

**DEPARTMENT OF
CITY PLANNING**

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**CITY OF LOS ANGELES
CALIFORNIA**



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ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

July 14, 2023

Owner/Applicant

Gabiguy Investment, LLC
79727 Morning Glory Ct.
La Quinta, CA 92253

Representative

Dovi Levin
FMB Development
5900 Wilshire Blvd. Ste. 2125
LA, CA 90036

RE: Vesting Tentative Tract Map No. 82674

Related Cases: None

Address: 79727 Morning Glory Ct.

Community Plan: Hollywood

Council District: 13 -Hugo Soto-Martinez

Existing Zone: R3-1

CEQA: ENV-2019-2388-CE

EXTENSION OF TIME

On March 6, 2020, the Deputy Advisory Agency (DAA) approved VTT-82674 for the creation of seven (7) residential condominiums, located at 1434 N Pointsettia Place as shown on map stamp dated 4-22-2019 in the Hollywood Community Plan.

Pursuant to LAMC Section 17.07 A.1, the initial life of the map approval is three years. Absent an allowable extension of time or tolling, the subdivider shall record the final map within this period, or in this instance, by **March 6, 2023.**

On July 5, 2023, the Subdivider's Representative, Dovi Levin of FMB Development, provided written correspondence (see attachments), to City Planning, along with documentation regarding the map's eligibility for tolling under the development moratorium provisions of the Subdivision Map Act pursuant to Government Code Sections 66463.5(d)(1)-(2). Specifically, these correspondences cite evidence of Los Angeles Department of Water and Power (LADWP), a public agency, delays between August 13, 2020, through May 2, 2023. The delays were based on the project's water & power systems clearance items needed for the final map; and LADWP's inaction in providing those clearances upon request by the developer which have resulted in delays in recordation of the final map.

Based on the DAA's review of the documentation and evidence provided, the City hereby determines that the Subdivision Map Act's development moratorium tolling applies to the map entitlement, approved under VTT-82674, specifically the provisions set forth in Government Code Section 66463.5(d)(1)-(2), related to BOE's Conditions of Approval Nos. S-1 - S-3 (LADWP).

The parcel map approval shall be tolled for 992 days (the period from August 13, 2020, to May 2, 2023), and extend the time for the subdivider to file the final map from March 6, 2023 to November 22, 2025.

Therefore, the new expiration date for the subject map is November 22, 2025.

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in dark ink, appearing to read 'NR', is written over the printed name of Nelson Rodríguez.

Nelson Rodríguez
Deputy Advisory Agency
VPB:NR:CG

cc: Councilmember Hugo Soto-Martinez

Encls.: Exhibit 1 - May 2, 2023 Letter from LADWP;
Exhibit 2 - Email correspondences from Subdivider to LADWP

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TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

Decision Date: March 6, 2020

Appeal Date: March 16, 2020

Gabiguy Investment (O)(A)
1434 North Pointsettia Place
Los Angeles, CA 90046

Margaret Taylor (R)
APEX LA
11301 West Olympic Blvd, #700
Los Angeles, CA 90064

Yoshi Miyamoto (S)
Becker & Miyamoto, Inc
5601 West Washington Blvd.
Los Angeles, CA 90016

Case No. VTT-82674
CEQA: ENV-2019-2388-CE
Location: 1434 North Poinsettia Place
Council District: 4 - Ryu
Neighborhood Council: Hollywood Hills West
Community Plan Area: Hollywood
Land Use Designation: Medium Residential
Zone: R3-1
Legal Description: Lot FR 7, TR 3157

The Advisory Agency determined, based on the whole of the administrative record, Case No. ENV-2019-2388-CE, that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Article 19, Section 15332 (Class 32) and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. In accordance with provisions of Section 17.03 and 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency approves Vesting Tentative Tract Map No. VTT-82674 located at 1434 North Poinsettia Place, for a maximum **seven (7) residential condominiums** as shown on **map stamp-dated April 22, 2019**, in the Hollywood Community Plan. This unit density is based on the R3-1 Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property.) The Advisory Agency's approval is subject to the following conditions:

NOTE on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

Bureau of Engineering approvals are conducted at the Land Development and GIS Division, located at 201 N. Figueroa Street, Suite 200. Any questions regarding these conditions should be directed to Mr. Georgic Avanesian by calling (213) 808-8588.

