



DEPARTMENT OF CITY PLANNING

APPEAL RECOMMENDATION REPORT

East Los Angeles Area Planning Commission

Date: April 26, 2023
Time: 4:30 p.m.
Place: Ramona Hall Community Center,
4580 North Figueroa Street, Los
Angeles, CA 90065

Public Hearing: Required
Appeal Status: Not appealable
Expiration Date: May 12, 2023
Multiple Approval: No

Case No.: DIR-2022-3145-WDI-A1
CEQA No.: ENV-2021-3146-CE
Incidental Cases: N/A
Related Cases: N/A
Council No.: 14 – de Leon
Plan Area: Boyle Heights
Specific Plan: N/A
Certified NC: Boyle Heights
GPLU: Heavy Manufacturing
Zone: M3-1-RIO-CUGU
Applicant: Jason Morrow
Representative: Reuben Duarte

PROJECT LOCATION: 2160 East 7th Street (731-751 South Mission Road)

PROPOSED PROJECT: A change of use and tenant improvement within an existing one-story warehouse building into a three-story sound stage/motion studio with offices and 19,599 square feet of additional floor area, with parking re-striping. The project includes a request for a Waiver of Dedication and Improvement Requirements as required under LAMC Section 12.37, including the construction of a new ADA-compliance sidewalk and curb along Mission Road.

REQUESTED ACTION: An appeal of the January 30, 2023, Director of Planning's determination to deny a Waiver of Dedication and Improvements for the construction of ADA complaint sidewalks and curbs according to City standards.

RECOMMENDED ACTIONS:

1. **Deny** the Appeal and sustain the decision of the Director of Planning;
2. **Determine**, based on the whole of the administrative record, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15061(b)(4) and 15270, as a project that is disapproved; and,
3. **Adopt** the attached revised Findings of the Director of Planning.

VINCENT P. BERTONI, AICP
Director of Planning

Jane Choi

Jane Choi, AICP, Principal Planner

Chi Dang

Chi Dang, City Planner
(213) 978-1308

Deborah Kahan

Deborah Kahan, AICP, Senior City Planner

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PROJECT ANALYSIS

Project Summary

The Project is a change of use and tenant improvement within an existing one-story warehouse building into a three-story sound stage/motion studio with offices and 19,599 square feet of additional floor area, with parking re-striping. The Project includes a request for a Improvement Requirements as required under LAMC Section 12.37, including the construction of a new ADA-compliance sidewalk and curb along Mission Road. As a project adding additional floor area to an existing building, the Project is subject to the dedication and improvement requirements of Los Angeles Municipal Code Section 12.37. On January 30, 2023, the Director of Planning issued a determination (Exhibit C) denying a request for a Waiver of Dedication and Improvements for the project site, subjecting the Project to construct a new ADA compliant sidewalk and curb along the west side of Mission Road.

Background

The subject property is rectangular shaped, comprised of four (4) contiguous lots totaling approximately 108,727 square feet in size. The Project Site is located at the southwest corner of the intersection of Mission Road and 7th Street and has approximately 741 feet of frontage along Mission Road and 146 feet of frontage along 7th Street. The Project Site is improved with an existing one-story cold storage warehouse. As shown in Exhibit D, on October 12, 2021, the Los Angeles Building and Safety (LADBS) issued a building permit for the remodel of the one-story warehouse building into a three-story, motion picture production studio, related offices, and parking restriping under Building Permit No. 21014-10000-01408, as shown in Exhibit D.1.

The Project Site is zoned M3-1-RIO-CUGU with a land use designation of Heavy Manufacturing in the Boyle Heights Community Plan area. The Project Site is located in a highly urbanized area surrounded by light industrial uses to the north, south, and east, and the Los Angeles River to the west. Surrounding uses include the City's Bureau of Sanitation, Super King Corporate Office and warehousing/distribution facilities, with the Sanitation Bureau immediately east of the Project Site across from Mission Road. The subject property is located within the Clean Up Green Up (CUGU), Adelante Eastside Redevelopment Project Area, River Improvement Overlay District, East Los Angeles State Enterprise Zone, MTA Right-of-Way (ROW) Project Area (ZI-1117), and Urban Agriculture Incentive Zone.

The Project is requesting to waive the construction of ADA compliant sidewalks and curb along the west side of Mission Road, retain two existing non-standard driveway approaches and not construct new city standard driveway approaches per Standard Plan S-440-4. Pursuant to LAMC 62.105.2, the maximum width of driveway aprons located in an M zone is 30 feet. The length of the existing non-standard driveway approach to the north is approximately 172 feet and the non-standard driveway to the south is approximately 171 feet wide. The Director of City Planning does not have the authority to approve non-standard driveway approaches under LAMC Section 12.37. Pursuant to LAMC Section 62.105.5., requests to deviate from the LAMC Section 62.105.2 requirements may be filed with the Board of Public Works. Therefore, for this Project, the Director only has the authority to review the request to waiver from highway dedications and roadway improvements following Standard Plan S-470-1 per LAMC Section 12.37 I.2.

The Applicant subsequently filed an appeal of the Director's Determination on February 9, 2023.

APPEAL ANALYSIS

Summary of Appeal

In the submitted appeal application, the Appellant states that the Director of Planning erred in their findings and abused their discretionary authority in denying Case No. DIR-2022-3145-WDI by requiring the Appellant to construct standard sidewalks, curb gutters, and driveways. The Appellant states that the improvements represent a disproportionate burden that is not commensurate to the scope of the improvements at the Project Site. Specifically, the Project is primarily limited to interior improvements of the existing structure, façade improvements such as paint, a minor change in the structure's footprint to accommodate the construction of a mezzanine level for the proposed office space, and re-paving and striping of the existing surface parking lots.

APPEAL POINT 1:

The appeal states that the Director of Planning erred in determining that the required improvements bear a reasonable relationship to the project impact as required in Finding 1.

The Appellant contends that the Director of Planning's erred in their assessment of project impacts by misreading the nexus between the change of use from a cold storage warehouse to a sound stage use and by inferring that a change of use results in an increase in pedestrian and vehicular user intensity.

STAFF RESPONSE:

The Appellant contends that the Director of Planning misread the nexus between the required improvements and the project's development activity, arguing that the Director focused on the change of use as a trigger for the required improvements. The Appellant argues that it is not change of use, but rather the addition of floor area that triggers these requirements. To support their argument, the Appellant references the exemption under LAMC Section 12.37.B.3, that allows for non-residential additions of 500 feet to be excluded from the dedication and improvement requirements. According to Building and Safety Building Permit No. 21014-10000-01408 (Exhibit D.1.) an additional 19,599 square feet of floor area was added to the existing warehouse building resulting of the construction of two interior stories.

The Director agrees with the claim that the Project's additional floor area triggered the requirement for improvements. The Applicant is intensifying the Project Site by adding 19,599 square feet of floor area and converting the warehouse into a motion and sound studio with offices. Discussion regarding change of use and intensity provides additional context to the project request. The fact remains that the Project results in a substantial increase (over 500 square foot threshold of non-residential floor area) above the existing development's floor area and thereby triggers the requirement for dedication and improvements. Staff has submitted revised findings (Exhibit F) to reflect the additional floor area as the trigger for the improvement provisions of LAMC 12.37 A.

Pursuant to 12.37 A, the Project is required to improve Mission Road to Local Street Standards as the Project is enlarging the floor area of the building. The Project Site does not possess any physical impracticalities that would allow the Director of Planning to waive the required improvements along the Project's street frontage. The right of way improvements will provide pedestrian sidewalks and ADA accessibility for the future tenants and visitors of the Project Site and bears a reasonable relationship to the Project's impact. Should an applicant be granted the waiver of said improvements, it is under the authority of the Director to make any one of the following three mandated findings in the affirmative:

1. *The dedication or improvement requirement does not bear a reasonable relationship to any project impact;*
2. *The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established;*
3. *The dedication or improvement requirement is physically impractical.*

Specific to this request and as shown in the letter of determination (Exhibit C) and revised Findings (Exhibit F), all three mandated findings were made in the negative as there is still no evidence in the record to justify granting the waiver.

APPEAL POINT 2:

The Appellant states that the Director of Planning erred in determining that the improvements are necessary in order to meet the City's mobility needs for the next 20 years as required in Finding 2.

STAFF RESPONSE:

The Appellant presents a right-of-way improvement project located on Molino Street in the Arts District ("Molino Street ROW") to present a project where standard improvements were not met to meet the City's transportation and mobility goals. The Molino Street ROW is located in the Central City Community Plan Area, approximately 1 mile northwest of the Project Site, and is part of the Downtown Los Angeles Arts District Cyclist/Pedestrian Safety Project. The Molino Street ROW at-grade improvements do not provide raised sidewalks or driveways. The Appellant's asserts that because the Molino Street ROW does not maintain at-grade improvements with neither raised sidewalks nor driveways, it is an indication that raised sidewalks and driveways are not broadly required to meet the City's mobility needs. And thus, the same logic would apply to the Project, therefore affording the Appellant the ability to also improve the ROW in front of the Project in a manner alternative to the Standard Street plans.

The Molino Street ROW does not have a bearing on this Project for several reasons. Namely, the Molino Street ROW is part of the Active Transportation Program Cycle 3: Downtown Los Angeles Arts District Pedestrian and Cyclist Safety Project. The project is being proposed by the City of Los Angeles, in cooperation with the California Department of Transportation. Because the Molino Street ROW is not triggered by private development, the authority and processes under LAMC 12.37 do not apply, whereas they do apply to the Project.

Furthermore, any improvements alternative to standard requirements are outside the scope of the authority of this waiver request from the Department of City Planning. Pursuant to LAMC 12.37.H.4., a separate authority that allows for variations from the standard mobility requirements exists:

"The City Engineer may approve and allow such variations from the aforesaid requirements as he determines are made necessary by the conditions of the terrain and the existing improvements contiguous to the property involved."

The Appellant has conflated the request for widening and improvements with the request for non-standard improvement. The variation proposed for the Molino Street ROW is unique due to the fact that it is a City project that adheres to different code requirements than private projects. These special circumstances should not be confused with the Project that proposed in an addition 19,599 square feet of floor area to a private development, pursuant to LAMC Section 12.37.A.

Pursuant to LAMC 12.37 I.2.(b), the Director shall approve a requested waiver of improvements unless the Director makes a finding based on substantial evidence that the improvements are not

required to meet the City's Mobility needs for the next 20 years. The record does not contain substantial evidence that would allow the Director to approve the waiver of improvement request by making a finding that the requested waiver is not necessary to meet the City's Mobility needs. Although the Appellant presents one project where sidewalk improvements were not required, the Director has previously denied waivers of improvements and required the construction of a standard sidewalk throughout other projects throughout the City, such as the new refuse transfer station at 2440-2460 E. 24th Street and the construction of three duplexes at 1750 North Van Ness Avenue.

The Appellant contends that the Director of Planning assumes that the requiring standard sidewalk and curb improvements are necessary to meet safety requirements of assumed pedestrian traffic at the Project Site by citing Goals 1.1 and 2.3 of the City's Mobility Element, which states that:

1.1 Roadway User Vulnerability

Design, plan, and operate streets to prioritize the safety of the most vulnerable roadway user.

2.3 Pedestrian Infrastructure

Recognize walking as a component of every trip and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

According to the U.S. Department of Transportation, "roadways without sidewalks are more than twice as likely to have pedestrian crashes as sites with sidewalks on both sides of the street."¹ The standard sidewalk and curb improvements create a physical separation and raised barrier between pedestrians and vehicles which thereby reduces the chances of pedestrian vehicular conflict and creates a safer and more comfortable walking environment consistent with Goals 1.1 and 2.3 of the City's Mobility Element

The Appellant states that they are open to installing bollard and other improvements to differentiate the pedestrian path of travel, however, alternative improvements located in the public right-of-way are outside of the Director's authority and require review and approval from the Bureau of Engineering through the Revocable Permit process.

APPEAL POINT 3:

The Appellant argues that the required sidewalk and curb improvements do not contribute to the pedestrian network and are disconnected from the existing circulation network.

STAFF RESPONSE:

The Appellant argues that pedestrian traffic is unlikely to materialize in the next several years along the portion of Mission Road abutting the Project Site as it is used primarily by the four property owners and is disconnected from the rest of the City's street network. The Appellant states that the City's Bureau of Sanitation property does not include standard ADA sidewalks on along 7th Street, is occupied by non-standard driveways exceeding a 100 foot in width, and that there is no direct ADA accessible pathway from 7th Street and beyond onto this portion of Mission Road. Although the Bureau of Sanitation property is improved with non-standard driveways, it is

¹ *Investigating improvements to pedestrian crossings with an emphasis on the rectangular rapid-flashing beacon.* U.S. Department of Transportation, Federal Highway Administration. (2015, June). Retrieved April 11, 2023, from <https://www.fhwa.dot.gov/publications/research/safety/15043/008.cfm>

also improved with approximately 200 feet of standard sidewalks and curbs along 7th Street which would eventually lead to the sidewalk improvements required along the Project Site, as shown in Figure 1.

