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June 29, 2017

The Honorable City Council
City of Los Angeles
City Hall, Room 395
Los Angeles, California 90012

Dear Honorable Members:

**REVISED CONDITIONS OF APPROVAL AND FINDINGS OF FACT FOR COUNCIL FILE NO.
15-1170-S1 (CASE NO. VTT-74328-CC-2A)**

In response to the concerns raised by the appellants regarding the project at 118-126 North Flores Street, Planning Staff recommends that the Los Angeles City Council adopt the enclosed revised Conditions of Approval and Findings of Fact for Case No. VTT-74328-CC-2A.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

Jane Choi, AICP
Senior City Planner

VPB:JC

Enclosures

Revised Conditions and Findings for VTT-74328-CC-2A

REVISED CONDITIONS OF APPROVAL:

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

1. 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. Provide a copy of affidavit AFF-2159. Show compliance with all the conditions/requirements of the above affidavit as applicable. Termination of above affidavit may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
 - b. Show all street dedication a 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.

Notes:

This project site is subject to the Historic Preservation Review. Historical Monument CHC-2015-2491-HCM.

There is a 10 ft. Building Line along Flores Street on this Subdivision.

Any 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.

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

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

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

FIRE DEPARTMENT

3. 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.

DEPARTMENT OF WATER AND POWER

4. 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. S-1. (c).)

INFORMATION TECHNOLOGY AGENCY

5. 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.

BUREAU OF SANITATION

6. 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 structures or potential maintenance problem, as stated in the memo dated November 8, 2016. 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).)

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

7. 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 8 dwelling units.
 - b. The 12 existing parking spaces for the structures shall be maintained and no additional automobile or bicycle parking spaces need be provided,

pursuant to LAMC 12.21 A.4(x)(2).

In addition, prior to issuance of a building permit or certificate of occupancy, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (201 N. Figueroa Street, 4th Floor).

c. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

d. **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.

8. That prior to recordation of the final map, the subdivider shall apply to the Department of Building and Safety for a Certificate of Completion for a change from apartments to condominiums.
9. Certified Parking Plan. The subdivider shall submit two copies of a parking plan, certified by a licensed surveyor or registered civil engineer and approved by the Department of Building and Safety, to the satisfaction of the Advisory Agency prior to recordation of the final map, indicating the number of spaces required, driveways, aisle widths, column locations or any other type of obstructions.
10. Prior to the recordation of the final map or the issuance of a certificate of occupancy, the Applicant shall execute and record a covenant and agreement stating that any future owners of the condominium units shall be informed of Section 22.171.14 of the Cultural Heritage Ordinance (Ord. No. 178,402), which states, "No permit for the demolition, substantial alteration or relocation of any Monument shall be issued, and no Monument shall be demolished, substantially altered or relocated without first referring the matter to the Commission, except where the Superintendent of Building or the City Engineer determines that

demolition, relocation or substantial alteration of any Monument is immediately necessary in the interest of the public health, safety or general welfare."

11. Prior to the recordation of the final map or the issuance of a certificate of occupancy, the Applicant shall execute and record a covenant and agreement to comply with Section 22.171.14 of the Cultural Heritage Ordinance (Ord. No. 178,402), which states, "No permit for the demolition, substantial alteration or relocation of any Monument shall be issued, and no Monument shall be demolished, substantially altered or relocated without first referring the matter to the Commission, except where the Superintendent of Building or the City Engineer determines that demolition, relocation or substantial alteration of any Monument is immediately necessary in the interest of the public health, safety or general welfare." The applicant shall submit a report, for the review and approval of the Office of Historic Resources, detailing the character-defining features of the property that should be taken into consideration in analyzing the conformance of future work with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONVERSION CONDITIONS