1. That an approximately 4.825 foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley.
2. That the 3-foot future street dedication as accepted by the Resolution No.2018109693 on 10/26/18 as public street right-of-way be show as part of the existing 33-foot wide half right-away along Poinsettia Place adjoining the tract on the final map.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

Grading Division approvals are conducted at 221 North Figueroa Street, 12th Floor suite 1200. The approval of this Tract Map shall not be construed as having been based upon a geological investigation such as will authorize the issuance of the building permit of the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits.

3. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Geology and Soils Report Approval dated June 17, 2019, and attached to the case file for Tract No. 82674-CC.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

Building and Safety approvals are conducted by appointment only - contact Eric Wong at (213) 482-6876 to schedule an appointment. Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. Plan check may be required before any construction, occupancy or change of use. Unless filed concurrently and included as part of the hearing notice with this subdivision, any additional deviations from the Los Angeles Municipal Code required by the Department of Building and Safety Office of the Zoning Engineer preliminary to the Zoning Engineer clearing the items on the report to the Advisory Agency, shall be separately filed through the City Planning Department Office of the Zoning Administrator.

4. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
 - b. Specify on the map the proposed uses and the number of condominium units of the project.
 - c. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and rear yard requirements shall be required to comply with current code as measured from new property lines after dedication.

Notes:

The site is allow for a maximum density of 7 units.

The submitted Map may not comply with the number of parking spaces required by Section 12.21 A.4(a) based on number of habitable rooms in each unit. If there are insufficient numbers of parking spaces, obtain approval from the Department of City Planning.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

Backup space for parking space with less than 26'-8" shall provide sufficient parking stall width and garage door opening width to comply with the current Zoning Code requirement.

DEPARTMENT OF TRANSPORTATION

5. That the project be subject to any recommendations from the Department of Transportation.

FIRE DEPARTMENT

Fire Department approvals and review are conducted at 201 North Figueroa Street, 3rd Floor. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6509. You should advise any consultant representing you of this requirement as well.

6. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
 - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
 - b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - c. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req #75).
 - d. 505.1 Address Identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

- e. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire land to the main entrance of individual units.
- f. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- g. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- h. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION) When this exception is applied to a fully fire sprinklered residential building equipped with a wet sandpipe outlet inside an exit stairway with at least 2 hour rating with distance from the wet sandpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway from outside the building shall not exceed 150 feet of horizontal travel.
- i. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150 feet horizontal travel distance from the edge of the public street or Fire Lane. This stairwell shall extend onto the roof.
- j. Entrance to the main lobby shall be located off the address side of the building.
- k. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- l. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- m. Site plans shall include all overhead utility lines adjacent to the site.
- n. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- o. Where the fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.
- p. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
- q. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- r. Submit plot plans indicating access road and turning area for Fire Department approval.

- s. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

DEPARTMENT OF WATER AND POWER

Questions regarding WSO clearance should be directed to the Los Angeles Department of Water and Power, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, CA 90051-5700 or (213)367-1218.

7. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S1.(c).)

BUREAU OF STREET LIGHTING – SPECIFIC CONDITIONS

Street Lighting clearance for this Street Light Maintenance Assessment District condition is conducted at 1149 S. Broadway Suite 200. Street Lighting improvement condition clearance will be conducted at the Bureau of Engineering District office, see condition S-3. (c) where applicable.

8. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

BUREAU OF SANITATION

9. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problem, as stated in the memo dated June 17, 2019. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

10. To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

DEPARTMENT OF RECREATION AND PARKS

Park fees are paid at 221 North Figueroa Street, Suite 400, Los Angeles. Please contact Park Fees staff at (213) 202-2657 for any questions or comments.

11. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

12. Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated tree expert as designated by LAMC Ordinance No. 177,404, for approval by the City Planning Department and the Urban Forestry Division of the Bureau of Street Services.