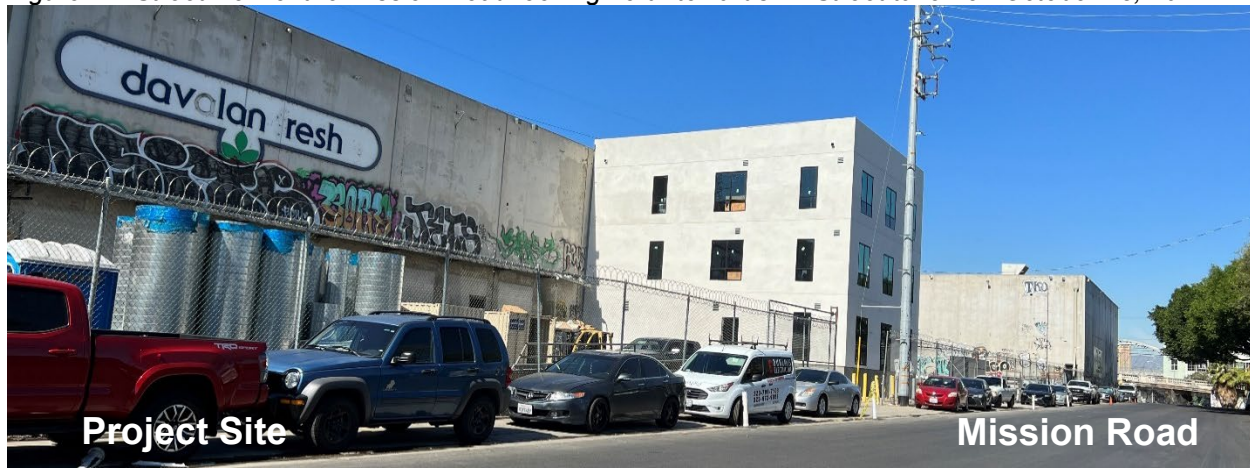
The Appellant contends that requiring an ADA sidewalk and curb would be constructing a “sidewalk to nowhere” along Mission Road leading to a dead end and argues that the Project Site is disconnected from the City’s street network. Although the Project terminates at the southern portion of Mission Road, the Project Site is connected to the City’s street network via the lower portion of 7th Street, as seen in Figure 1. Also, it should be noted that the ADA accessible sidewalk could be used for pedestrians circulating along the perimeter of the Project Site, as the Project will introduce more vehicles and pedestrians entering the Project Site for the operations of the motion and sound studio, as seen in Figure 2.

Figure 1 – Aerial view of the 7th Street sidewalks abutting the Bureau of Sanitation Property



The Appellant contends that the Director of Planning erred in assuming that heavy pedestrian traffic is likely to materialize in the next several years. The Appellant then argues that if pedestrian activity and vehicular traffic in this area were higher, that the improvements in this location would create increasing risk of conflict between pedestrians and the vehicles entering and existing the parking area of the Project Site. The Appellant, however, fails to provide evidence that constructing sidewalks and curbs in this location would increase the risk of conflict between pedestrians and vehicles entering the existing parking area.

Figure 2 – Street view of the Mission Road looking north towards 7th Street taken on October 18, 2022



The Appellant states that denying the Waiver of Improvements would require additional discretionary entitlements to meet the City's minimum parking requirements for studio and office uses, as the existing driveway widths would be reduced and access to tandem parking spaces would be removed. This assertion is conflating two issues – the maximum allowable width of driveways and the requirement to dedicate and improve sidewalks. The Director of Planning does not have the authority to approve non-standard driveway widths; this is under the authority of the Bureau of Engineering. The Director of Planning's role was to decide whether a waiver of dedication and improvements to the sidewalks is appropriate in this case and issue a determination memorializing this decision. Decisions regarding the length of the sidewalks and whether they will block access to existing tandem parking in the future are not under the Director's jurisdiction. Thus, Appellant's arguments regarding reducing the current driveway widths and losing access to parking spaces are not relevant to the Director's determination. Despite the irrelevance of this point, it should be noted that pursuant to AB 2097, effective January 1, 2023, the City no longer imposes minimum parking requirements for commercial projects located in a Transit Priority Area. This Project qualifies for AB 2097, thereby removing the necessity for the Project to maintain its existing tandem parking for non-residential uses. On April 3, 2023, LADBS finalized a supplemental building permit that utilized AB 2097 and reduced the project's required parking as shown in Building Permit No. 21014-10003-01408 (Exhibit D.2.) The Project was previously required to provide 62 compact parking stalls and five (5) disabled parking stalls, as shown on page 2 of Permit No. 21014-10000-01408 (Exhibit D.1.) Under AB 2097, the Project is currently providing 21 compact parking stalls and five (5) disabled parking stalls as shown on page 2 of the supplemental building permit (Exhibit D.2.)

Staff's Recommendation:

In consideration of the foregoing, it is submitted that the Director of Planning did not err or abuse its discretion in denying the Waiver of Dedication and Improvements, requiring the Applicant to construct standard ADA compliant sidewalks and curbs along Mission Road. Staff recommends that the East Los Angeles Planning Commission deny the appeal, sustain the action of the Director of Planning in denying the Waiver of Dedication and Improvements, and adopt the revised Findings of the Director of Planning.

EXHIBIT A –

1. WDI Appeal Application



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- ☒ Area Planning Commission ☐ City Planning Commission ☐ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: DIR-2022-3145-WDI

Project Address: 2160 E 7th Street

Final Date to Appeal: 02/14/2023

2. APPELLANT

Appellant Identity:
(check all that apply)

- ☒ Representative ☒ Property Owner
☒ Applicant ☐ Operator of the Use/Site

☐ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

☐ Person affected by the determination made by the **Department of Building and Safety**

- ☐ Representative ☐ Owner ☐ Aggrieved Party
☐ Applicant ☐ Operator

3. APPELLANT INFORMATION

Appellant's Name: Jason Morrow

Company/Organization: RREF III 7th Street LLC

Mailing Address: 30 Hudson Yards, 83rd Fl

City: New York State: NY Zip: 10001

Telephone: (213) 254-2020 E-mail: JMarrow@related.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self ☐ Other: _____

b. Is the appeal being filed to support the original applicant's position? ☒ Yes ☐ No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Reuben Duarte

Company: Somos Group, LLC

Mailing Address: 304 S. Broadway, Ste. 350

City: Los Angeles State: CA Zip: 90013

Telephone: (213) 592-1185 E-mail: reuben@somosgroup.org

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

b. Are specific conditions of approval being appealed? ☐ Yes ☒ No

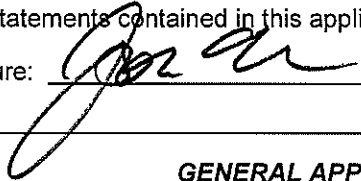
If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- ☒ The reason for the appeal ☒ How you are aggrieved by the decision
☒ Specifically the points at issue ☒ Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 3/10/2023

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

- a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☐ Appeal Application (form CP-7769)
☐ Justification/Reason for Appeal
☐ Copies of Original Determination Letter

b. Electronic Copy

- ☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
☐ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITIES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- ☐ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- ☐ **1. Appeal of the Department of Building and Safety determination**, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2. Appeal of the Director of City Planning determination** per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

- ☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

EXHIBIT B -
Appeal Justification

Justification for Appeal to Planning Case No. DIR-2022-3145-WDI

2160 East 7th Street, Los Angeles, California

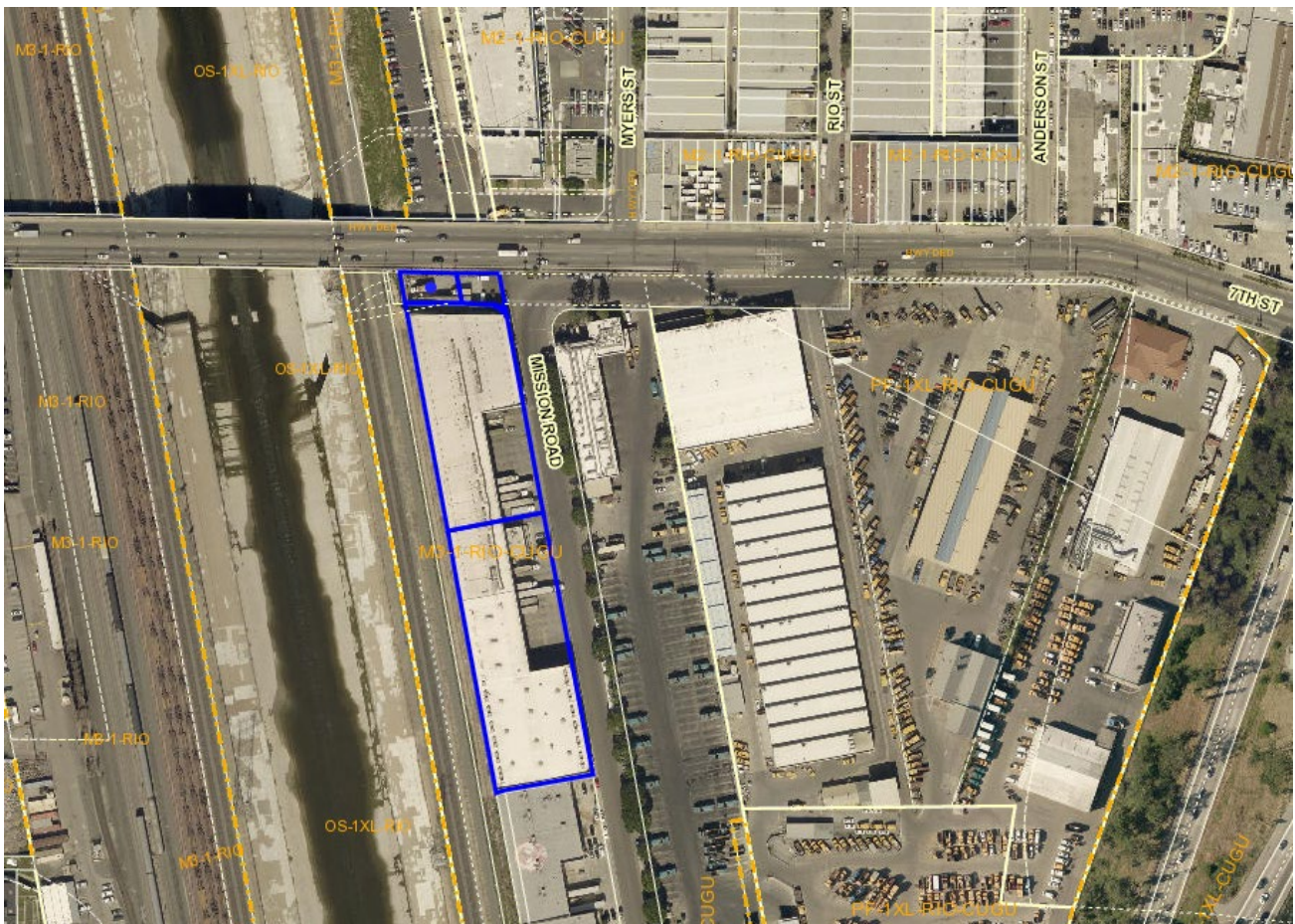
NOTES:

Appellant must demonstrate the following justifications:

1) Reason for the Appeal

RREF III 7th Street LLC (“Appellant”) is the owner of the property located at 2160 East 7th Street, and 731-751 South Mission Road (“Site”) in the City of Los Angeles (“City”), as outlined in Figure 1 below. The Appellant is requesting the East Los Angeles Area Planning Commission (“APC”) review and reverse the determination by the Director of Planning (“Decision Maker”) related to Planning Case No. DIR-2022-3145-WDI on the grounds that the Decision Maker erred in their assessment and justification to require the Appellant to construct standard sidewalks, curb gutters, and driveways. Appellant respectfully requests APC grant the Appellant’s appeal and approve the requested waiver of dedication and improvement (“WDI”) to maintain existing street and curb conditions adjacent the Site.

Figure 1 – Site Aerial¹



¹ Los Angeles Zoning Information and Map Access Systems (“ZIMAS”)

2) How Appellant is Aggrieved by Appeal

The Appellant is the owner of the Site and developer of the project that includes a change of use from a previously existing cold storage warehouse, to a modern sound stage and film production facility and ancillary offices (“Project”). The Decision Maker’s determination to require the Appellant construct standard sidewalks, curb gutters, and driveways represents a disproportionate burden on the Appellant that is not commensurate to the scope of the improvements at the Site. Specifically, the Project is primarily limited to interior improvements of the existing structure, façade improvements such as paint, a minor change in the structure’s footprint to accommodate the construction of a mezzanine level for the proposed office space, and re-paving and striping of the existing surface parking lots.

3) Specific Points at Issue

- The Los Angeles Municipal Code (“LAMC”) requires new improvements based only on the addition of floor area, not when associated with a change of use based on the presumed intensity of that use.
- The City’s Bureau of Engineering’s proposed street improvements on Molino Street in the Arts District demonstrate that standard improvements are not necessary to meet the transportation and mobility goals of the City.
- The proposed improvements are ill-proportioned to the scope of work on the Site, which is limited to change of use from cold storage warehouse to sound stage/studios.
- The required improvements represent a disconnected “sidewalk to nowhere” that is disconnected from the rest of the circulation network and does not contribute to meaningful pedestrian improvements

4) Why Decision-Maker Erred or Abused Their Discretion

Finding 1: *The dedication or improvement does not bear a reasonable relationship to any project impact.*

Decision maker erred in its assessment of project impacts, relying on an assessment based on the change of use from a cold storage warehouse to a sound stage use results in an increase in pedestrian and vehicular user intensity. This is a misreading of the nexus required between improvements and development activity. The improvements at issue are not required because of a change of use, instead only by a minor increase in floor area. Specifically, we know that change of uses in of and themselves do not trigger improvements. Pursuant to LAMC Section 12.37.B.3, only the addition of 500 square feet to an existing non-residential use would trigger the Bureau of Engineering to assess the potential requirement for street improvements for as-of-right development. There is no language within LAMC Section 12.37 which associates a change from one use to another that would similarly trigger this evaluation, regardless of the implied intensity of vehicular or pedestrian traffic. If so, there would be significant number of small tenant spaces required to construct new street improvements when they undergo a change from lower intensity uses, such as retail spaces, to higher intensity uses, such as restaurants, even if no change in floor area. With respect to the Project, had the same change of use from warehouse to sound stage occurred without addition of floor area, no improvements would be required, even though the City’s position on the increased

intensity of use is assumed to remain. Thus, the City erred in making a finding that the improvements bear a reasonable relationship to the Project based on intensity of use.

Finding 2: The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on the Streets Standards Committee has established.

The City's current project on Molino Street in the Arts District, currently seeking bids from contractors, demonstrates that the standard improvements are not required to meet the City's mobility needs. The Molino Street project proposes to maintain at-grade improvements with no raised sidewalks or driveways (see Exhibit A – Proposed Street Section, BID Set). Instead, the street would maintain its at-grade conditions while constructing pedestrian safety improvements.