- CC-1 That prior to final map recordation, the applicant shall execute and record a covenant and agreement stating that each tenant shall be given at least a 180-day written notice of intention to convert, prior to termination of tenancy, due to the conversion or proposed conversion. (201 N. Figueroa Street, 4th Floor) Government Code section 66452.19 This notification supersedes Los Angeles Municipal Code (LAMC) 12.95.2-E,2.
- CC-2 That prior to final map recordation, the applicant execute a covenant and agreement stating that each tenant of the proposed condominium conversion project shall be given written notice within five days after receipt of the subdivision public report of an exclusive right to contract for the purchase of the dwelling unit, occupied by the tenant, upon the same or more favorable terms and conditions than those initially offered to the general public. If a tenant's existing unit is to be combined with an adjacent unit, another unit of comparable size and amenities shall be offered to that tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the California Business and Profession Code, unless the applicant receives prior written notice of the tenant's intention not to exercise the right. (201 N. Figueroa Street, 4th Floor) (Los Angeles Municipal Code (LAMC) 12.95.2-E,3).
- CC-3 Prior to recordation of the final map, the subdivider shall pay a Rental Housing Production Fee for each unit, prior to the conversion. This fee shall be paid to the Rental Housing Production Account of the Housing Department in accordance with Section 12.95.2-K of the LAMC. (1200 W. 7th Street, 1st Floor Public Counter).

NOTE: All fees collected pursuant to this LAMC 12.95.2 K. shall be deposited and held in the Rental Housing Production Account of the Los Angeles Housing and

Community Investment Department (HCIDLA), the account is established to be administered by HCIDLA separately from all other money expended by the Department. Money in this account shall be used exclusively for the development of low and moderate income rental housing in the City, pursuant to guidelines carrying out this purpose prepared by the Department and approved by resolution of the City Council.

CC-4 That prior to recordation of the final map, a Housing Inspection Report, prepared by a Licensed Engineer, shall be submitted to the Advisory Agency. The report shall be prepared by a registered civil or structural engineer, licensed general building contractor, licensed general engineering contractor or architect. As necessary, the inspection shall be conducted by a team of experts certified by the International Conference of Building Officials, with specialty in mechanical, electrical, plumbing and structural engineering. The report shall indicate the condition and estimated remaining useful life of the roof, foundation, plumbing, electrical, heating, air conditioning, and other mechanical and structural systems. The report shall show substantial compliance with applicable provisions of Chapter IX of the Los Angeles Municipal Code (LAMC) for existing residential buildings, taking into account nonconforming rights. In addition, prior to inspecting the building, the subdivider or owner shall obtain from the tenants a list of defects and necessary repairs, which in their opinion exist on the site, common areas, unit or apartment structure. Prior to recordation of the final map, any deficiencies determined by the inspection shall be corrected and satisfactory evidence shall be submitted to the Advisory Agency that said corrections have been made. Form CP-6711 will not be prepared unless a list of deficiencies per the Housing Inspection Report Guidelines and a tenant's list of defects are submitted. A certified parking plan shall be required as a part of this condition and all spaces shall be in place prior to recordation. The Advisory Agency has Housing Inspection Report Guidelines available at 201 N. Figueroa Street, 4th Floor for the preparation of Housing Inspection reports.

OR

Prior to the issuance of a Certificate of Completion for condominiums or recordation of the Final Map, whichever occurs first, the Department of Building and Safety shall certify to the satisfaction of the Advisory Agency that the existing structure meets all applicable Codes to its satisfaction for a residential use.

CC-5 That an acoustical report prepared by a licensed acoustical engineer be submitted to the Department of City Planning for approval prior to recordation of the final map or concurrently with any required Housing Inspection Report. The acoustical report shall indicate (a) the type of construction between dwelling units and the general sound attenuation. (Note: The acoustical report may be included in the Housing Inspection Report as a separate section.)

OR

Prior to the issuance of a Certificate of Completion for condominiums or

recordation of the Final Map, whichever occurs first, the Department of Building and Safety shall certify to the satisfaction of the Advisory Agency that the existing structure meets all applicable Codes to its satisfaction for a residential use for sound attenuation.

