

FINDINGS

Entitlement Findings

FINDINGS OF FACT (CEQA)

On January 14, 2020, the City Council, Council File No. 19-1389, approved the SCP Exemption (SCPE) and determined that based on the whole of the administrative record, the project is exempt from CEQA pursuant to Public Resources Code, Section 21155.1, under Case No. ENV-2019-3761-SCPE.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 82654, 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 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 Community Plan 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. Moreover, the project site is located within Subarea C (Commercial Center) of the Vermont/Western SNAP, which establishes goals, objectives, and policies for future developments that supersede the LAMC.

Relationship between the Vermont/Western SNAP and LAMC

Pursuant to Section 3 of the SNAP, the provisions in the Specific Plan which require or permit greater or lesser setbacks, street dedications, open space, densities, heights, uses, parking, or other controls on development than would be allowed or required pursuant to the provisions contained in Chapter 1 of the Los Angeles Municipal Code (LAMC), prevail and supersede the applicable provisions of the LAMC. The SNAP was adopted in 2001, therefore, the proposed project is reviewed as one development project and obligated to comply with the development regulations of the Specific Plan.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.03 requires that the Tract Map be designed in compliance with the zoning regulations applicable to the project site. The project site is located within the Hollywood Community Plan, which designates the site with a Community Commercial Land Use designation corresponding to the CR, C2, C4, P, PB, RAS3, and RAS4 Zone. The project site is zoned R4-1, which is consistent with the land use designation. Moreover, the project site is located within Subarea C of the SNAP and is consistent with its standards and regulations. The applicant filed a concurrent case (DIR-2019-3760-TOC-SPP-SPR) for the demolition of three (3) existing multi-family buildings and accessory buildings; and the construction, use and maintenance of an eight-story apartment building, with two (2) levels of above grade parking and 143,785 square feet of floor area consisting of 153 dwelling units. The approval of the Vesting Tentative Tract Map is subject to the approval of the concurrent DIR Case and the applicant is required per the Conditions of Approval to submit a copy of

the Letter of Determination for the DIR Case prior to the issuance of the building permit or the recordation of the final map. In the event that the DIR case is not approved, the applicant is required to submit a tract modification. The project site has 33,053 square feet of lot area, or 33,720.5 square feet (33,053 sf + 667.5 square feet with half of the alley), allowing a maximum of 85 dwelling units. However, the applicant is seeking an 80 percent increase in the maximum allowable density permitted in the SNAP to allow 153 dwelling units in lieu of the otherwise permitted 85 dwelling units, in exchange for setting aside 11 percent, or 17 units, of the total 153 units for Extremely Low Income households per the TOC Affordable Housing Incentive Program. As shown on the Vesting Tentative Tract Map, the project proposes to merge and subdivide five (5) lots into one (1) lot, to accommodate the new residential building.

The Vesting Tentative Tract Map was prepared by Brandow & Johnston, Edgard S. Melo (License No. C80534), and contains information regarding the boundaries of the project site, as well as the abutting public rights-of-way, existing and proposed dedication, location of existing buildings and improvements of the tract map. The tract map indicates the tract number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. As proposed and conditioned, the proposed map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B; and is consistent with the applicable General Plan and the SNAP Specific Plan, subject to the approval of the concurrent case (DIR-2019-3760-TOC-SPP-SPR).

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 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 17.50 enumerates the design standards for a parcel 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 17.03 requires that the tract map be designed in conformance with the zoning regulations of the project site and the SNAP. Subarea C of the SNAP states that all lots found within this subarea are subject to R4 density. With a density of 400 square feet per dwelling unit, the site permits a maximum of 85 dwelling units on the 33,053 square-foot of lot, or 33,720.5 square feet (33,053 sf + 667.5 square feet with half of the alley). The applicant is seeking an 80 percent increase in the maximum allowable density permitted in the SNAP to allow 153 dwelling units in lieu of the otherwise permitted 85 dwelling units, in exchange for setting aside 11 percent, or 17 units, of the total 153 units for Extremely Low Income households per the TOC Affordable Housing Incentive Program per concurrent Case No. DIR-2019-3760-TOC-SPP-SPR. As the map is proposed for a 153 unit apartment building on one (1) lot, it is consistent with the density permitted by the zone, the specific plan, and the approval of the concurrent DIR application.