Note: All protected tree removals must be approved by the Board of Public Works. Contact: Urban Forestry Division at: 213-847-3077.

DEPARTMENT OF CITY PLANNING - SITE SPECIFIC CONDITIONS

Clearances may be conducted at the Figueroa, Valley, or West Los Angeles Development Services Centers. To clear conditions, an appointment is required, which can be requested at planning.lacity.org.

13. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. Limit the proposed development to a maximum of seven (7) condominium units.
 - b. Provide a minimum of two (2) covered off-street parking spaces per dwelling unit and two (2) guest parking spaces.
 - c. That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in the required front or rear yards.
 - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - e. That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.

14. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice

of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Action includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

DEPARTMENT OF CITY PLANNING - STANDARD CONDOMINIUM CONDITIONS

- C-1 That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Development Services Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking.

The sales office must be within one of the model buildings.

2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

C-2 Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with Section 17.12 of the Los Angeles Municipal Code and to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-3 That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any permit. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

C-4 In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments building, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
 - (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
 - (e) That drainage matters be taken care of satisfactory to the City Engineer.
 - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
 - (g) That any required slope easements be dedicated by the final map.
 - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
 - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
 - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
 - (k) That no public street grade exceeds 15%.
 - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
 - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
 - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
 - (d) All improvements within public streets, private streets, alleys and easements shall

be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.

- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
 - (1) No street light improvements if no street widening per BOE improvement conditions. Otherwise, remove and reinstall existing conduit behind new curb and gutter on Poinsettia Place.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division ((213) 847-3077) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design.
- (i) That the following improvements, based on an updated BOE Memo, be either constructed prior to recordation of the final map or that the construction is suitably guaranteed.

Improve Poinsettia Place adjoining the subdivision by the construction of the

following:

- (1) A concrete curb, a concrete gutter, and a 5-foot concrete sidewalk and landscaping of the parkway.
- (2) Suitable surfacing to join the existing pavements and to complete a 20-foot half roadway.
- (3) Any necessary removal and reconstruction of existing improvements.
- (4) The necessary transitions to join the existing improvements.
- (5) Improve the alley adjoining the subdivision by the construction of a suitable surfacing to complete a 10-foot wide half alley including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer. Construct any necessary drainage facilities.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract map action. However the existing or proposed zoning may not permit this number of units. This vesting map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

Any removal of the existing street trees shall require Board of Public Works approval.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the Los Angeles Municipal Code (LAMC).

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

The Department of City Planning determined that the implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designated the subject project as Categorical Exempt under Article 19, Section 15332, Class 32.

There are five (5) Exceptions which the City is required to consider before finding a project exempt under CEQA: (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

The Project proposes the construction, use, and maintenance of a new four (4) story, seven (7) unit residential building with a subterranean parking garage consisting of 14 residential parking spaces, two (2) guest parking spaces, and 12 bicycle parking spaces.

The Project Site is located within the Hollywood Community Plan area, has a land use designation of Medium Residential, and is zoned R3-1. The subject site is currently under construction pursuant to a permit application, Permit Application No. 16010-10000-05590, issued by the Department of Building and Safety on December 6, 2017. The site is not located within a Very High Fire Hazard Severity Zone, Fire District No. 1, flood zone, landslide, liquefaction, methane hazard site, or tsunami inundation zone. The site is not located within an Alquist-Priolo Fault Zone, but is located 0.77 km (0.48 miles) from the Hollywood Fault. Development of the site would require compliance with existing Regulatory Compliance Measures (RCMs) in the City of Los Angeles related to construction within a Very High Fire Hazard Severity Zone, fault zone, and within the Hillside area. There are no known environmental resources located on the site which would be of hazardous or critical concern.