CC-6 That the applicant execute and record a Covenant and Agreement (Planning Department General Form CP-6771) in a form satisfactory to the Advisory Agency, binding the applicant and any successor in interest to provide relocation assistance in a manner consistent with Section 12.95.2-G and 47.06 of the Los Angeles Municipal Code pertaining to rental subsidies for tenants either terminating tenancy or evicted for condominium conversions and any additional ordinances that may provide greater relocation assistance. The covenant and agreement shall be executed and recorded within 10 days after expiration of appeal period (and final action thereon) and a copy provided to each tenant within five days of recordation of the covenant and agreement. **Failure to meet the requirement of this condition – including time limits – may be grounds to disapprove the final map.** (201 N. Figueroa Street, 4th Floor)

CC-7 That prior to final map recordation, the applicant shall execute a covenant and agreement stating that proof shall be submitted (Certified mail or Affidavit) to the Advisory Agency, indicating that each tenant of the proposed condominium conversion project shall be given written notification of the condominium conversion within 30 days after final map recordation.

Prior to issuance of any building permit proof shall be submitted to the Advisory agency that written notification of the condominium conversion within 30 days after final map recordation was given to each tenant of the proposed condominium conversion project.

CC-8 That prior to final map recordation, the applicant shall execute a covenant and agreement for, **or** provide a receipt, satisfactory to the Advisory Agency, in connection with this condominium conversion. The receipt that the subdivider provides shall show that a Park and Recreation fee, (or a \$200 per unit Dwelling Unit Construction tax has been paid to Building and Safety [201 N. Figueroa Street, 3rd Floor, Station 17] if a Certificate of Occupancy was issued more than 5 years before final map recordation) and a Residential Development Tax of \$300 per dwelling unit has been paid. (221 N. Figueroa Street, Suite 100).

CC-9 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 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 12.22-A, 10 and 11 and Section 17.05-O of the Los Angeles Municipal Code (LAMC) shall be fully complied with satisfactory to the Department of Building and Safety.

CC-10 Prior to issuance of a condominium conversion permit, the applicant shall establish the existing number of units of the apartments to be the same as the number of condominium units approved under Case No. VTT-74328-CC to the satisfaction of the Department of Building and Safety Plan Check Section.

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 Municipal Code.
 - (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 street, 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 be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
 - a. No street lighting improvements if no street widening per Bureau of Engineering Condition S-3 (i). Otherwise relocate conduit behind

new curb and gutter on Flores Street.

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 Urban Forestry 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 Street Tree 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 Americans with Disabilities Act (ADA) of 1990.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract 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 Los Angeles Municipal Code (LAMC), unless approved specifically for this project under separate conditions.

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 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)

On April 27, 2017, the Planning Department determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject project as Categorically Exempt under Article III, Section 1, Class 1, Category 10, and Class 32, Log No. ENV-2016-2050-CE. The project is a Vesting Tentative Tract Map for the condominium conversion of 2 apartment buildings with 9 units that is a City of Los Angeles Historic Cultural Monument into an 8-unit condominium. As a residential condominium conversion, and a project which is characterized as in-fill development, the project qualifies for the Class 1, Category 10 and Class 32 Categorical Exemptions.

Article III, Section 1 of the City CEQA Guidelines states the following (emphasis added):

The Secretary for Resources has provided a list of classes of projects which he has determined do not have a significant effect on the environment and which are therefore exempt from the provisions of CEQA. The following specific categorical exemptions within such classes are set forth for use by Lead City Agencies, provided such categorical exemptions are not used for projects where it can be readily perceived that such projects may have a significant effect on the environment.

The proposed project, a Vesting Tentative Tract Map for the conversion of 2 apartment buildings with 9 units into an 8-unit condominium, does not have any readily perceived significant effects on the environment as stated below.

Class 1 pertains to Existing Facilities, which consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing. Category 10 specifically identifies projects that involve the division of existing multiple family rental units into condominiums or stock cooperatives as exempted.

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

- (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.