The Vesting Tentative Tract Map was distributed on October 22, 2019 to and reviewed by various city agencies of the Subdivision Committee that have the authority to make dedication, and/or improvement recommendations. The Bureau of Engineering (BOE) has recommended improving Maubert Avenue and the alley adjoining the subdivision, 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. The Bureau of Street Lighting has recommend the applicant install two (2) new street lights along Maubert Avenue. 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 five (5) rectangular-shaped lots located along the northerly side of Maubert Avenue and consisting of 33,053 net square feet (0.76 net acres) of lot area. The subject site is currently developed with three (3) multi-family buildings and accessory buildings, constructed in 1920, 1947 and 1975, respectively. All structures on-site will be demolished. According to the City's database, ZIMAS, all five (5) lots are subject to the Rent Stabilization Ordinance (RSO). The site was not found to be a potential historic resource based on the City's HistoricPlacesLA website or Survey LA. Moreover, on January 26, 2020, the Office of Historic Resources concurred with the Historic Resource Assessment conducted for the site that the properties are not historical resources for the purposes of CEQA. There are no protected trees on the site, as identified in a letter prepared by Ian Morris, Senior Principal PLA #4988, dated April 30, 2019.

The project proposes a Vesting Tentative Tract Map for the subdivision of five (5) lots into one (1) individual parcel for the the construction, use and maintenance of an eight-story apartment building, with two (2) levels of above grade parking and 143,785 square feet of floor area consisting of 153 dwelling units. The project site is located within a methane zone per LADBS, Zoning Division, approximately 0.19 kilometers from the Upper Elysian Park Fault. 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, or tsunami inundation zone. The subject property is located in a BOE Special Grading Area, but will not be pursuing a Haul Route approval from the Deputy Advisory Agency at this time.

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 map has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in the correspondence dated November 12, 2019, Soils Approval Letter dated September 23, 2019 (Log #107430-02) and attached to the case file for Tract No. 82654, 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 surrounding area is generally characterized by medium density residential and commercial uses. Parcels to the east and north are zoned C2-CSA1 and C2-1, respectively, located within Subarea C of the SNAP, and developed with banks and commercial uses. The parcels to the west are zoned R4-1, located within Subarea C of the SNAP, and developed with multi-family residential buildings. The parcels to the south are zoned R4-2 and C2-CSA1, located within Subarea C of the SNAP, and developed with Children's Hospital Los Angeles.

The project site, which is comprised of five (5) parcels, consists of 33,053 square feet of land and is developed with three (3) multi-family buildings and accessory buildings, constructed in 1920, 1947 and 1975, respectively. The project proposes to construct a 98-foot, 5-inch in height apartment building containing 153 dwelling units. As proposed, the density and height is consistent with the zone and land use designation, which would permit a maximum of 153 dwelling units and a height of 108 feet, in exchange for setting aside 11 percent, or 17 units, of the total 153 units for Extremely Low Income households per the TOC Affordable Housing Incentive Program. Additionally, 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.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife. Mitigation measures are not necessary as there are no potentially significant negative environmental effects associated with the project. On January 14, 2020, the City Council, Council File No. 19-1389, approved the SCP Exemption (SCPE) and determined that based on the whole of the administrative record, the project is exempt from CEQA pursuant to Public Resources Code, Section 21155.1, under Case No. ENV-2019-3761-SCPE.

- 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 Maubert Avenue, which is a public street. The project site consists of parcels identified as Lots No. 24 (arb 2), 25 (arb 1 and 2), 26, and 26 (arb 1) of City Boundary Tract and is identified by the Assessor Parcel Map No. 5542014023, 5542014026, and 5542014031.

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.

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 Tract No. 82654.