The Decision Maker relies on the assumptions that grade-separate standard improvements are required to meet the safety requirements of the assumed pedestrian traffic at the Site, citing Goals 1.1 and 2.3 of the City's Mobility Element. Specifically that the granting of the WDI would result in inconsistent conditions on Mission Road and diminish these goals, present traffic safety issues, and create goods movement issues. However, the Molino Street improvements demonstrate the City broadly does not agree, and the same safety pedestrian safety improvements may be achieved without constructing new standard sidewalks, gutters, and driveways while still meeting the intent of the goals of the Mobility Element. Thus, the Decision Maker erred in its assumption that the improvements are necessary to meet the goals of the Mobility Element.

Further, it is unclear how the improvements, or lack thereof, would hinder goods movement activities. As mentioned, the requested WDI is to maintain existing conditions of the western side of Mission Road, which includes only three tenants, the Appellant's property, Super King Headquarters and Warehouse, and across the street is the City's Bureau of Sanitation facility. Mission Road partially terminates in this location at a cul-de-sac under the interchange of I-10 and I-5, with only a small service road continuing under the large interchange to another warehouse facility. See Figure 2 below. This other warehouse facility has more direct access to Olympic Boulevard to the south of its property. Thus, the existing conditions, which Appellant is requesting to remain, have been successfully operating with goods movement tenants for many years. Thus the Decision Maker has erred in its assumption of a nexus between the improvements and goods movement.

The above notwithstanding, the Appellant is open to installing bollards and other improvements to clearly differentiate pedestrian path of travel. However, the standard improvements required by the City bear a disproportionate responsibility on the Appellant compared to the scope of the change of use on the Site.

Figure 2 – View of dead end/cul-de-sac south of Site on Mission Road



Finding 3: The dedication or improvement requirement is physically impractical.

As discussed above, the Site is located on a portion of Mission Street that is both disconnected from the rest of the City's street network and used primarily by four property owners. The requested improvements and justifications by the City rely on an incorrect assumption of primarily heavy pedestrian traffic that is unlikely to materialize in the next several years, let alone within the lifetime of the Mobility Element's projection. The Mobility Element itself does not identify the only access road to this portion of Mission Street, labeling it only as an unidentified street with no standards. See Figures 3 – 4. To that end, this portion of Mission road thus has no direct connection to the rest of the City's street network as it terminates at the foot of the 7th Street Bridge's support structure. The City's own Bureau of Sanitation property does not include standard ADA sidewalks on this unclassified access road, where much is occupied by long, non-standard driveways exceeding 100 feet, providing access to Bureau of Sanitation vehicles to the their property. Meaning there is no direct ADA accessible pathway from 7th Street and beyond onto this portion of Mission Road. Even if constructed adjacent the Site, a new sidewalk would be a "sidewalk to nowhere", quite literally, providing an island of access to an industrial street with a dead end. See Figures 5 – 10 below. To request the improvements at this location for the Project represents both an ill proportioned condition not commiserate to the scope of work of the Project, as well as a disconnected and inconsistent sidewalk condition, which is counter to the City's Mobility Element goals.

Even if we assume that pedestrian activity and vehicular traffic in this area was higher than it is in reality, the Improvements in this location would create increasing risk of conflict between pedestrians and the vehicles entering and existing the parking area of the Site. The existing conditions adjacent the Site, as shown in Figure 10, have been sufficient for previous site operations as a cold storage warehouse, as well as other uses within this area of Boyle Heights that is dominated by warehouse

structures, including those converted to film studios and/or office space, that maintain previously existing at-grade curbs, gutters, and no sidewalks.

Further, the Applicant underwent a lengthy process with City Planning prior to submitting for building permits in order to permit triple-tandem parking to meet the City's parking requirements for studio and office uses. The City's Zoning Administrator rescinded a past interpretation that prohibited the Applicant from using triple tandem parking for non-residential uses (Exhibit B). If required to construct standard sidewalks, curbs, gutters, and driveways, the Site would lose approximately 30 parking spaces in order to meet standard City parking lot design requirements, including drive aisle, which would reduce parking needed for the operation of the use. As a result, the Applicant would require additional discretionary entitlements to permit modifications to vehicular parking at the Site as a result of denial of this WDI.

Figure 3 – Mobility Plan Circulation Map A-7



Figure 4 – Navigate LA

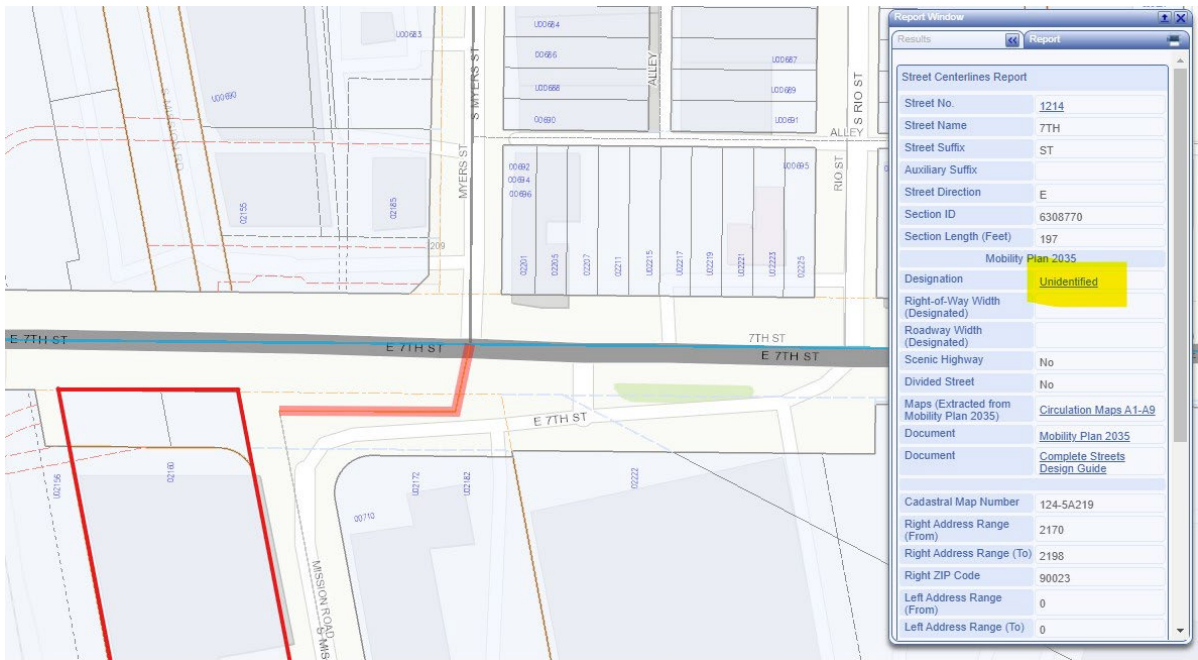


Figure 5 – 7th Street view south towards turn to 7th Place



Figure 6 – View of Bureau of Sanitation driveway on southside 7th Place



Figure 7 – 7th Place view east



Figure 8 – 7th Place view west towards site (directly ahead)



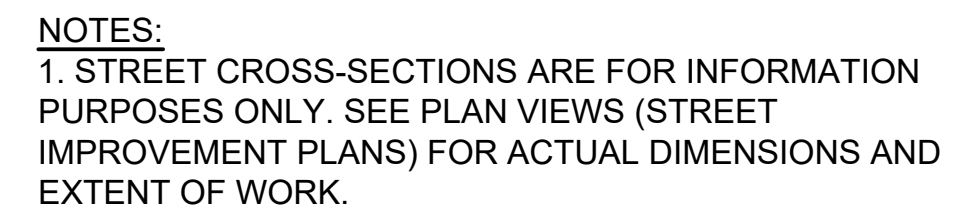
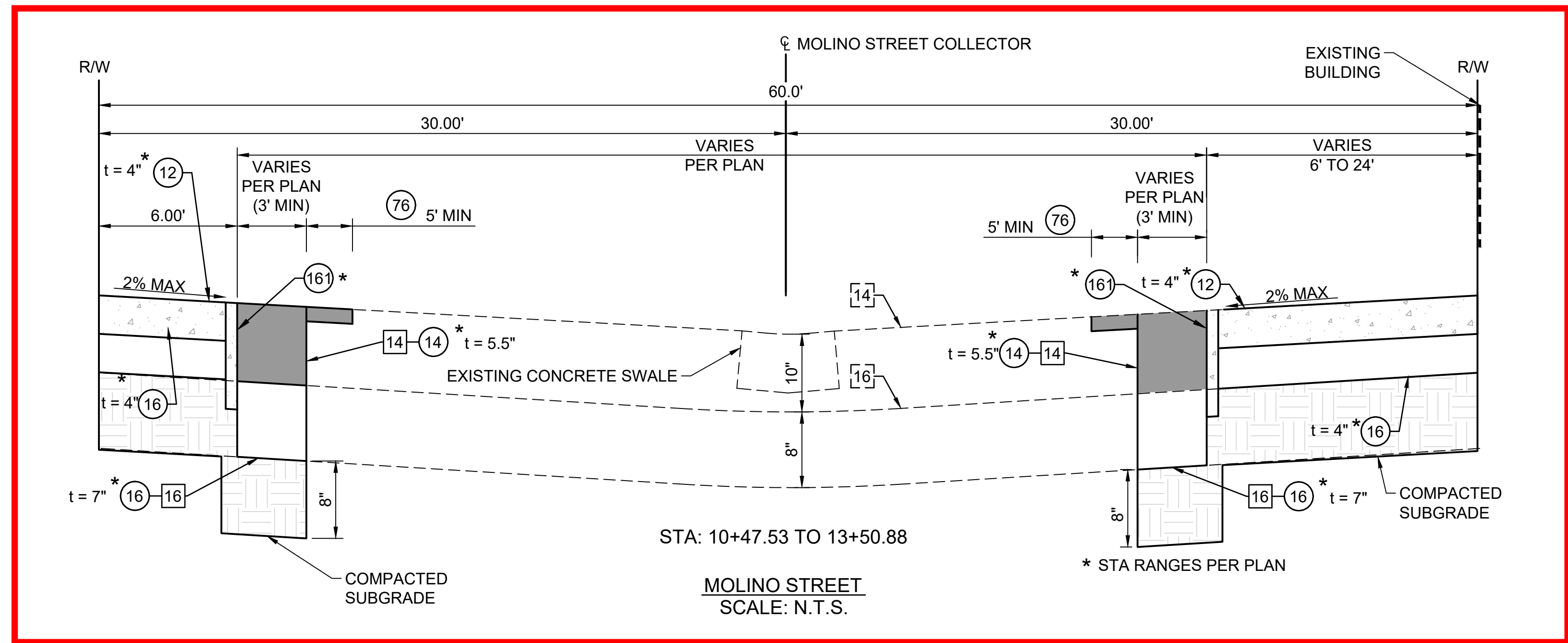
Figure 9 – Mission Road view north towards 7th Street bridge (no access)