Within 500 feet of the Project Site, there are three (3) other known projects of the same type and in the same location as the site. While the projects are in close proximity to one another and are in similar stages, each project would be subject to regulatory measures, as well as any applicable conditions of approval. As such, there is no anticipated cumulative impacts. The project proposes the subdivision of one (1) lot to permit up to seven (7) residential condominiums. The subject site and surrounding areas are designated for Medium Residential land uses and are developed with multi-family residential uses that are two- to four-stories tall. The project's size and height is not unusual for the vicinity of the subject site, and is similar in scope to other existing residential uses in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

As it relates to development which would impact a Scenic Highway, the only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located 19 miles east of State Route 27 and no potential damage to this resource would result from the project. Therefore the subject site will not create any impacts within a designated state scenic highway. As it relates to hazardous waste, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise,

- air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

The project is for the subdivision of one lot for a maximum of seven (7) condominiums on a 6,100 gross square-foot lot in the R3-1 Zone. The construction of small lot homes is a project which is characterized as an in-fill development project that qualifies for Section 15332 (Class 32) Categorical Exemption.

The Project Site is located wholly within the City of Los Angeles, on a site that is approximately 0.14 gross acres. The Project Site is located within the Hollywood Community Plan area, which designates the site for Medium Residential land uses. The Medium Residential land use designation lists the R3 Zone as a corresponding zones. As the site is zoned R3-1, the zone is consistent with the land use designation. The surrounding properties have a land use designation of Medium Residential land use and are zoned R3-1. Adjacent lots are developed with multi-family residences and commercial uses. The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species.

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the subdivision of one lot for the purposes of constructing seven (7) residential condominiums on a site which has been previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of (Vesting) Tentative Tract Map No. VTT-82674 the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The project site is located within the Hollywood Community Plan, which establishes goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the Los Angeles Municipal Code (LAMC). The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Pursuant to LAMC Section 17.05 C, tract maps are to be designed in conformance with the tract map regulations to ensure compliance with the various elements of the General Plan, including

the Zoning Code. Additionally, the maps are to be designed in conformance with the Street Standards established pursuant to LAMC Section 17.05 B. The project site is located within the Hollywood Community Plan, which designates the site with a Medium Residential land use designation. The land use designation lists the R3 Zone as the corresponding zone. The Project Site is zoned R3-1, which is consistent with the land use designation. The project site has approximately 6,249 gross square-feet of lot area, which would permit a maximum of seven (7) dwelling units. As shown on the Vesting Tentative Tract Map, the project proposes to subdivide the project site into seven (7) condominium units. The site is not located within a specific plan area or other overlay zone.

The Vesting Tentative Tract Map was prepared by Yoshi Miyamoto (PLS # 4825) and contains information regarding the boundaries of the project site, as well as the abutting public rights-of-way, location of existing buildings, existing and proposed dedication, and improvements of the tract map. The Vesting Tentative Tract Map indicates the map number, notes, legal description, and contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06. As conditioned, the proposed map is consistent with the applicable General Plan.

(b) THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 and 66419 of the Subdivision Map Act and LAMC Section 17.02. Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to Section 66427(a) of the Subdivision Map Act, the location of the buildings is not considered as part of the approval or disapproval of the map by the Advisory Agency. Easements and/or access and "improvements" refers to the infrastructure facilities serving the subdivision. LAMC Section 17.05 enumerates the design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the project site. As the project site is zoned R3-1 with a density of 800 square feet per dwelling unit, the site permits a maximum of seven (7) dwellings on a 6,249 gross square-foot site.

The subject property is leveled and located along the easterly portion of Poinsettia Place. The Department of Building of Safety Grading reviewed the project and determined that the site was not located within a designated hillside area and is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards.

The tract map was distributed to and reviewed by the various city agencies of the Subdivision Committee that have the authority to make dedication, and/or improvement recommendations. The Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards. The Bureau of Engineering has recommended dedication and/or improvements to the public right-of-way along Poinsettia Place, consistent with the standards of the Mobility Element. In addition, the Bureau of Engineering has recommended the construction of the necessary on-site mainline sewers and all necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 2010. As conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT.

