parcels are zoned C2-1 and contain surface parking and a one story commercial structure, and are not part of the proposed project.

Parcels located further to the north, which have their primary orientation toward Wilshire Boulevard a designated Major Class II Highway, are zoned R5-2 and have a General Plan Land

Use Designation of Regional Commercial. These parcels are designated for high density residential (R5) and regional serving commercial uses. These are the only parcels in the immediate area planned and zoned for Regional Commercial uses, and they also contain historically designated (Normandie-Mariposa Apartment District) high density multiple family residential uses, the LAUSD Central Los Angeles Learning Center #1, and various regional serving office and commercial uses.

The requested Zone Change from (Q)C2-1 and R4-2 to R5-2 would allow a level of development that is not consistent in scale or character with the existing, low to mid-rise multiple family and neighborhood serving commercial uses. The proposed project is the construction of a 27 story, 269 unit mixed use structure. Existing development in the immediate area is one to six stories in height and structures contain 1 to 40 dwelling units per site. The approval of the Zone Change to R5-2 would permit a level of development that is not consistent in intensity, scale or density to existing residential development and would be more appropriate if placed along Wilshire Boulevard, a designated Major Class II Highway, where the existing General Plan Land Use designation is Regional Commercial.

The proposed Zone Change and General Plan Amendment would permit Regional Commercial uses along 8th Street (a designated Secondary Highway), Catalina Street and Kenmore Avenue (both designated Local Streets). The proposed project is located two blocks south of Wilshire Boulevard which is identified in the General Plan Framework as a Transit-Related Priority street (major public transit corridor) as it has both high level rapid bus service and fixed rail transit. 8th Street is not an identified transit priority street as it supports only local bus traffic as is therefore, not identified in the Wilshire Community Plan as a location for increased residential density at the level which would be permitted by the Regional Commercial land use designation. In addition, according to the Traffic Impact Study (September, 2014) the proposed project will generate 2,012 daily vehicle trips, which will impact both Catalina Street and Kenmore Avenue (Local residential streets).

The project site is located along the northern border of the Koreatown Regional Commercial Center and the southern border of the Wilshire Center Regional Commercial Center. The Koreatown Regional Commercial Center runs along Olympic Boulevard, directly south of Wilshire Center. The intersection of Western Avenue and Olympic Boulevard is the core of this center. It is in the southwestern portion of the Plan Area, and is generally bounded by Eighth Street on the north, Twelfth Street on the south, Western Avenue on the west, and continues east towards Vermont Avenue. The Koreatown Regional Center includes low to mid-rise office and retail uses along Olympic Boulevard, with adjoining multiple family apartment blocks. The area is a cultural meeting place and nucleus of Korean American businesses, restaurants, and shops in addition to a wide range of community serving uses and large shopping centers. There are no R5-2 zoned properties currently located in the Koreatown Regional Commercial Center as this zone classification is permitted only on those parcels which are designated by the Wilshire Community Plan as Regional Commercial. The existing Wilshire Community Plan only contains this land use designation along Wilshire Boulevard between Hoover Street and Western Ave (Wilshire Center), Wilshire Boulevard between La Brea and La Cienega (Miracle Mile Center) and Beverly Boulevard (Beverly Center-Cedars Sinai) between Robertson Boulevard and San Vicente Boulevard. The Wilshire Center Regional Commercial Center area is approximately 100 acres in size and includes a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, and both high-rise and low-rise apartment buildings. It includes Wilshire Boulevard in the eastern central portion of the Plan Area and is generally bounded by 3rd Street on the north, 8th Street on the south, Hoover Street on the east, and Wilton Place on the west. The Wilshire Center includes the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard.

While the Wilshire Community Plan does support applicable commercially zoned portions of 8th Street (From Western Avenue to Vermont Avenue) as lower density mixed use districts, the scale and intensity of the proposed project at the R5-2 and Regional Commercial designation, is not compatible with the existing pattern of development along 8th Street and would be better suited and more consistent with development along the Wilshire corridor to the immediate north.