As shown in the case file, the project is consistent with the applicable Wilshire Community Plan designation and policies and all applicable zoning designations and regulations. The site is zoned [Q]R3-1-O and has a General Plan Land Use Designation of Medium Residential.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The development consists of 8 units on a lot that is 18,565 gross square feet in size. The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.43 acres. Lots adjacent to the subject site are developed with the following urban uses: three to four unit residential structures abutting the subject property to the north, south, and east, and 8 unit residential structures abutting the site to the west, as well as one to two story commercial uses to the north along Beverly Boulevard.

- (c) The project site has no value as habitat for endangered, rare or threatened species.

The site is not, and has no value as, a habitat for endangered, rare or threatened species. The site is previously disturbed and surrounded by development, and no new construction is proposed as the project is a condominium conversion. No protected trees will be removed. Eight non-protected trees are currently on the site and will remain. As mentioned, 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.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The project is beneath the threshold criteria established by LADOT for preparing a traffic study, as no new units are being constructed. Therefore, the project will not have any significant impacts to traffic. The project will not result in significant impacts related to air quality because the project is a vesting tract map for the condominium conversion of 2 apartment buildings with 9 units that is a City of Los Angeles Historic Cultural Monument into an 8-unit condominium. No new construction is involved. As mentioned, 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.

- (e) The site can be adequately served by all required utilities and public services.

The project site is and will be adequately served by all public utilities and services given that the conversion from apartment to residential condominium will be on a site with an existing building and is consistent with the general plan. Therefore, based on the facts herein, it can be found that the project meets the qualifications of the Class 32 Exemption.

Exceptions Narrative for Categorical Exemption

There are five (5) Exceptions which must be considered in order to find a project exempt under CEQA Guidelines Section 15301 (Class 1) and CEQA Guidelines Section 15332 (Class 32): (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposed is a vesting tract map for the condominium conversion of 2 apartment buildings with 9 units that is a City of Los Angeles Historic Cultural Monument into an 8-unit condominium, in an area zoned and designated for such development. All adjacent lots are developed with the following urban uses: three to four unit residential structures abutting the subject property to the north, south, and east, and 8 unit residential structures abutting the site to the west, as well as one to two story commercial uses to the north along Beverly Boulevard, and the subject site is of a similar size and slope to nearby properties. The project proposes no changes to the Floor Area Ratio (FAR) and the existing improvements are consistent in size, bulk, and massing to other developments in the vicinity. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

The subject site is not designated as a state scenic highway, nor are there any designated state scenic highways located near the project site. Furthermore, 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 site is City of Los Angeles Historic Cultural Monument No. LA-1096 (Mendel and Mable Meyer Courtyard Apartment), as established by the Los Angeles Cultural Heritage Commission in November 2015. However, the LA Office of Historic Resources has found that the project, a Vesting Tentative Tract Map for the conversion of 2 apartment buildings with 9 units into an 8-unit condominium, will comply with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. 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.

REVISED FINDINGS OF FACT

In connection with the approval of Vesting Tentative Tract No. 74328-CC, 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 adopted Wilshire Plan designates the subject property for Medium Residential land use with the corresponding zone of R3. The property contains approximately 0.35 net acres (15,086 net square feet) and is presently zoned [Q]R3-1-O.

In accordance with LAMC 12.95.2 F, there are no applicable general or specific plans that contain a definite statement of policies and objectives applicable to condominium conversion projects in the Wilshire Community Plan.

The project is compatible with the Wilshire Community Plan which encourages projects that:

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

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

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

The project will provide much needed new home ownership opportunities in the Wilshire Community Plan area in the form of existing quality housing. Therefore, as conditioned, the proposed subdivision map is substantially consistent with the applicable general and specific plans.

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

The project site was designated as a historic-cultural monument (HCM) on November 25, 2015 by the Los Angeles City Council. The existing complex has eight (8) legal units and one (1) unpermitted unit found ineligible in area requirements for conversion into a legal unit. The proposed tentative tract map, an 8-unit condominium conversion, is allowable under the current zone and the land use designation.