Figure 10 – Existing Site conditions



EXHIBIT A



ENGINEERING
CITY OF LOS ANGELES

Street and Stormwater Division

SIGNED AND STAMPED

BUREAU OF ENGINEERING

DEPARTMENT OF PUBLIC WORKS

LOS ANGELES

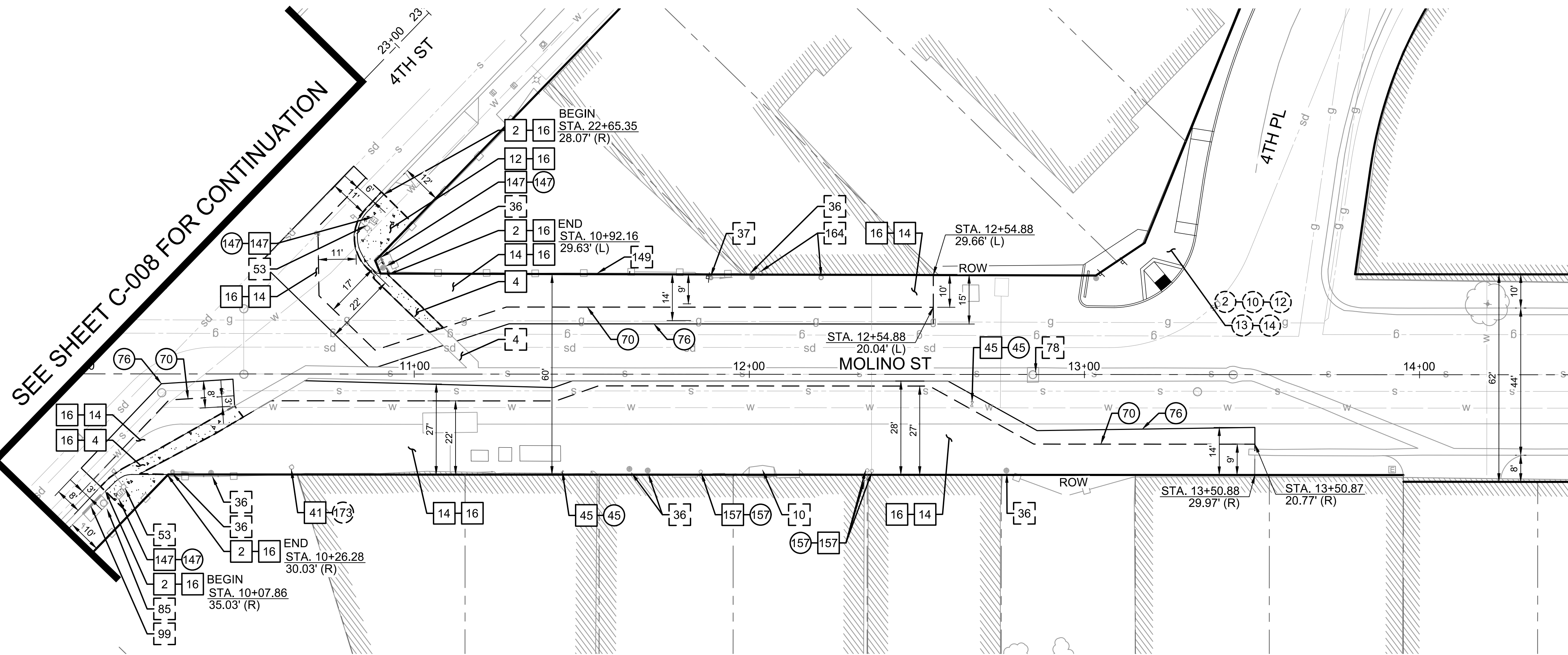
WORK ORDER NO.
E700239F

SHEET NAME
G-006
SHEET 06 OF 130 SHEETS

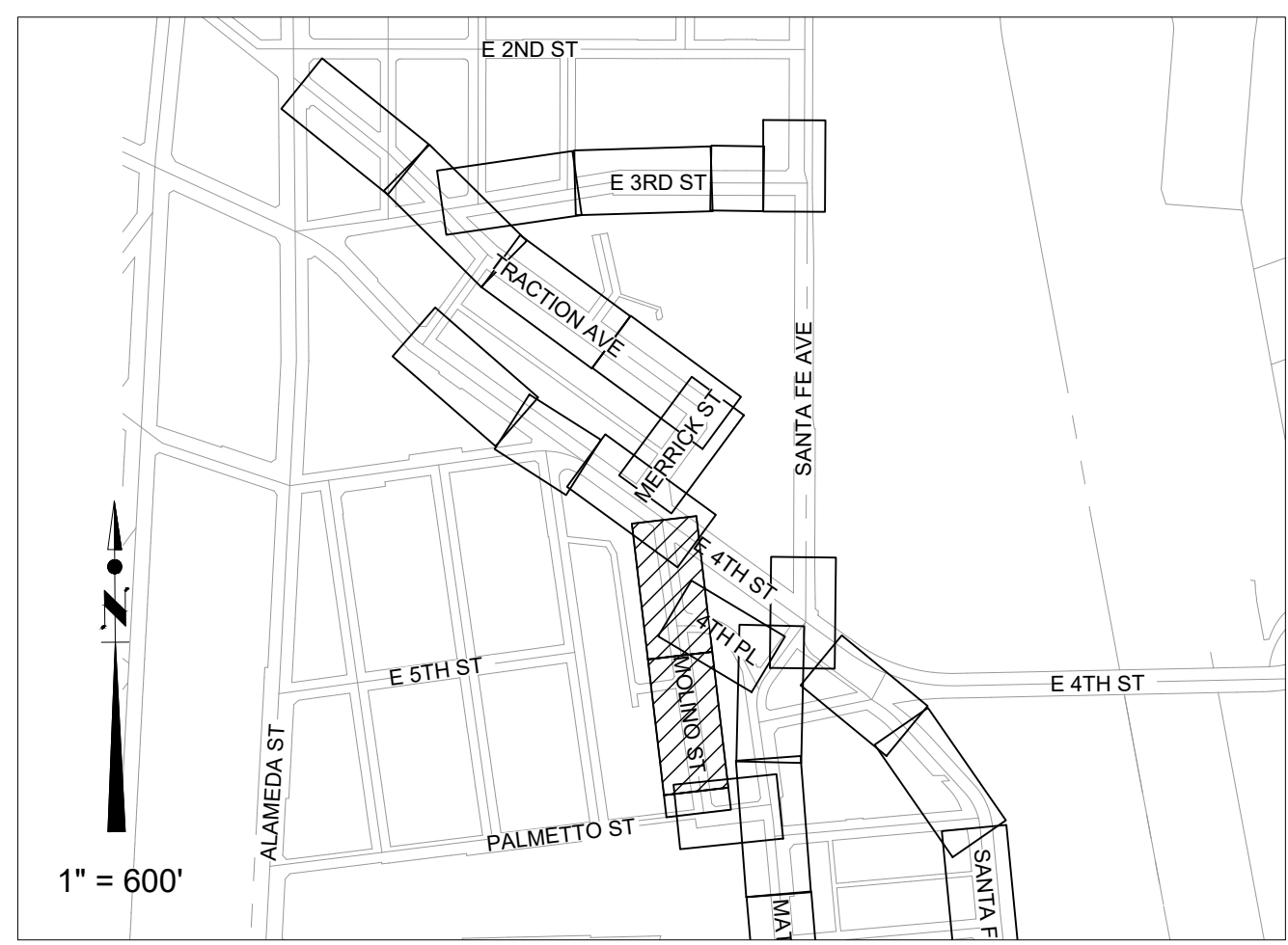







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SEE SHEET C-008 FOR CONTINUATION



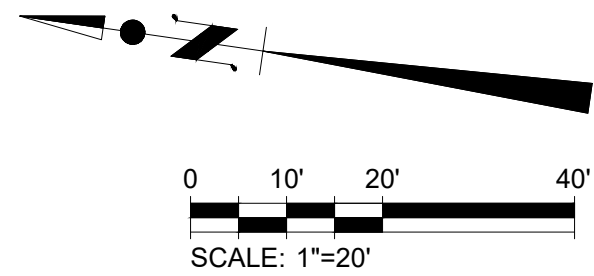
DEMO PLANS



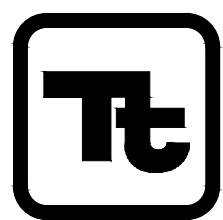
LEGEND OF CONSTRUCTION NOTES				
	CONSTRUCT		REMOVE	 ADJUST TO GRADE AND/OR REMOVE & RECONSTRUCT
	WORK BY OTHERS		EXISTING	
NO.	CONSTRUCTION ITEM/NOTE			
2	TYPE C INTEGRAL CURB & GUTTER			
4	CONCRETE GUTTER			
10	CONCRETE DRIVEWAY			
12	CONCRETE WALK			
13	CURB RAMP- PER REFERENCE AND ENLARGED DETAILS ON SHEETS C-300 THROUGH C-318.			
14	ASPHALT CONCRETE PAVEMENT			
16	CRUSHED MISCELLANEOUS BASE 1=4" FOR SIDEWALK, 1=6" FOR DRIVEWAY			
36	UTILITY POLE			
37	POLE ANCHOR			
41	FIRE HYDRANT			
45	WATER VALVE			
70	SAWCUT LINE			
76	COLDPLANE (MILL) AC PAVEMENT (1=2" MIN)			
78	ALLEY GRATING BASIN (AGB)			
85	STORM DRAIN MANHOLE			
99	SIDE OPENING CATCH BASIN			
147	UTILITY PULL BOX			
149	FENCE			
157	BOLLARD POST			
164	STEEL COLUMN			

NOTES


1. UTILITIES SHOWN HAVE BEEN COMPILED FROM AVAILABLE RECORDS. ENGINEER IS NOT RESPONSIBLE FOR UTILITIES SHOWN OR NOT SHOWN. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND POSITIVELY IDENTIFYING ALL UTILITIES IN THE WORK AREA PRIOR TO CONSTRUCTION.
2. STREET AND PRIVATE IMPROVEMENTS SHOWN HAVE BEEN COMPILED FROM AVAILABLE RECORDS. ENGINEER IS NOT RESPONSIBLE FOR EXISTING IMPROVEMENTS SHOWN OR NOT SHOWN. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND POSITIVELY IDENTIFYING ALL EXISTING IMPROVEMENTS IN THE WORK AREA PRIOR TO BIDDING.
3. CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL CONFLICTING EXISTING IMPROVEMENTS IN THE WORK AREA, WHETHER SHOWN OR NOT SHOWN, UNLESS INDICATED OTHERWISE TO BE PROTECTED, SALVAGED, OR RELOCATED.



PLANS PREPARED BY:



TETRA TECH, INC.
707 WILSHIRE BLVD, 23RD FLR.
LOS ANGELES, CALIFORNIA 90017
Phone: (213) 239-8866



ENGINEERING
CITY OF LOS ANGELES

Street and Stormwater Division

THIS PLAN WAS ELECTRONICALLY
SIGNED AND STAMPED

BUREAU OF ENGINEERING

DEPARTMENT OF PUBLIC WORKS

CITY OF LOS ANGELES

WORK ORDER NO.
E700239F

SHEET NAME
C-009
SHEET 19 OF 130 SHEETS

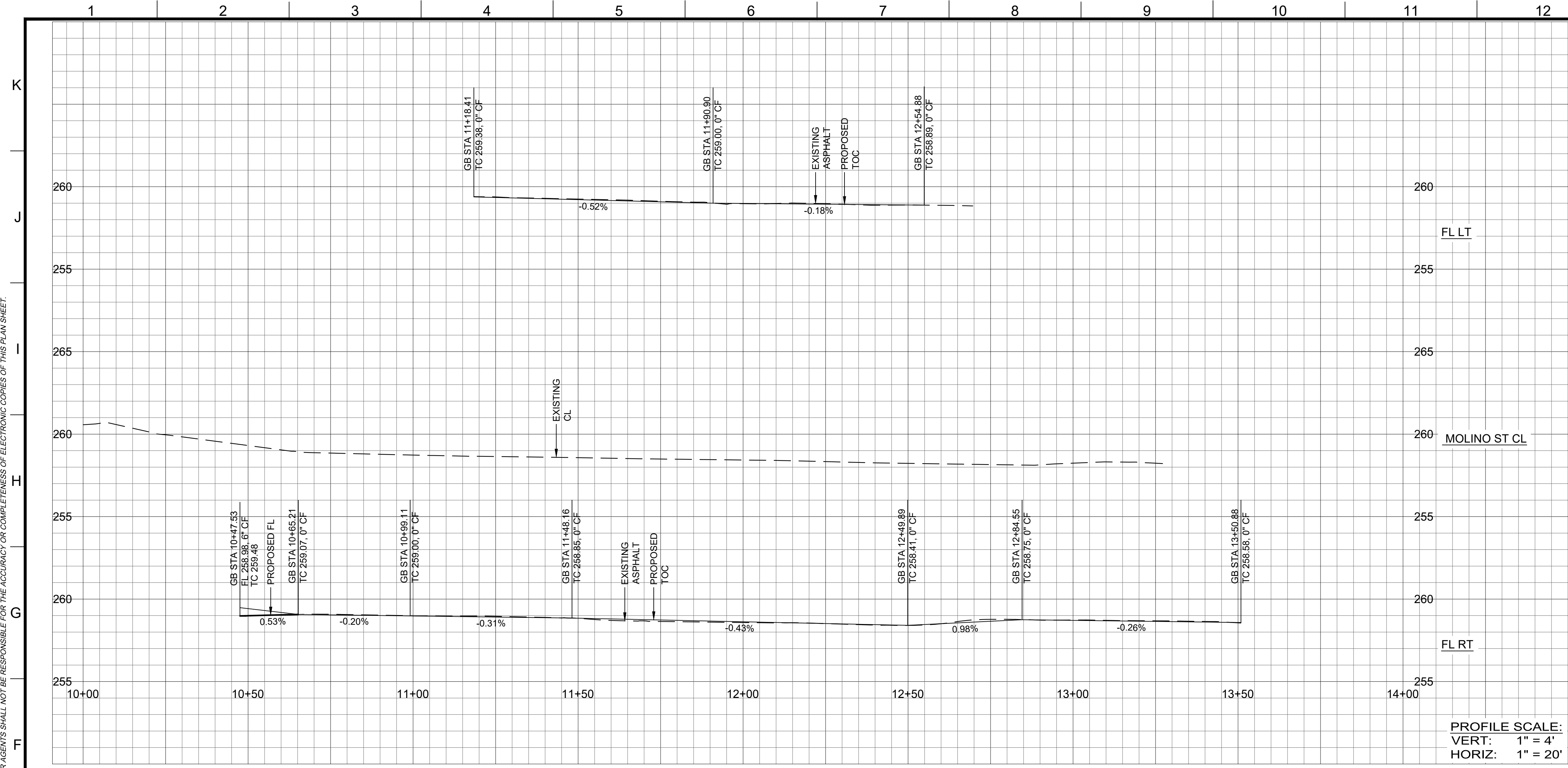
revised 4/22/2022

FOR BID PURPOSES ONLY. NOT FOR CONSTRUCTION.

THE CITY OF LOS ANGELES OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRONIC COPIES OF THIS PLAN SHEET.

REVISION DATES
(DESIGN STAGE ONLY)