The project site is comprised of one rectangular-shaped lot located along the easterly side of Poinsettia Place consisting of approximately 6,249 gross square feet (0.14 net acres) of lot area. A permit was issued by DBS on January 8, 2018, Permit Application No. 17019-10000-04873. Per Survey LA, the single-family dwelling was not a designated historic structure. Per certified arborist report dated April 9, 2019, the site does not contain any protected trees.

The project proposes a Vesting Tentative Tract Map for the subdivision of one-lot for the construction, use and maintenance of a four-story, seven (7) unit condominium containing 14 residential parking spaces, two (2) guest parking spaces, and 12 bicycle parking spaces. The project site is located within approximately 0.77 kilometers from the Hollywood Fault and is located within the Alquist-Priolo Fault Zone. The property is not located within a designated hillside area, liquefaction zone, earthquake induced landslide, or fault-rupture hazard zone; and does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards. Furthermore, the site is not located within a high fire hazard severity zone, flood zone, landslide, methane, or tsunami inundation zone.

Prior to the issuance of any permits, the project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. The site is not identified as having hazardous waste or past remediation. The site is not located within any Flood Zone. The tract map has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. Therefore, the site will be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The properties to the north, east, west, and south are zoned R3-1 and are developed with multi-family residential with a land use designation of Medium Residential. The project proposes to construct a four-story, seven (7)-unit condominium with a maximum building height of 45-feet. The subject lot contains 6,249 gross square feet, which allows for a maximum of seven (7) dwelling units on-site. Therefore, the proposed seven (7)-unit condominium development is within the permitted density.

Furthermore, prior to the issuance of a demolition, grading, or building permit, the project would be required to comply with conditions herein and applicable requirements of the LAMC. As conditioned the proposed tract map is physically suitable for the proposed density of the development.

(e) THE DESIGN OF THE SUBDIVISION OR THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

It has been determined that the project and the design of the subdivision and proposed improvements will not cause substantial environmental damage or injury to wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

As required by LAMC Section 12.03, the project site has a minimum of 20-feet of frontage along Poinsettia Place, which is a public street. The project site consists of a parcel identified as Lot No. FR 7 of Tract TR 3157 and is identified by the Assessor Parcel No. 5548-019-032. While the project will provide a private easement for common/vehicular access purposes within the subdivision, there are no known easements acquired by the public at large for access through or use of the property within the proposed subdivision, as identified on the tract map. Necessary easements for utilities will be acquired by the City prior to the recordation of the proposed tract map.

Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation,

exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract No VTT-82674.

VINCENT P. BERTONI, AICP
Advisory Agency



May Sirinopwongsagon
Deputy Advisory Agency
MS:AB

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission or Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10- day time limit. Such appeal must be submitted on Master Appeal Form No. CP- 7769 at the Department's Public Offices, located at:

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

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

West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2912

Forms are also available on-line at [http:// planning.lacity.org](http://planning.lacity.org)

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure 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.

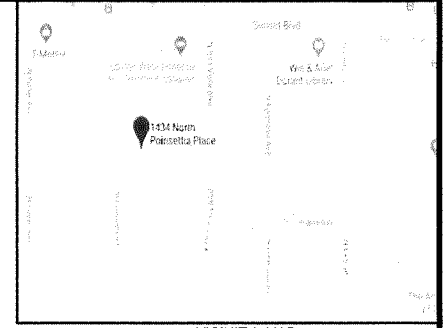
VESTING TENTATIVE TRACT MAP NO. 82674

FOR CONDOMINIUM PURPOSES

LOT 7

OF TRACT NO. 3157, M.B. 32-82

ADDRESS: 1434 N. POINSETTIA PLACE, LOS ANGELES, CA



SUNSET BLVD.