The existing buildings, built in 1937 and 1940 and designated as a historic-cultural monument (HCM), encroach into a 10-foot building line established by Ordinance No. 76753. However, per LAMC Section 12.22 C.26, the HCM is exempt from the building line requirements and the yards required shall be the same as the yards observed by the existing structures on the site.

The project provides 12 resident parking spaces. In accordance with LAMC Section 12.21 A.4(x)(2) for historic-cultural monuments (HCM), the project does not require additional parking beyond existing parking, as shown on the certified parking plan dated June 6, 2016. In order to maintain the integrity of the HCM, the Deputy Advisory Agency therefore waives all applicable Advisory Agency Parking Policies pertaining to condominium conversions. Vehicular access will be provided from the adjacent alley.

The Bureau of Engineering has reviewed the proposed subdivision and found the subdivision layout generally satisfactory.

Therefore, as conditioned, the design and improvement of the proposed subdivision are consistent with applicable general and specific plans.

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

The site is not located in hillside, a slope stability study area, high erosion hazard area, or a fault-rupture study zone. The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas).

The proposed project is a residential condominium conversion and will preserve the existing structures on the site without any major modifications.

The Bureau of Engineering has reviewed the proposed subdivision and found the subdivision layout generally satisfactory. According to the Bureau of Engineering letter dated November 30, 2016, there is an existing sewer available in the street adjoining the subject property.

Therefore, the site is physically suitable for the proposed residential condominium conversion.

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

The [Q] Condition of Ordinance No. 165,331 Subarea 670 would limit density to 1,200 square feet of lot area per dwelling unit, thus allowing 12 units on the 15,086-square foot project site. The proposed tentative tract map, an 8-unit condominium conversion, is allowable under the current zone and the land use designation.

Therefore, the site is physically suitable for the proposed density of development.

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

On April 27, 2017, the Planning Department determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject project as Categorical Exempt under Article III, Section 1, Class 1, Category 10, and Class 32, Log No. ENV-2016-2050-CE. The project is a Vesting Tentative Tract Map for the condominium conversion of 2 apartment buildings with 9 units that is a City of Los Angeles Historic Cultural Monument into an 8-unit condominium. As a residential condominium conversion, and a project which is characterized as in-fill development, the project qualifies for the Class 1, Category 10 (Division of existing multiple family rental units into condominiums or stock cooperatives) and Class 32 (Infill) Categorical Exemptions.

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposed is a vesting tract map for the condominium conversion of 2 apartment buildings with 9 units that is a City of Los Angeles Historic Cultural Monument into an 8-unit condominium, in an area zoned and designated for such development. All adjacent lots are developed with the following urban uses: three to four unit residential structures abutting the subject property to the north, south, and east, and 8 unit residential structures abutting the site to the west, as well as one to two story commercial uses to the north along Beverly Boulevard, and the subject site is of a similar size and slope to nearby properties. The project proposes no changes to the Floor Area Ratio (FAR) and the existing improvements are consistent in size, bulk, and massing to other developments in the vicinity. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

The subject site is not designated as a state scenic highway, nor are there any designated state scenic highways located near the project site. Furthermore, 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 site is City of Los Angeles Historic Cultural Monument No. LA-1096 (Mendel and Mable Meyer Courtyard Apartment), as established by the Los Angeles Cultural Heritage Commission in November 2015. However, the LA Office of Historic Resources has found that the project, a Vesting Tentative Tract Map for the conversion of 2 apartment buildings with 9 units into an 8-unit condominium, will comply with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. 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.

Therefore, the condominium conversion is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE 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 condominium conversion. The development is required to remain connected to the City's sanitary sewer system, where the sewage is 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 is 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 AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The proposed project is a condominium conversion of an existing building with minimal exterior alterations.