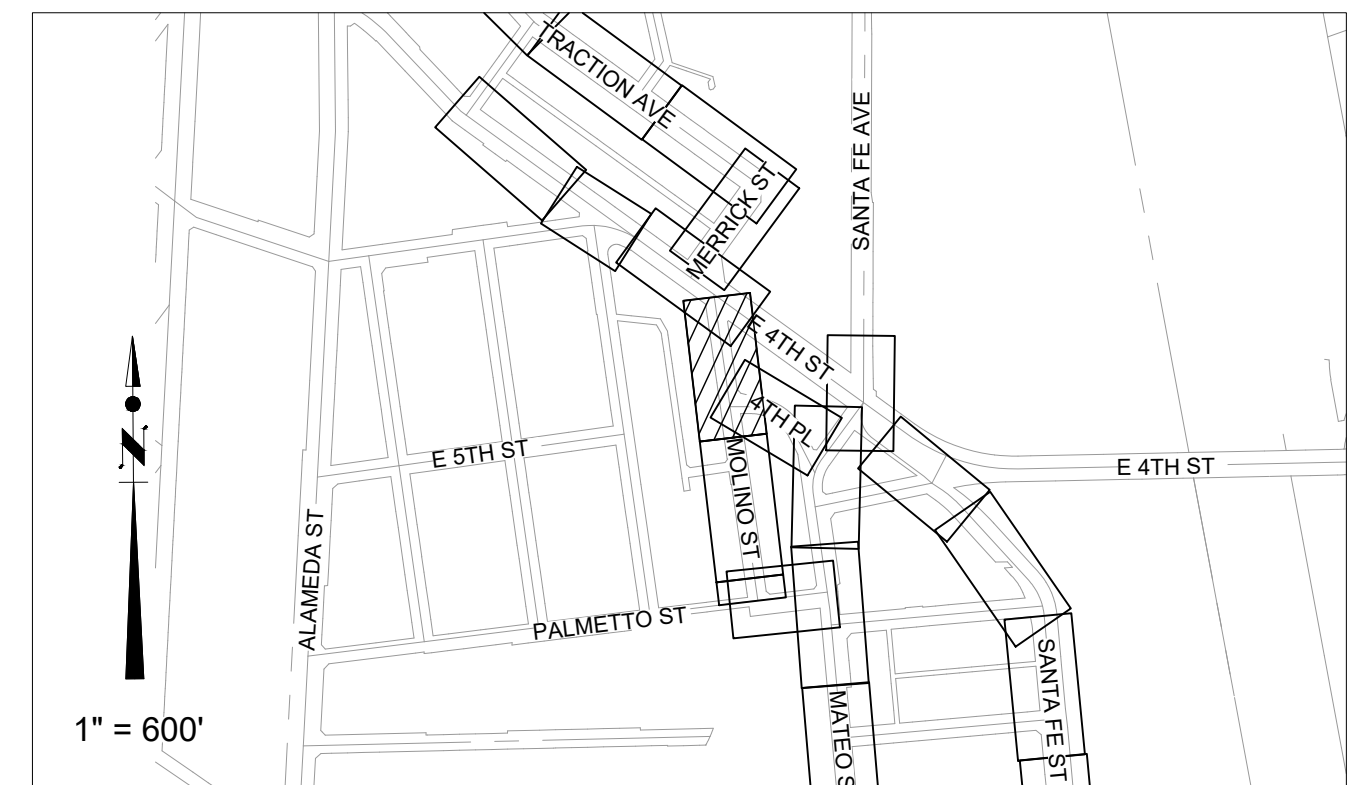
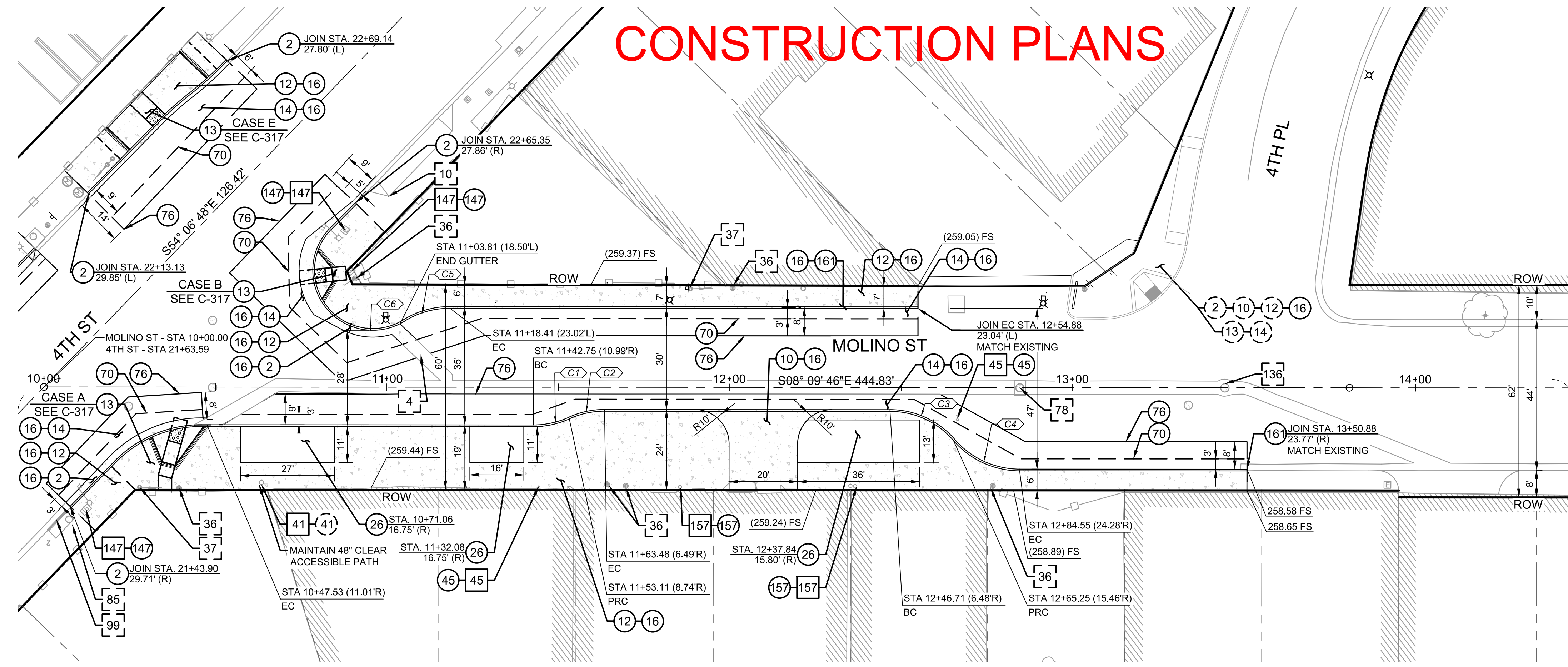
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PROFILE SCALE:
VERT: 1" = 4'
HORIZ: 1" = 20'

SEE SHEET C-113 FOR CONTINUATION

CONSTRUCTION PLANS



LEGEND OF CONSTRUCTION NOTES

○ CONSTRUCT	□ EXISTING	□○ ADJUST TO GRADE AND/OR REMOVE & RECONSTRUCT
○ WORK BY OTHERS	□ REMOVE	
NO.	CONSTRUCTION ITEM/NOTE	REFERENCE
2	TYPE C INTEGRAL CURB & GUTTER	S-410-2
4	CONCRETE GUTTER	S-410-2
10	CONCRETE DRIVEWAY	S-440-4
12	CONCRETE WALK	S-444-0; DTL 6, SHEET C-501
13	CURB RAMP- PER REFERENCE AND ENLARGED DETAILS ON SHEETS C-300 THROUGH C-318.	S-442-5
14	ASPHALT CONCRETE PAVEMENT	DTL 1, SHT C-500
16	CRUSHED MISCELLANEOUS BASE t=4" FOR SIDEWALK, t=6" FOR DRIVEWAY	-
26	TREE WELL	S-450-3
36	UTILITY POLE	-
37	POLE ANCHOR	-
41	FIRE HYDRANT	-
45	WATER VALVE	-
70	SAWCUT LINE	S-477-1
76	COLDPLANE (MILL) AC PAVEMENT (t=2" MIN)	S-447-2
78	ALLEY GRATING BASIN (AGB)	S-355-0
85	STORM DRAIN MANHOLE	-
99	SIDE OPENING CATCH BASIN	-
136	SEWER MANHOLE	-
147	UTILITY PULL BOX	-
157	BOLLARD POST	-
161	TYPE A CURB 0" HEIGHT	DTL 1, SHT C-501
173	RELOCATE	-

⟨C#⟩	CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA	
C1	10.69'	25.00'	24°29'41"	
C2	10.67'	25.00'	24°27'52"	
C3	21.45'	25.00'	49°09'57"	
C4	21.45'	25.00'	49°09'57"	

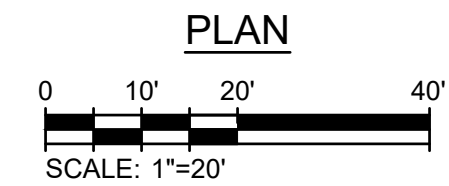
⟨C#⟩	CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA	
C5	13.98'	25.00'	32°02'08"	
C6	24.05'	17.50'	78°44'42"	

- NOTES:
- SEE DEMOLITION PLANS FOR REMOVALS, RELOCATIONS, OR PROTECTIONS OF (E) IMPROVEMENTS.
 - PROPOSED STRIPING, SIGNAGE AND TREE LANDSCAPING NOT SHOWN FOR CLARITY. SEE APPLICABLE SHEETS: C-200 THROUGH C-211 AND L-100 THROUGH L-111.
 - SEE SHEETS SL-001 THROUGH SL-010 FOR PROPOSED PEDESTRIAN LIGHTING.
 - SEE SHEETS C-300 THROUGH C-327 FOR IMPROVEMENTS AT CURB RETURNS.
 - PROVIDE 5' MIN SIDEWALK CROSS-SLOPE TRANSITION AT LL JOINS WITH EXISTING SIDEWALK PER DETAIL 6, SHEET C-501.
 - SEE SHEETS TS-01 THROUGH TS-07 FOR PROPOSED TRAFFIC SIGNALS.
 - STATION 12+55 TO STATION 13+41, FUTURE NORTHSIDE 4TH JOINS AND EASTERN MOLINO ST IMPROVEMENTS PER PERMIT BR-003909.

PLANS PREPARED BY:

TETRA TECH, INC.

707 WILSHIRE BLVD, 23RD FLR.
LOS ANGELES, CALIFORNIA 90017
Phone: (213) 239-8866



• THIS PLAN WAS ELECTRONICALLY SIGNED AND STAMPED

VERTICAL CONTROL	DATE: BY:
HORIZONTAL CONTROL	
SHEET TITLE: STREET IMPROVEMENT PLAN	
PROJECT: DOWNTOWN LOS ANGELES ARTS DISTRICT	
PEDESTRIAN AND CYCLIST SAFETY PROJECT	
ADDRESS: 3RD STREET TO SEVENTH STREET	
ARTS DISTRICT	

REVISIONS:	DATE:	BY:
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EXHIBIT B

OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 763
LOS ANGELES, CA 90012-4801
(213) 978-1318

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
JONATHAN A. HERSHEY, AICP
THEODORE L. IRVING, AICP
CHARLES J. RAUSCH JR.
CHRISTINA TOY LEE

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

**LOS ANGELES DEPARTMENT
OF CITY PLANNING
EXECUTIVE OFFICES**

VINCENT P. BERTONI, AICP
DIRECTOR
KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
SHANA M.M. BONSTIN
DEPUTY DIRECTOR
ARTHI L. VARMA, AICP
DEPUTY DIRECTOR
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
planning.lacity.org

May 18, 2021

Public Counter
Department of Building and Safety
Office of the City Clerk
All Interested Parties

CASE NO. ZAI-2076-A
RECISSION
ZONING ADMINISTRATOR'S
INTERPRETATION

Section 12.21A.4 and 5 of the Los
Angeles Municipal Code- Parking

CITYWIDE

On January 9, 1964 the Chief Zoning Administrator issued a determination pursuant to Case No. ZAI-2076-A which validated the Department of Building and Safety policy to limit commercial tandem to two cars maximum for a proposed theater use located at 20600 Ventura Boulevard. This determination was based on language in the Los Angeles Municipal Code (LAMC) Section 12.21A.4(h) at the time which stated "each required parking space within a garage or parking area shall be individually and easily accessible..." This ZAI has historically been applied to other locations citywide.

The LAMC has since been amended. Specifically, Ordinance No. 179,191 effective November 5, 2007 amended Section 12.21A.5(h) and it now states: "Tandem Parking. Each required parking stall within a parking area or garage shall be accessible. Automobiles may be parked in tandem in the following instances:

- (1) In a public garage or public parking area, which provides attendants to park vehicles at all times the garage or area is open for use.
- (2) In a private garage or private parking area serving a one-family dwelling, an apartment house, apartment hotel, hotel, two-family dwelling, or multiple or group dwelling, where the tandem parking is not more than two cars in depth. Tandem parking shall not be allowed in parking areas for recreational vehicles or guest parking."

Garage, Private is defined in LAMC Section 12.03 as, "an accessory building or portion of a main building designed or used for parking or storage of motor vehicles of the occupants of a residential use."

Garage, Public is defined in LAMC Section 12.03 as, "a building or a portion of a building designed or used for the repairing, equipping or servicing of motor vehicles, or for the parking or storage of motor vehicles for remuneration, hire, sale or convenience of the occupants of the premises or the general public, but not including a private garage."

Parking Area, Private is defined in LAMC Section 12.03 as, "an open area located on the same lot with a dwelling, apartment house, hotel or apartment hotel, for the parking of automobiles of the occupants of such building".

Parking Area, Public is defined in LAMC Section 12.03 as, "any open area other than a street or a private parking area, used for the parking of more than four automobiles".

The phrase "individually and easily accessible" is no longer in the code. In addition, the LAMC has no limit on the number of vehicles that can be parked in tandem for Public Garages and Public Parking Areas if an attendant is provided per LAMC Section 12.21A.5(h)(1) to the satisfaction of the Department of Building and Safety. The LAMC also does not restrict tandem parking to a specific layout or configuration such as requiring the cars to be lined up in a straight line. Therefore, ZAI-2076-A is no longer valid and no longer applies.

Residential uses (Private parking) with tandem parking are still limited to two cars in depth per LAMC Section 12.21A.5(h)(2).

Case No. ZAI-2076-A is hereby rescinded and the matter is received and filed.



ESTINEH MAILIAN
Chief Zoning Administrator

EM:UP

EXHIBIT C –
Director's Determination,
DIR-2022-3145-WDI

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

CAROLINE CHOE
VICE-PRESIDENT

JENNA HORNSTOCK
HELEN LEUNG
KAREN MACK
DANA M. PERLMAN

**CITY OF LOS ANGELES
CALIFORNIA**



KAREN BASS
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

January 30, 2023

**DIRECTOR'S DETERMINATION
WAIVER OF DEDICATION AND IMPROVEMENT**

Applicant/Owner

Jason Morrow
RREF III 7th Street LLC
30 Hudson Yards, 83rd Fl
New York, NY 10001

Representative

Reuben Duarte
Sheppard Mullin Richter &
Hampton LLP
333 S Hope St, 43rd Fl
Los Angeles, CA 90017

Case No. DIR-2022-3145-WDI
CEQA: ENV-2021-3146-CE
Location: 2160 East 7th Street (731-
751 South Mission Road)

Council District: 14 – de Leon

Neighborhood Council Boyle Heights

Community Plan Area: Boyle Heights

Land Use Designation: Heavy Manufacturing

Zone: M3-1-RIO-CUGU

Legal Description: Lots A & B, Tract P M 182;
Lots FR LT 1 & FR LT 2,
Tract 2495

Last Day to File an Appeal: February 14, 2023

DETERMINATION

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.37 I.2, as the designee of the Director of Planning, I hereby:

Find the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15061(b)(4) and 15270, as a project that is disapproved; and

DENY a Waiver of Improvements for the construction of a new ADA compliant sidewalk and curb along the west side of Mission Road.

Adopt the attached Findings:

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for denying a Waiver of Dedications and/or Improvements under the provisions of Section 12.37 I.2 have been established by the following facts:

PUBLIC RIGHT-OF-WAY INFORMATION

Per the Bureau of Engineering and Department of City Planning's Planning Case Referral Form (Reference Number 202200142), Mission Road is a designated as a Local Standard Street and has an apparent width of existing half right of way (street centerline to property line) of 30 feet, a standard dimension for half right of way (from S-470-1), (street centerline to property line) of 30 feet, an apparent width of existing half roadway (street centerline to curb face) of 18 feet, and a standard street dimension for half roadway (street centerline to curb face) of 30 feet.