POINSETTIA PLACE

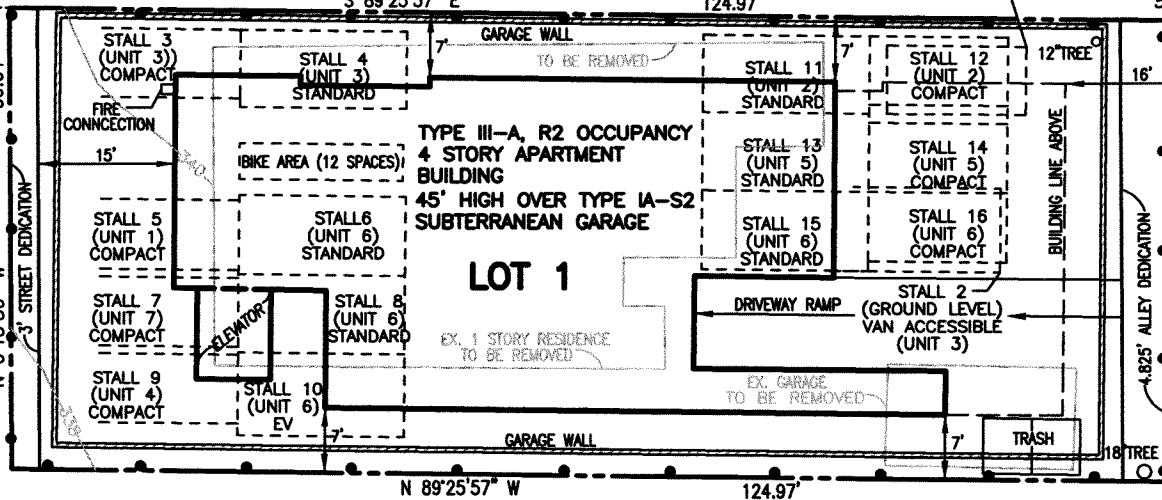
403.06'

6' 30" 0' 30'

CURB & GUTTER

EX. DRIVE APRON

N 0°13'30" W EX. SIDEWALK



S 89°25'57" E

124.97'

N 89°25'57" W

124.97'

VICINITY MAP

5.175' 5.175'

10.35'

16'

50.01'

S 0°13'30" E

4.825' ALLEY DEDICATION

ALLEY

AREA TO BE SUBDIVIDED

NOTES:

1. TOTAL GROSS LOT AREA: 6,249 SF
NET AREA AFTER DEDICATION: 6,157 SF
2. ZONING EXISTING AND PROPOSED: R3-1
3. PARKING SPACES: 7 STANDARD COVERED, 8 COMPACT COVERED,
1 A.D.A SPACE COVERED, 12 BICYCLE.
4. SITE HAS SINGLE FAMILY DWELLING AND GARAGE TO BE
REMOVED
5. SEWAGE DISPOSAL BY UNDERGROUND CITY SEWER
6. SURFACE AND CONTRIBUTORY DRAINAGE TO BE CONVEYED TO
POINSETTIA PLACE
7. NO OAK, WESTERN SYCAMORE, CALIF. BAY OR S.C. BLACK WALNUT
TREES ON PROPERTY. TWO (2) EXISTING TREES TO BE REMOVED
8. SITE HAS ONE EXISTING 1 STORY RESIDENCE AND GARAGE. TO BE
REMOVED.
9. AVERAGE SLOPE OF LOT IS 2%
10. PROPERTY IS NOT IN LIQUEFACTION ZONE
11. PROPERTY IS NOT IN METHANE HAZARD ZONE
12. NO HAZARDS OR HAZARDOUS MATERIALS ON PROPERTY
13. 45' MAXIMUM HEIGHT OF PROPOSED BUILDINGS

LOS ANGELES DEPT. OF CITY PLANNING
SUBMITTED FOR FILING
☒ TENTATIVE MAP

APR 22 2019

☐ REVISED MAP ☐ EXTENSION OF TIME
☐ FINAL MAP UNIT ☐ MODIFIED
DEPUTY ADVISORY AGENCY

VTT-82674-CN

ZONING: R3-1

OWNER/SUBDIVIDER

GABIGUY INVESTMENT
1434 N. POINSETTIA PLACE
LOS ANGELES, CA
760-333-3405
LAND USE CONSULTANT

APEX LA
11301 W OLYMPIC BLVD #700
LOS ANGELES, CA 90027
818-398-2740

PREPARED BY

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LOS ANGELES, CA 90016
310-839-9530
DATE: 3-20-19