There are no recorded instruments identifying easements encumbering the project site for the purpose of providing public access. The project site contains legally recorded lots identified by the Assessor Parcel Record. The site is surrounded by private and public properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The project site does not adjoin or provide access to a public resource, natural habitat, Public Park or any officially recognized public recreation area. Therefore, the proposed condominium conversion would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

The proposed project is a condominium conversion of an existing building with minimal exterior alterations. Thus, the project does not require any designs for passive or natural heating or cooling opportunities.

Furthermore, the Advisory Agency of the City of Los Angeles, pursuant to Section 12.95.2 of the Los Angeles Municipal Code, makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS SUBSTANTIALLY CONSISTENT WITH APPLICABLE DENSITY PROVISIONS OF THE GENERAL PLAN OR SPECIFIC PLANS IN EFFECT AT THE TIME THE ORIGINAL BUILDING PERMIT WAS ISSUED AND THE APPLICATION FOR MAP APPROVAL IS FILED FIVE YEARS OR MORE FROM THE DATE THE ORIGINAL CERTIFICATE OF OCCUPANCY FOR THE BUILDING WAS ISSUED.

The original building permits for the improvements on site were approved on 1937 and 1940. Therefore, per LAMC Section 12.95.2-F.2, the site is exempt from this provision.

- (b) THE PROPOSED MAP IS CONSISTENT WITH ANY APPLICABLE GENERAL PLAN OR SPECIFIC PLAN PROVISION WHICH CONTAINS A DEFINITE STATEMENT OF POLICIES AND OBJECTIVES EXPLICITLY APPLICABLE TO CONDOMINIUM CONVERSION PROJECTS.

The adopted Wilshire Plan designates the subject property for Medium Residential land use with the corresponding zones of R3. The property contains approximately 0.35 net acres (15,086 net square feet) and is presently zoned [Q]R3-1-O.

There are no applicable general or specific plans that contain a definite statement of policies and objectives applicable to condominium conversion projects like the proposed project.

The project is compatible with the Wilshire Community Plan which encourages projects that:

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

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

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

The project will provide much needed new home ownership opportunities in the Wilshire Community Plan area in the form of existing quality housing. Therefore, as conditioned, the proposed subdivision map is substantially consistent with the applicable general and specific plans.

- (c) THE PROPOSED CONDOMINIUM CONVERSION DOES NOT CONTAIN ANY VIOLATIONS OF CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE (LAMC) THAT HAVE NOT BEEN CORRECTED OR AN ADEQUATE PLAN TO CORRECT SUCH VIOLATIONS HAS BEEN DEVELOPED OR ACCOMPLISHED. FOR PURPOSES OF THIS PROVISION, CHAPTER IX OF THE LAMC MEANS THE CODE IN EFFECT WHEN THE BUILDING PERMIT WAS ISSUED AND OTHER SUBSEQUENTLY ENACTED REGULATIONS EXPLICITLY MADE APPLICABLE TO EXISTING STRUCTURES.

The existing complex contains one unpermitted unit found ineligible in area

requirements for conversion into a legal unit. The unit – originally built as a guest room and later illegally converted into a separate unit – will be merged with the existing adjacent apartment as originally intended in the 1949 Certificate of Occupancy. This requirement is reflected in Condition CC-10.

Therefore, as conditioned, the subject property will correct all known violations of Chapter IX of the Los Angeles Municipal Code.

- (d) THE BUILDING PROPOSED FOR CONVERSION IS NOT OF UNREINFORCED MASONRY FOR WHICH THE BUILDING PERMIT WAS ISSUED PRIOR TO OCTOBER 1, 1933, NOR IS IT MORE THAN THREE STORIES IN HEIGHT WITHOUT AN ELEVATOR.

The building permit for the subject buildings was issued in 1936 and thus are not of unreinforced masonry. The structures are not more than three stories in height.

- (e) THE VACANCY RATE OF THE PLANNING AREA IN WHICH THE PROPERTY IS LOCATED IS GREATER THAN 5 PERCENT. AS CONDITIONED, THE PROPOSED CONVERSION PROJECT WILL NOT HAVE A SIGNIFICANT CUMULATIVE EFFECT ON THE RENTAL HOUSING MARKET IN THE PLANNING AREA IN WHICH THE PROPOSED PROJECT IS LOCATED.