Per the Bureau of Engineering and Department of City Planning's Planning Case Referral Form (reference number 202200142), 7th Street is a designated Avenue II and has apparent width of existing half right of way (street centerline to property line) of 40 feet, a standard dimension for half right of way (from S-470-1), (street centerline to property line) of 43 feet, an apparent width of existing half roadway (street centerline to curb face) of 28 feet, and a standard street dimension for half roadway (street centerline to curb face) of 28 feet.

Per Bureau of Engineering's R3 Investigation Report dated August 16, 2022, a new ADA compliant sidewalk and street curb improvements along the west side of Mission Road and new city standard driveway approaches per Standard Plan S-440-4 are required where the project adjoins the site's street frontages.

BACKGROUND

The subject property is rectangular shaped, comprised of four (4) contiguous lots totaling approximately 108,727 square feet in size. The site is located at the southwest corner of the intersection of Mission Road and 7th Street and has approximately 741 feet of frontage along Mission Road and 146 feet of frontage along 7th Street. The site is improved with an existing two-story cold storage warehouse, currently being remodeled into a modern sound stage/studio and commercial offices under Building Permit No. 21014-10000-01408.

The project site is zoned M3-1-RIO-CUGU with a land use designation of Heavy Manufacturing in the Boyle Heights Community Plan area. The site is located in a highly urbanized area surrounded by light industrial uses to the north, south, and east, and the Los Angeles River to the west. Surrounding uses include the City's Bureau of Sanitation, Super King Corporate Office and warehousing/distribution facilities, with the Sanitation Bureau immediately east of the site across from Mission Road. The subject property is located within the Clean Up Green Up (CUGU), Adelante Eastside Redevelopment Project Area, River Improvement Overlay District, East Los Angeles State Enterprise Zone, MTA Right-of-Way (ROW) Project Area (ZI-1117), and Urban Agriculture Incentive Zone.

The project is the remodel of the existing two-story warehouse building into three-story modern sound stage/studio with offices and parking re-striping at located 2160 East 7th Street.

The Applicant is requesting deviation from the improvement requirements for their project as shown below and delineated in the Bureau of Engineering (BOE) investigation report, dated August 16, 2022:

Obtain a B-permit to complete the following improvements:

- Construct new sidewalk to achieve ADA compliance along Mission Road.
- Construct entire curb along Mission Road.
- Construct new city standard driveway approaches per Standard Plan S-440-4.

The project is requesting to retain two existing non-standard driveway approaches and waive the construction of sidewalks and curb along the west side of Mission Road which adjoins the project site's street frontages and construct new city standard driveway approaches per Standard Plan S-440-4. Pursuant to LAMC 62.105.2, the maximum width of driveway aprons located in a M zone are 30 feet wide. The length of the existing non-standard driveway approach to the north is approximately 172 feet and the non-standard driveway to the south is approximately 171 feet. The Director of City Planning does not have the authority to approve non-standard driveway approaches under LAMC Section 12.37. Pursuant to LAMC Section 62.105.5., requests to deviate from the LAMC Section 62.105.2 requirements may be filed with the Board of Public Works. Thus, under LAMC Section 12.37 I.2, the Director solely has the authority to review the waivers from highway dedications and roadway improvements.

Previous zoning related actions on the site:

None.

WAIVER OF DEDICATION AND/OR IMPROVEMENT MANDATED FINDINGS

1. Pursuant to LAMC Section 12.37 I.2, the Director may waive, reduce, or modify the required dedication(s) or improvement(s) as appropriate after making any of the following findings, based on substantial evidence in the record that:

a) The dedication or improvement requirement does not bear a reasonable relationship to any project impact;

With respect to dedication and improvement requirements for the proposed project, Mission Road currently has a half right-of-way of 30 feet with no sidewalk. The Mobility Plan 2035 designation of a Local Standard Street would require a half right-of-way of 30 feet, comprised of an 18-foot half-roadway and a 12-foot sidewalk. There are two non-standard driveway approaches along Mission Road that the applicant has proposed to retain. The length of the existing non-standard driveway approach to the north is approximately 172 feet and the non-standard driveway to the south is approximately 171 feet. With regards to 7th Street, it currently has an apparent half right-of-way of 40 feet with a half roadway width of 28 feet. The Mobility Plan 2035 designation of an Avenue II would require a 43-foot half right-of-way, comprised of a 28-foot half-roadway and a 15-foot sidewalk.

The project is requesting to waive the requirement to construct new city standard driveway approaches per Standard Plan S-440-4, and to waive the requirement to construct ADA compliant sidewalks and curb along the west side of Mission Road. The project is in conjunction with the remodel of an existing two-story warehouse building into a three-story modern sound stage/studio with offices and parking re-striping. The change of use from

cold storage to sound production studio and commercial offices bears a reasonable relationship to pedestrian and vehicular user intensity at the site. The Mobility Plan requirements accommodate the change in intensity by requiring ADA accessible sidewalks along Mission Road. The required ADA compliant sidewalks will serve the new pedestrian and vehicular usership brought upon the site by the project.

The proposed project has a direct and reasonable impact on the public right-of-way and will require the sidewalk and curb improvements on Mission Road as specified in the adopted Mobility Plan 2035. The Director finds that without the required improvements, the proposed project will create an inconsistent street pattern along the northern portion of Mission Road and will prevent efficient pedestrian connection and vehicular traffic flow. The proposed project has a direct impact on the public right-of-way and the requested waiver of dedications and improvements cannot be granted due to the issues aforementioned.

b) The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established; or

The Los Angeles City Council Adopted the Mobility Plan 2035 (Mobility Plan) on August 11, 2015. One of the main purposes of the Mobility Plan's standards is to guide the future development of a citywide transportation system which provides for the efficient movement of people and goods. The Mobility Plan also establishes street designation and standards.

The Bureau of Engineering (BOE) is requesting that the project construct an ADA compliant sidewalk, curb improvements and new city standard driveway approaches per Standard Plan S-440-4, all along Mission Road. BOE's requested street improvements are needed in order to create the required sidewalk, in accordance with the City's mobility needs for the next 20 years established by the adopted Mobility Plan.

The proposed project is to convert the existing two-story warehouse use into three-story modern sounds stage/studio with offices, which will impact the number of pedestrian and vehicular trips and therefore impose new demands on Mission Road. Future developments along Mission Road will be required to apply the adopted street standards and guidelines specified in the Mobility Plan. If granted, the Waiver of Improvement and Dedications request would create inconsistent sidewalk and street alignments along Mission Road. The inconsistent application of standards and guidelines will diminish the goals and objectives of the Mobility Plan and will jeopardize traffic safety and efficient movement of people and goods.

As part of the project, the applicant is also seeking a Waiver of Improvements requiring construction of new standard concrete ADA compliant sidewalk, curbs and gutters along Mission Road. To grant this requested Waiver of Improvements would result in a substandard right-of way, and would be contrary to the following Mobility Plan Policies:

1.1 Roadway User Vulnerability

Design, plan, and operate streets to prioritize the safety of the most vulnerable roadway user.

1.8 Goods Movement Safety

Ensure that the goods movement sector is integrated with the rest of the transportation system in such a way that does not endanger the health and safety of residents and other roadway users.

2.1 Adaptive Reuse of Streets

Design, plan, and operate streets to serve multiple purposes and provide flexibility in design to adapt to future demands.

2.3 Pedestrian Infrastructure

Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Fulfilling the improvements per the current Local Standard Street standards would provide a right-of-way that is improved to meet accessibility requirements, contributing to a safer path of travel for everyone. As outlined in the aforementioned policies, denying the waiver request would support the City's mobility needs by elevating the needs of pedestrians, goods, and create streets with multiple purposes. As such, the Director finds that the requested improvements are necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established and denies the requested Waiver of Improvements along Mission Road.

The applicant is also seeking a Waiver of Improvements to retain the two existing non-standard driveway approaches along Mission Road. The length of the existing non-standard driveway approach to the north of the site is approximately 172 feet and the non-standard driveway to the south is approximately 171 feet. If the applicant is permitted to retain the non-standard driveway approaches, approximately 342 of existing driveway approach would remain and prevent the construction of approximately 280 feet of the required ADA compliant sidewalk along Mission Road. If the existing non-standard driveway approaches are improved per Standard Plan S-440-4, that would allow for longer pedestrian designated pathways consistent with the existing sidewalk improvements to the east of Mission Road. As previously mentioned, the Board of Public Works, pursuant to LAMC Section 62.105.5, has the authority to grant or deny non-standard driveway approaches, and is therefore not considered as part of this determination.

c) The dedication or improvement requirement is physically impractical.

The waiver request is in conjunction with the remodel of an existing two-story warehouse building into a three-story modern sound stage/studio with offices and parking re-striping.

The site is already fully excavated and graded, which eliminates physical and/or impractical feature(s) which would prevent dedications and improvements to be provided along the site's frontage on Mission Road. Additionally, there are no encroachments into the public-right-of-way that would make dedication and improvements physically impractical. Furthermore, whether a request for non-standard driveway approaches is granted by the BOE or not, there are still no physical constraints that would preclude the construction of the sidewalk and curb improvements along Mission Road.

Therefore, the Director finds that there are no physical or impractical issues with the subject site which would prevent the application of required standards established by the adopted Mobility Plan.

ADDITIONAL MANDATORY FINDINGS

2. **Flood Insurance.** The National Flood Insurance Program rate maps, which are part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone are.

NOTICE REGARDING THIS DETERMINATION

UTILITY IMPROVEMENTS

In the instance that street work improvements are required, improvements to or the relocation of utilities may also be required. The denial of a Waiver of Dedication and/or Improvement, pursuant to LAMC Section 12.37 I, pertaining to roadway or sidewalk widening (street work) does not waive any requirements associated with utility and/or infrastructure improvements which may be required in order to satisfy the street work improvements. Satisfactory arrangements and/or easements shall be made with the appropriate Department(s) or Bureau(s), as required, for the improvement of utilities or infrastructure.

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.”

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director’s Determination unless an appeal there from is filed with the City Planning Department. Pursuant to LAMC Section 12.37-I(d), the determination may only be appealed by any person required to dedicate land or make improvements pursuant to LAMC Section 12.37. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>.

Planning Department public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa St.,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Blvd., 2nd Floor
Los Angeles, CA 90025
(310) 231-2598

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, (310) 231-2598 or through the Department of City Planning website at <http://planning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

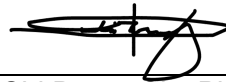
VINCENT P. BERTONI, AICP
Director of Planning

Reviewed and Approved by:

Prepared by:

Deborah Kahen

Deborah Kahen, AICP
Senior City Planner



Chi Dang, City Planner
chi.dang@lacity.org

cc:

Council District 14
Bureau of Engineering
Department of Transportation
Department of Building and Safety
Owners pursuant to LAMC Section 12.37-I

EXHIBIT D –

Department of Building and

Safety Building Permits:

1. Permit No. 21014-10000-01408

2. Permit No. 21014-10003-01408



Bldg-Addition GREEN - MANDATORY Commercial Regular Plan Check Plan Check	City of Los Angeles - Department of Building and Safety APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY	Issued on: 10/12/2021 Last Status: Issued Status Date: 10/12/2021
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<u>1. TRACT</u>	<u>BLOCK</u>	<u>LOT(s)</u>	<u>ARB</u>	<u>COUNTY MAP REF #</u>	<u>PARCEL ID # (PIN #)</u>	<u>2. ASSESSOR PARCEL #</u>
P M 182		A		BK 5-66	124-5A219 253	5171 - 024 - 006

<u>3. PARCEL INFORMATION</u>		
LADBS Branch Office - LA Council District - 14 Certified Neighborhood Council - Boyle Heights Census Tract - 2060.50 District Map - 124-5A219	Energy Zone - 9 Fire District - 2 Parking Dist. - CCPD Thomas Brothers Map Grid - 634-J6 Area Planning Commission - East Los Angeles	Community Plan Area - Boyle Heights Near Source Zone Distance - 1.5 Redevelopment Plan Area - Adelante Eastside
ZONES(S): M3-1-RIO-CUGU		

<u>4. DOCUMENTS</u>		
ZI - ZI-1117 MTA Right-of-Way (ROW) Proj ZI - ZI-2129 State Enterprise Zone: East Los ZI - ZI-2358 River Implementation Overlay D ZI - ZI-2458 Clean Up Green Up (CUGU): Bc	ORD - ORD-129279 ORD - ORD-166585-SA3760N ORD - ORD-183144	ORD - ORD-183145 ORD - ORD-184246 CRA - ZI 2270 ADELANTE EAST CPC - CPC-1983-237
		CPC - CPC-1986-445-GPC CPC - CPC-1995-336-CRA CPC - CPC-2006-48-ICO CPC - CPC-2007-3036-RIO

<u>5. CHECKLIST ITEMS</u>		
Special Inspect - Anchor Bolts Special Inspect - Concrete>2.5ksi Special Inspect - Epoxy Bolts	Special Inspect - Field Welding Special Inspect - Structural Observation Special Inspect - Structural Wood (continuous)	Fabricator Reqd - Shop Welds Permit Flag - Fire Life Safety Clearance Reqd Storm Water - LID Project

<u>6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION</u>	
Owner(s):	
Tenant:	
Applicant: (Relationship: Agent for Contractor)	
MANUEL GAMA -	(323) 536-3102

<u>7. EXISTING USE</u>	<u>PROPOSED USE</u>	<u>8. DESCRIPTION OF WORK</u>
(22) Warehouse	(21) Motion Picture Production (13) Office	REMODEL OF (E) ONE STORY, TYPE IIIA, WAREHOUSE BUILDING TO THREE STORY, TYPE IIIA, MOTION PICTURE PRODUCTION & OFFICES. SITE IMPORVEMNT & PARKING RESTRIPING.