5. **Conditional Use Denial Finding.** Pursuant to Section 12.24 W 15 of the Municipal Code, a Conditional use for a development combining residential and commercial uses in the R5 zone when located in a redevelopment project area.

- a. ***The location of the project will NOT be desirable to the public convenience and welfare.***

The development of the proposed mixed use in the R5-2 Zone is not desirable to the public convenience and welfare in that it is neither consistent nor compatible with the existing or proposed pattern of development in the subject area. The requested Zone and Height District change to R5-2 and General Plan Amendment to Regional Commercial is being recommended for denial as indicated above.

- b. ***The proposed project will NOT be proper in relation to adjacent uses or the development of the community.***

The proposed development of a 269 unit, 27 story mixed use development is not proper in relation to adjacent uses or the development of the community. The requested Zone and Height District Change and General Plan Amendment which would permit the development of the proposed use is being recommended for denial. While mixed use development is compatible with the Wilshire Community Plan, the proposed intensity and scale is not and would be better suited for Wilshire Boulevard where the requested density is permitted, consistent and compatible.

- c. ***The proposed project will be materially detrimental to the character of development in the immediate neighborhood.***

As stated above, the scale and level of intensity of the proposed project is not compatible with the existing level of development in the immediate area and is not consistent with the Wilshire Community Plan as state above.

- d. ***The proposed project will NOT be in harmony with the various elements and objectives of the General Plan.***

The proposed project will not be in harmony with the Wilshire Community Plan in that the proposed intensity and scale is not compatible with the existing pattern of development and the requested Zone/Height District Change from (Q)C2-1 and R4-2 to R5-2 and General Plan Amendment from Neighborhood Commercial and High Medium Residential to Regional Commercial is not consistent with the Wilshire Community Plan.

6. **Adjustment Denial Findings.** Pursuant to Section 12.28 of the Municipal Code Adjustments to Section 12.12.C as follows: to permit a 15 foot side yard setback along the northerly portion of the property parallel to 8th Street and along the southern portion of the property in lieu of the minimum 16 foot setback otherwise required.

- a. *The granting of an adjustment will NOT result in development compatible and consistent with the surrounding area.*

The granting of the requested adjustments will not result in development compatible and consistent with the surrounding area. The proposed mixed use project is much greater in scale and intensity (269 dwelling units/27 stories in height) than any existing development in the immediate area. The proposed density is better suited along Wilshire Boulevard, to the north, where the existing General Plan Land Use Designation is Regional Commercial and will permit the R5-2 zone. The proposed mixed use project is located immediately adjacent to low level residential uses to the south. The project frontage is proposed along Catalina Street, which contains multiple family residential structures that do not exceed 6 stories in height. The intent of the required setback of 15 feet is to provide some buffer between the sidewalk and the structures and to soften the street frontage. The intensity and scale of the proposed mixed use project further support the placement of the required setbacks.

- b. *The granting of an adjustment will NOT be in conformance with the intent and purpose of the General Plan of the City.*

The proposed project will not be harmony with the Wilshire Community Plan in that the proposed intensity and scale is not compatible with the existing pattern of development and the requested Zone/Height District Change from (Q)C2-1 and R4-2 to R5-2 and General Plan Amendment from Neighborhood Commercial and Medium High Residential to Regional Commercial is not consistent with the Wilshire Community Plan, therefore, the granting of the subject adjustments will not be in conformance with the intent and purpose of the Wilshire Community Plan.

- c. *The granting of an adjustment is NOT in conformance with the spirit and intent of the Planning and Zoning Code of the City.*

The granting of the requested Adjustments is not in conformance with the spirit and intent of the LAMC in that the requested Zone/Height District Change and General Plan Amendment are not consistent with the Wilshire Community Plan.