<u>9. # Bldgs on Site & Use:</u>	For inspection requests, call toll-free (888) LA4BUILD (524-2845), or request inspections via www.ladbs.org . To speak to a Call Center agent, call 311. Outside LA County, call (213) 473-3231.
<u>10. APPLICATION PROCESSING INFORMATION</u>	
BLDG. PC By: Kesete Haregot OK for Cashier: Kesete Haregot Signature:	DAS PC By: Shine Lin Coord. OK: Date:

<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"><u>11. PROJECT VALUATION & FEE INFORMATION</u></td> <td style="text-align: right;">Final Fee Period</td> </tr> <tr> <td style="width:30%;">Permit Valuation:</td> <td style="width:40%;">\$3,000,000</td> <td style="width:30%;">PC Valuation:</td> </tr> <tr> <td>FINAL TOTAL Bldg-Addition</td> <td>114,795.72</td> <td>Arts Development</td> </tr> <tr> <td>Permit Fee Subtotal Bldg-Addition</td> <td>12,547.75</td> <td>Arts Dev. Office or RD Area</td> </tr> <tr> <td>Energy Surcharge</td> <td></td> <td>Arts Dev. Misc Fee</td> </tr> <tr> <td>Handicapped Access</td> <td></td> <td>Arts Dev. Total Project Valuation</td> </tr> <tr> <td>Plan Check Subtotal Bldg-Addition</td> <td>0.00</td> <td>School District Commercial Area</td> </tr> <tr> <td>Off-hour Plan Check</td> <td>0.00</td> <td>CA Bldg Std Commission Surcharge</td> </tr> <tr> <td>Plan Maintenance</td> <td>250.96</td> <td>Green Building</td> </tr> <tr> <td>E.Q. Instrumentation</td> <td>840.00</td> <td>Permit Issuing Fee</td> </tr> <tr> <td>D.S.C. Surcharge</td> <td>409.16</td> <td>Linkage Fee</td> </tr> <tr> <td>Sys. Surcharge</td> <td>818.32</td> <td></td> </tr> <tr> <td>Planning Surcharge</td> <td>767.92</td> <td></td> </tr> <tr> <td>Planning Surcharge Misc Fee</td> <td>10.00</td> <td></td> </tr> <tr> <td>Planning Gen Plan Maint Surcharge</td> <td>895.91</td> <td></td> </tr> <tr> <td>Sewer Cap ID:</td> <td></td> <td>Total Bond(s) Due:</td> </tr> </table>	<u>11. PROJECT VALUATION & FEE INFORMATION</u>		Final Fee Period	Permit Valuation:	\$3,000,000	PC Valuation:	FINAL TOTAL Bldg-Addition	114,795.72	Arts Development	Permit Fee Subtotal Bldg-Addition	12,547.75	Arts Dev. Office or RD Area	Energy Surcharge		Arts Dev. Misc Fee	Handicapped Access		Arts Dev. Total Project Valuation	Plan Check Subtotal Bldg-Addition	0.00	School District Commercial Area	Off-hour Plan Check	0.00	CA Bldg Std Commission Surcharge	Plan Maintenance	250.96	Green Building	E.Q. Instrumentation	840.00	Permit Issuing Fee	D.S.C. Surcharge	409.16	Linkage Fee	Sys. Surcharge	818.32		Planning Surcharge	767.92		Planning Surcharge Misc Fee	10.00		Planning Gen Plan Maint Surcharge	895.91		Sewer Cap ID:		Total Bond(s) Due:	<div style="text-align: right;"> Payment Date: 10/12/21 Receipt No: 1147686 Amount: \$114,795.72 Method: CC 2021ON 57468 </div>
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<u>12. ATTACHMENTS</u>	3001210141000001408F
Plot Plan	
Signed Declaration	

13. STRUCTURE INVENTORY

(Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value")

21014 - 10000 - 01408

(P) Floor Area (ZC): +19599 Sqft / 93904 Sqft
(P) Height (BC): 0 Feet / Feet
(P) Height (ZC): 0 Feet / Feet
(P) Length: 0 Feet / Feet
(P) Stories: +1 Stories / 3 Stories
(P) Width: 0 Feet / Feet
(P) NFPA-13 Fire Sprinklers Thru-out
(P) B Occ. Group: +26803 Sqft / 27969 Sqft
(P) F1 Occ. Group: +65935 Sqft / 65935 Sqft
(P) S2 Occ. Group: -73139 Sqft / 0 Sqft

(P) F1 Occ. Load: +752 Max Occ. / 752 Max Occ.
(P) Long Term Bicycle Parking Provided for Bldg: +130 Spaces
(P) Long Term Bicycle Parking Req'd for Bldg: +4 Spaces / 4
(P) Parking Req'd for Bldg (Auto+Bicycle): +150 Stalls / 150
(P) Provided Compact for Bldg: +62 Stalls / 62 Stalls
(P) Provided Disabled for Bldg: +5 Stalls / 5 Stalls
(P) Short Term Bicycle Parking Provided for Bldg: +10 Spaces
(P) Short Term Bicycle Parking Req'd for Bldg: +2 Spaces / 2
(P) Type III-A Construction
(P) Floor Construction - Concrete Slab on Grade

(P) Foundation - Concrete Pile
(P) Foundation - Continuous Footing
(P) Foundation - Spread (Pad) Footing
(P) Roof Construction - Wood Frame/Sheathing

14. APPLICATION COMMENTS:

** Approved Seismic Gas Shut-Off Valve may be required. ** THE CHANGE OF USE is from warehouse TO MOTION PICTURE PRODUCTION (NOT MOTION PICTURE STUDIOS). kesete H. GRANT DEED: 20201327640 ; 10/23/2020 @ 8:00 A.M - Auto Parking: requird auto 179; 20% bicycle reduction 35; total auto parking required 144/provided 145; bike parking required: 2 short temit and 4 long term; replacemnt 4*35 =140- Bike parking provided (140): 130 long termi & 10 shor term

In the event that any box (i.e. 1-16) is filled to capacity , it is possible that additional information has been captured electronically and could not be printed due to space restrictions. Nevertheless the information printed exceeds that required by section 19825 of the Health and Safety Code of the State of California.

15. BUILDING RELOCATED FROM:**16. CONTRACTOR, ARCHITECT & ENGINEER NAME****ADDRESS****CLASS****LICENSE #****PHONE #**

(A) SULLIVAN, SCOTT BERNARD
(C) OZAIR CONSTRUCTION & DESIGN INC
(E) ALAJOV, JOHN J
(E) COSENTINO, JOSEPH

828 11TH STREET # 5,
2228 LAUREL CANYON BLVD,
5143 TYRONE AVE,
820 ISABELLA,

SANTA MONICA, CA 90403
LOS ANGELES, CA 90045
SHERMAN OAKS, CA 91423
MONTEREY PARK, CA 91754

B
C33139
992682
C56393
C53176

PERMIT EXPIRATION/REFUNDS: This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 98.0602 LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LADBS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inspection within 60 days of receiving a request for final inspection (HS 17951).

17. LICENSED CONTRACTOR'S DECLARATION

I hereby affirm under penalty of perjury that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect. The following applies to B contractors only: I understand the limitations of Section 7057 of the Business and Professional Code related to my ability to take prime contracts or subcontracts involving specialty trades.

License Class: **B** License No.: **992682** Contractor: **OZAIR CONSTRUCTION & DESIGN INC**

18. WORKERS' COMPENSATION DECLARATION

I hereby affirm, under penalty of perjury, one of the following declarations:

- () I have and will maintain a certificate of consent to self insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- () I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: **STATE COMP. INS. FUND** Policy Number: **9110045**

- () I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

19. ASBESTOS REMOVAL DECLARATION / LEAD HAZARD WARNING

I certify that notification of asbestos removal is either not applicable or has been submitted to the AQMD or EPA as per section 19827.5 of the Health and Safety Code. Information is available at (909) 396-2336 and the notification form at www.aqmd.gov. Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6716 and 6717 of the Labor Code. Information is available at Health Services for LA County at (800) 524-5323 or the State of California at (800) 597-5323 or www.dhs.ca.gov/childlead.

20. CONSTRUCTION LENDING AGENCY DECLARATION

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civil Code).

Lender's Name (If Any): _____ Lender's Address: _____

21. FINAL DECLARATION

I certify that I have read this application **INCLUDING THE ABOVE DECLARATIONS** and state that the above information **INCLUDING THE ABOVE DECLARATIONS** is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury, that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.0106.4.3.4 LAMC).

By signing below, I certify that:

- (1) I accept all the declarations above namely the Licensed Contractor's Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration / Lead Hazard Warning, Construction Lending Agency Declaration, and Final Declaration; and
- (2) This permit is being obtained with the consent of the legal owner of the property.

Print Name: _____ Sign: _____ Date: _____ ☐ Contractor ☐ Authorized Agent



Bldg-Alter/Repair GREEN - NONE Commercial Regular Plan Check Plan Check	City of Los Angeles - Department of Building and Safety APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY	Issued on: 02/23/2023 Last Status: Permit Finalized Status Date: 04/03/2023
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<u>1. TRACT</u> P M 182	<u>BLOCK</u> B	<u>LOT(s)</u>	<u>ARB</u>	<u>COUNTY MAP REF #</u> BK 5-66	<u>PARCEL ID # (PIN #)</u> 123A219 4	<u>2. ASSESSOR PARCEL #</u> 5171 - 024 - 007
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<u>3. PARCEL INFORMATION</u>		
LADBS Branch Office - LA Council District - 14 Certified Neighborhood Council - Boyle Heights Census Tract - 2060.50 District Map - 123A219	Energy Zone - 9 Fire District - 2 Parking Dist. - CCPD Thomas Brothers Map Grid - 634-J6 Area Planning Commission - East Los Angeles	Community Plan Area - Boyle Heights Near Source Zone Distance - 1.4 Redevelopment Plan Area - Adelante Eastside
ZONES(S): M3-1-RIO-CUGU		

<u>4. DOCUMENTS</u>		
ZI - ZI-1117 MTA Right-of-Way (ROW) Proj ZI - ZI-2129 State Enterprise Zone: East Los ZI - ZI-2358 River Implementation Overlay D ZI - ZI-2427 Fwy Adj Advisory Notice for St	ZI - ZI-2452 Transit Priority Area in the Cit ZI - ZI-2458 Clean Up Green Up (CUGU): Bc ZI - ZI-2488 Redevelopment Project Area: Ad ZI - ZI-2498 Local Emergency Temporary Re	ORD - ORD-129279 ORD - ORD-166585-SA3760N ORD - ORD-183144 ORD - ORD-183145
ORD - ORD-184246 DTRM - DIR-2022-3145-WDI CRA - ZI 2270 ADELANTE EAST CPC - CPC-1986-445-GPC		

<u>5. CHECKLIST ITEMS</u>		
Special Inspect - Epoxy Bolts Fabricator Reqd - Shop Welds Pilot - Electronic Plan	Permit Flag - MERV 13 Filter or Greater Permit Flag - Not a Fire Life Safety Project Std. Work Descr - Seismic Gas Shut Off Valve	

<u>6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION</u>		
Owner(s):		
RREF III 7TH STREET LLC	60 COLUMBUS CIR	NEW YORK NY 10023
Tenant:		
Applicant: (Relationship: Agent)		
Manuel Gama -	421 Colyton St, Second Floor	Los Angeles 90013 (323) 536-3102

<u>7. EXISTING USE</u> (21) Motion Picture Production	<u>PROPOSED USE</u>	<u>8. DESCRIPTION OF WORK</u> Supplemental permit to 21014-10000-01408. 1. Revise parking per ab 2097. 2. Add one elephant door at studio 1 & 1, at studio 4; revise demising wall configuration between studios to accommodate the new elephant doors; add door and exterior steel landing & stair at ground floor switchgear room; revise stair 1 treads and risers to match as-built conditions
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<u>9. # Bldgs on Site & Use:</u>	For inspection requests, call toll-free (888) LA4BUILD (524-2845), or request inspections via www.ladbs.org . To speak to a Call Center agent, call 311. Outside LA County, call (213) 473-3231.
<u>10. APPLICATION PROCESSING INFORMATION</u>	
BLDG. PC By: Kesete Haregot OK for Cashier: Kesete Haregot Signature:	DAS PC By: Shine Lin Coord. OK: Date:

For Cashier's Use Only **W/O #: 11401408**

<u>11. PROJECT VALUATION & FEE INFORMATION</u>		Final Fee Period
Permit Valuation:	\$100,000	PC Valuation:
FINAL TOTAL Bldg-Alter/Repair	1,743.33	Linkage Fee
Permit Fee Subtotal Bldg-Alter/Repair	838.13	0.00
Handicapped Access		
Plan Check Subtotal Bldg-Alter/Repair	369.56	
Off-hour Plan Check	184.78	
E.Q. Instrumentation	28.00	
D.S.C. Surcharge	42.61	
Sys. Surcharge	85.23	
Planning Surcharge	83.55	
Planning Surcharge Misc Fee	10.00	
Planning Gen Plan Maint Surcharge	97.47	
CA Bldg Std Commission Surcharge	4.00	
Permit Issuing Fee	0.00	
Sewer Cap ID:	Total Bond(s) Due:	

Payment Date: 02/23/23
 Receipt No: 1523656
 Amount: \$1,743.33
 Method: CC

2023ON 02512

<u>12. ATTACHMENTS</u>	3001210141000301408F
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13. STRUCTURE INVENTORY

(Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value")

21014 - 10003 - 01408

(P) Floor Area (ZC): +19599 Sqft / 93904 Sqft	(P) F1 Occ. Load: +752 Max Occ. / 752 Max Occ.	(P) Foundation - Spread (Pad) Footing
(P) Height (BC): 0 Feet / Feet	(P) Long Term Bicycle Parking Req'd for Bldg: 0 Spaces / Sp	(P) Roof Construction - Wood Frame/Sheathing
(P) Height (ZC): 0 Feet / Feet	(P) Parking Req'd for Bldg (Auto+Bicycle): 0 Stalls / Stall	
(P) Length: 0 Feet / Feet	(P) Provided Compact for Bldg: +21 Stalls / 21 Stalls	
(P) Stories: +1 Stories / 3 Stories	(P) Provided Disabled for Bldg: +5 Stalls / 5 Stalls	
(P) Width: 0 Feet / Feet	(P) Short Term Bicycle Parking Req'd for Bldg: 0 Spaces / S	
(P) NFPA-13 Fire Sprinklers Thru-out	(P) Type III-A Construction	
(P) B Occ. Group: +26803 Sqft / 27969 Sqft	(P) Floor Construction - Concrete Slab on Grade	
(P) F1 Occ. Group: +65935 Sqft / 65935 Sqft	(P) Foundation - Concrete Pile	
(P) S2 Occ. Group: -73139 Sqft / 0 Sqft	(P) Foundation - Continuous Footing	