- d. *There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.*

For the reasons set forth in Proposed Mitigated Negative Declaration No. ENV 2006-7211-MND, the project will not have a significant effect on the environment. A Traffic Study was prepared for the project in September 2014 and found that the addition of project traffic would not result in significant impacts at any of the study area intersections. The Los Angeles Department of Transportation has established specific thresholds for project-related increases in the Volume/Capacity (V/C) ration of signalized intersections.

- e. *The site and/or existing improvement DO NOT make strict adherence to zoning regulations impractical or infeasible.*

The proposed mixed use project is located immediately adjacent to low level residential uses to the south. The project frontage is proposed along Catalina Street, which contains multiple family residential structures which do not exceed 6 stories in height. The intent of the required setback of 15 feet is to provide some buffer between

the sidewalk and the structures and to soften the street frontage. The intensity and scale of the proposed mixed use project further support the placement of the required setbacks.

7. Site Plan Review Denial Findings. Pursuant to Section 16.05 F of the Municipal Code. The project does NOT comply with all applicable provisions of the Los Angeles Municipal Code,

Planning and Zoning Section and any applicable specific plan: The project is NOT consistent with the General Plan: The project is NOT consistent with any applicable adopted redevelopment plan: The project does NOT consist of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, load areas, lighting, landscaping, trash collections, and other such pertinent improvements, which is or will be compatible with existing and future developments, on the neighboring properties: Any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.

The proposed mixed use project is much greater in scale and intensity (269 dwelling units/27 stories in height) than any existing development in the immediate area. The subject site does not meet any of the above criteria for designation as a Regional Center. It is not located on a Secondary Highway such as Wilshire Boulevard, is not sited on a large independent lot set back from the property frontages nor does it contain a retail commercial mall, such as the Beverly Center and is not identified as a Mixed Use Boulevard by General Plan Framework. The Wilshire Community Plan supports applicable commercially zoned portions of 8th Street (From Western Avenue to Vermont Avenue) as mixed use districts. However, the scale and intensity of the proposed project at the R5-2 and Regional Commercial density, is not compatible with the existing pattern of development along 8th Street. The requested density is better suited along Wilshire Boulevard, to the north, where the existing General Plan Land Use Designation is Regional Commercial and will permit the R5-2 zone. The proposed mixed use project is located immediately adjacent to low level residential uses to the south. The project frontage is proposed along Catalina Street, which contains multiple family residential structures which do not exceed 6 stories in height.

The proposed project will not be in harmony with the Wilshire Community Plan in that the proposed intensity and scale is not compatible with the existing pattern of development and the requested Zone/Height District Change from (Q)C2-1 and R4-2 to R5-2 and General Plan Amendment from Neighborhood Commercial and High Medium Residential to Regional Commercial is not consistent with the Wilshire Community Plan.

8. CEQA Findings

An Initial Study/Mitigated Negative Declaration (ENV-2006-7211-MND) was prepared for the proposed project but not adopted. Because the applicant revised the project description, and the previous MND was more than five years old at the time of the revision, ENV-2006-7211-MND was updated and recirculated for a period of 20 days, beginning October 16, 2014 and ending November 4, 2014. No comments were received. On the basis of the whole of the record before the lead agency, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, at 200 North Spring Street.

The categories of Cultural Resources, Air Quality and Noise were found to have potentially significant impacts unless mitigated. Although the proposed project was identified in the MND as having a less-than-significant environmental impact with regard to Planning and Land Use, the proposed revised project does not conform to the City's land use goals and policies as defined in the General Plan Framework Element or Land Use Element (the Wilshire Community Plan). The environmental analysis indicates that the proposed project would be consistent with statewide, regional and local policies, citing recent legislation (i.e. SB 743 and SB 375) that encourages development of mixed-use projects in transit priority areas, thereby reducing greenhouse gas emissions through reduced vehicle trips.