14. APPLICATION COMMENTS:

** Approved Seismic Gas Shut-Off Valve may be required. ** MERV 13 Filter or Greater Req'd. per AB 2097, required parking are eliminated. Per ZIMAS, the project is in a Transit Priority Zone (TP zone- which is within a half mile from a major transit stop).
2/22/2023- kesete

15. BUILDING RELOCATED FROM:**16. CONTRACTOR, ARCHITECT & ENGINEER NAME****ADDRESS****CLASS****LICENSE #****PHONE #**

(A) SULLIVAN,, SCOTT BERNARD	1126 BONILLA DR,	TOPANGA, CA 90290		C33139	
(C) OZAIR CONSTRUCTION & DESIGN INC	186 N CITRUS AVE,	LOS ANGELES, CA 90036	B	992682	
(E) ALEXANDER,, ANDY	1615 GRAMERCY AVE,	TORRANCE, CA 90501		C84086	
(E) DERMENDJIAN,, RAFFI HRAG	9325 SHOSHONE AVENUE,	NORTHRIDGE, CA 91325		C88261	

EXHIBIT F – Revised Findings

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for denying a Waiver of Dedications and/or Improvements under the provisions of Section 12.37 I.2 have been established by the following facts:

PUBLIC RIGHT-OF-WAY INFORMATION

Per the Bureau of Engineering and Department of City Planning's Planning Case Referral Form (Reference Number 202200142), Mission Road is designated as a Local Standard Street and has an apparent width of existing half right of way (street centerline to property line) of 30 feet, a standard dimension for half right of way (from S-470-1), (street centerline to property line) of 30 feet, an apparent width of existing half roadway (street centerline to curb face) of 18 feet, and a standard street dimension for half roadway (street centerline to curb face) of 30 feet.

Per the Bureau of Engineering and Department of City Planning's Planning Case Referral Form (reference number 202200142), 7th Street is a designated Avenue II and has apparent width of existing half right of way (street centerline to property line) of 40 feet, a standard dimension for half right of way (from S-470-1), (street centerline to property line) of 43 feet, an apparent width of existing half roadway (street centerline to curb face) of 28 feet, and a standard street dimension for half roadway (street centerline to curb face) of 28 feet.

Per Bureau of Engineering's R3 Investigation Report dated August 16, 2022, a new ADA compliant sidewalk and street curb improvements along the west side of Mission Road and new city standard driveway approaches per Standard Plan S-440-4 are required where the project adjoins the site's street frontages.

BACKGROUND

The subject property is rectangular shaped, comprised of four (4) contiguous lots totaling approximately 108,727 square feet in size. The site is located at the southwest corner of the intersection of Mission Road and 7th Street and has approximately 741 feet of frontage along Mission Road and 146 feet of frontage along 7th Street. The site is improved with an existing one-story cold storage warehouse, currently being remodeled into a sound stage/motion studio and commercial offices under Building Permit No. 21014-10000-01408.

The project site is zoned M3-1-RIO-CUGU with a land use designation of Heavy Manufacturing in the Boyle Heights Community Plan area. The site is located in a highly urbanized area surrounded by light industrial uses to the north, south, and east, and the Los Angeles River to the west. Surrounding uses include the City's Bureau of Sanitation, Super King Corporate Office and warehousing/distribution facilities, with the Sanitation Bureau immediately east of the site across from Mission Road. The subject property is located within the Clean Up Green Up (CUGU), Adelante Eastside Redevelopment Project Area, River Improvement Overlay District, East Los Angeles State Enterprise Zone, MTA Right-of-Way (ROW) Project Area (ZI-1117), and Urban Agriculture Incentive Zone.

The project is a change of use and tenant improvement within an existing one-story warehouse building into a three-story sound stage/motion studio with offices and 19,599 square feet of additional floor area, with parking re-striping at 2160 East 7th Street.

The Applicant is requesting deviation from the improvement requirements for their project as shown below and delineated in the Bureau of Engineering (BOE) investigation report, dated August 16, 2022:

Obtain a B-permit to complete the following improvements:

- Construct new sidewalk to achieve ADA compliance along Mission Road.
- Construct entire curb along Mission Road.
- Construct new city standard driveway approaches per Standard Plan S-440-4.

The project is requesting to retain two existing non-standard driveway approaches and waive the construction of sidewalks and curb along the west side of Mission Road which adjoins the project site's street frontages and construct new city standard driveway approaches per Standard Plan S-440-4. Pursuant to LAMC 62.105.2, the maximum width of driveway aprons located in a M zone are 30 feet wide. The length of the existing non-standard driveway approach to the north is approximately 172 feet and the non-standard driveway to the south is approximately 171 feet. The Director of City Planning does not have the authority to approve non-standard driveway approaches under LAMC Section 12.37. Pursuant to LAMC Section 62.105.5., requests to deviate from the LAMC Section 62.105.2 requirements may be filed with the Board of Public Works. Thus, under LAMC Section 12.37 I.2, the Director solely has the authority to review the waivers from highway dedications and roadway improvements.

Previous zoning related actions on the site:

None.

WAIVER OF DEDICATION AND/OR IMPROVEMENT MANDATED FINDINGS

1. Pursuant to LAMC Section 12.37 I.2, the Director may waive, reduce, or modify the required dedication(s) or improvement(s) as appropriate after making any of the following findings, based on substantial evidence in the record that:

a) The dedication or improvement requirement does not bear a reasonable relationship to any project impact;

With respect to dedication and improvement requirements for the proposed project, Mission Road currently has a half right-of-way of 30 feet with no sidewalk. The Mobility Plan 2035 designation of a Local Standard Street would require a half right-of-way of 30 feet, comprised of an 18-foot half-roadway and a 12-foot sidewalk. There are two non-standard driveway approaches along Mission Road that the applicant has proposed to retain. The length of the existing non-standard driveway approach to the north is approximately 172 feet and the non-standard driveway to the south is approximately 171 feet. With regards to 7th Street, it currently has an apparent half right-of-way of 40 feet with a half roadway width of 28 feet. The Mobility Plan 2035 designation of an Avenue II would require a 43-foot half right-of-way, comprised of a 28-foot half-roadway and a 15-foot sidewalk.

The project is requesting to waive the requirement to construct new city standard driveway approaches per Standard Plan S-440-4, and to waive the requirement to construct ADA compliant sidewalks and curb along the west side of Mission Road. According to Building and Safety Building Permit No. 21014-10000-01408, the project adds an additional 19,599.00 square feet of floor area for the remodel of the existing one-story warehouse

building into a three-story motion and sound studio building. The Mobility Plan requirements accommodate the additional floor area added to the site by requiring ADA accessible sidewalks along Mission Road. The proposed project results in a substantial increase (over the 500 square foot threshold of non-residential floor area) to the existing project's floor area and thereby triggers the requirement for dedication and improvements. The required ADA compliant sidewalks will serve the new pedestrian and vehicular usership brought by the intensification of the project.

The project site does not possess any physical impracticalities that would allow the Director of Planning to waive the required improvements along the project's street frontage. The proposed project has a direct and reasonable impact on the public right-of-way and will require the sidewalk and curb improvements on Mission Road as specified in the adopted Mobility Plan 2035. The right of way improvements will provide pedestrian sidewalks and ADA accessibility for the future tenants and visitors of the site and bears a reasonable relationship to the project's impact. The Director also finds that without the required improvements, the proposed project will create an inconsistent street pattern along the northern portion of Mission Road and will prevent efficient pedestrian connection and vehicular traffic flow surrounding the site. The proposed project has a direct impact on the public right-of-way and the requested waiver of dedications and improvements cannot be granted due to the issues aforementioned.

b) The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established; or

The Los Angeles City Council Adopted the Mobility Plan 2035 (Mobility Plan) on August 11, 2015. One of the main purposes of the Mobility Plan's standards is to guide the future development of a citywide transportation system which provides for the efficient movement of people and goods. The Mobility Plan also establishes street designation and standards.

The Bureau of Engineering (BOE) is requesting that the project construct an ADA compliant sidewalk, curb improvements and new city standard driveway approaches per Standard Plan S-440-4, all along Mission Road. BOE's requested street improvements are needed in order to create the required sidewalk, in accordance with the City's mobility needs for the next 20 years established by the adopted Mobility Plan.

The proposed project is to convert the existing one-story warehouse use into three-story sounds stage/motion studio with offices, which will impact the number of pedestrian and vehicular trips and therefore impose new demands on Mission Road. Future developments along Mission Road will be required to apply the adopted street standards and guidelines specified in the Mobility Plan. If granted, the Waiver of Improvement and Dedications request would create inconsistent sidewalk and street alignments along Mission Road. The inconsistent application of standards and guidelines will diminish the goals and objectives of the Mobility Plan and will jeopardize traffic safety and efficient movement of people and goods.

As part of the project, the applicant is also seeking a Waiver of Improvements requiring construction of new standard concrete ADA compliant sidewalk, curbs and gutters along Mission Road. To grant this requested Waiver of Improvements would result in a substandard right-of-way, and would be contrary to the following Mobility Plan Policies:

1.1 Roadway User Vulnerability

Design, plan, and operate streets to prioritize the safety of the most vulnerable roadway user.

1.8 Goods Movement Safety

Ensure that the goods movement sector is integrated with the rest of the transportation system in such a way that does not endanger the health and safety of residents and other roadway users.

2.1 Adaptive Reuse of Streets

Design, plan, and operate streets to serve multiple purposes and provide flexibility in design to adapt to future demands.

2.3 Pedestrian Infrastructure

Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Fulfilling the improvements per the current Local Standard Street standards would provide a right-of-way that is improved to meet accessibility requirements, contributing to a safer path of travel for everyone. As outlined in the aforementioned policies, denying the waiver request would support the City's mobility needs by elevating the needs of pedestrians, goods, and create streets with multiple purposes. As such, the Director finds that the requested improvements are necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established and denies the requested Waiver of Improvements along Mission Road.

The applicant is also seeking a Waiver of Improvements to retain the two existing non-standard driveway approaches along Mission Road. The length of the existing non-standard driveway approach to the north of the site is approximately 172 feet and the non-standard driveway to the south is approximately 171 feet. If the applicant is permitted to retain the non-standard driveway approaches, approximately 342 of existing driveway approach would remain and prevent the construction of approximately 280 feet of the required ADA compliant sidewalk along Mission Road. If the existing non-standard driveway approaches are improved per Standard Plan S-440-4, that would allow for longer pedestrian designated pathways consistent with the existing sidewalk improvements to the east of Mission Road. As previously mentioned, the Board of Public Works, pursuant to LAMC Section 62.105.5, has the authority to grant or deny non-standard driveway approaches, and is therefore not considered as part of this determination.

c) The dedication or improvement requirement is physically impractical.

The waiver request is in conjunction with the remodel of an existing one-story warehouse building into a three-story sound stage/motion studio with offices and parking re-striping.

The site is already fully excavated and graded, which eliminates physical and/or impractical feature(s) which would prevent dedications and improvements to be provided along the site's frontage on Mission Road. Additionally, there are no encroachments into the public-right-of-way that would make dedication and improvements physically impractical. Furthermore, whether a request for non-standard driveway approaches is granted by the BOE or not, there are still no physical constraints that would preclude the construction of the sidewalk and curb improvements along Mission Road.

Therefore, the Director finds that there are no physical or impractical issues with the subject site which would prevent the application of required standards established by the adopted Mobility Plan.

ADDITIONAL MANDATORY FINDINGS

2. **Flood Insurance.** The National Flood Insurance Program rate maps, which are part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone are.

EXHIBIT G –
R3 Investigation Report
Reference No. 202200353

BOARD OF PUBLIC WORKS MEMBERS

AURA GARCIA
PRESIDENT

M. TERESA VILLEGAS
VICE PRESIDENT

DR. MICHAEL R. DAVIS
PRESIDENT PRO TEMPORE

VAHID KHORSAND
COMMISSIONER

SUSANA REYES
COMMISSIONER

DR. FERNANDO CAMPOS
EXECUTIVE OFFICER

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
PUBLIC WORKS

BUREAU OF
ENGINEERING

TED ALLEN, PE
CITY ENGINEER

1149 S BROADWAY, SUITE 700
LOS ANGELES, CA 90015-2213

<http://eng.lacity.org>

August 16, 2022

Manuel Gama
421 Colyton St., 2nd Floor
Los Angeles, CA 90013

PCIS: **21014-10000-01408**

Address: **751 N MISSION RD**

Highway Dedication Reference No.: **202200353**

R/W NO.:

Greetings:

Your building permit application has been referred to my office for review as required under Section 12.37 of the Los Angeles Municipal Code. Since the building site adjoins **Mission Road**, designated as a **Local Street - Standard** and **N/A** designated as a **N/A** on the City's General Plan, it is subject to the provisions of this section. Per Los Angeles Municipal Code Section 91.109.3, your Certificate of Occupancy will not be cleared by the City Engineer until the following public improvements and/or dedications are completed, and all the required fees are paid. Any improvements to be done are listed below and to be performed as described in the public right-of-way fronting your property. If you have already complied with the following requirements, please accept this letter for your record.

1. Obtain an B-permit to complete the following improvements:
2. Construct new sidewalk to achieve ADA compliance along Mission Road.
3. Construct entire curb along Mission Road.
4. Construct new city standard driveway approaches per Standard Plan S-440-4.

Enclosed is information pertaining to dedication and improvements. If you have any questions you may contact **Trevor Quan** of the Highway Dedication Section at **trevor.quan@lacity.org**.

Section 12.37 L.A.M.C., provides for minimum dedication and improvement requirements which do not preclude conditions established by the City Planning actions.

Sincerely,

Than Win
Civil Engineer