Section 12.95.2-F,6 of the LAMC reads in pertinent part: “After considering the following criteria, the Advisory Agency may approve a tentative map or preliminary parcel map for a residential conversion project, unless it makes both of the following findings: (1) the vacancy rate of the planning area in which the property is located is five percent or less, and (2) the cumulative effect on the rental housing market in the planning area of successive residential... conversion projects (past, present and future) is significant.” In determining whether there is a significant cumulative effect, the section requires the Advisory Agency to consider the following criteria: (a) the number of tenants who are willing and able to purchase a unit in the building; (b) the number of units in the existing building prior to conversion; (c) the number of units which will be eliminated in case conversion occurred in order to satisfy Municipal Code parking requirements; (d) the adequacy of the relocation assistance plan proposed by the subdivider; and (e) any other factors pertinent to the determination.

Consistent with the requirements of Los Angeles Municipal Code (LAMC) Section 12.95.2-F,6, the Advisory Agency considered the criteria enumerated in this subsection.

The project does not have a significant cumulative effect on the rental housing market. No other recent condominium conversions have occurred within a 500-foot radius of the project site. In addition, the Wilshire Community Plan Area, which covers 14 square miles of the City of Los Angeles, has had 6 condominium conversion applications in the past 5 years. This represents a small fraction of the 3,475 cases that were filed within the Wilshire Community Plan area in the same

period. This figure is also a portion of the 19 condominium conversion cases filed citywide during the same period.

In order to approve the proposed residential condominium, the Advisory Agency must make the finding that the cumulative effect of the conversion on the rental housing market in the Wilshire Community Plan of successive residential conversion projects (past, present and future) is not significant.

- (a) in the case of residential conversion projects only, the number of tenants who are willing and able to purchase a unit in the building;

No other recent condominium conversions have occurred within a 500-foot radius of the project site. The existing apartments were designated as a Historic Cultural Monument (HCM) on November 25, 2015, after the applicant began the eviction process through the Ellis Act. A tenant information chart and tenant list were submitted for 9 units at the time of filling, all of which are vacant. Consequently, the project does not contain qualified tenants who are willing and able to purchase a unit. However, the Applicant, during the hearing, stated that he is willing to offer to sell units in his building at a discounted rate to the tenants who resided in the buildings prior to the Ellis Act proceedings.

- (b) the number of units in the existing residential building prior to conversion;

The apartment complex has eight (8) legal units and one (1) unpermitted unit found ineligible in area requirements for conversion into a legal unit. The unpermitted unit – originally built as a guest room and later illegally converted into a separate unit – will be merged with the existing adjacent apartment as originally intended in the 1949 Certificate of Occupancy. The number of units being converted to condominiums is 8 units. The number of legal units will be preserved through the conversion process.

- (c) the number of units which would be eliminated in case conversion occurred in order to satisfy Municipal Code parking requirements;

No units will need to be eliminated to satisfy the Municipal Code parking requirements. Because the building is a Historic-Cultural Monument, the project can retain the existing number of parking spaces and does not need to build additional parking spaces. In accordance with LAMC Section 12.21 A.4(x)(2), the project does not require additional parking beyond existing parking, as shown on the certified parking plan dated June 6, 2016. The unpermitted unit – originally built as a guest room and later illegally converted into a separate unit – will be merged with the existing adjacent apartment as originally intended in the 1949 Certificate of Occupancy.

- (d) the adequacy of the relocation assistance plan proposed by the subdivider; and

The subdivider provided relocation assistance to the tenants living in the units through the Ellis Act process, which occurred in June 2015. The Ellis Act

process within the City of Los Angeles is administered through the Los Angeles Housing and Community Investment Department (HCIDLA), and the adequacy of the relocation assistance plan was verified by HCIDLA.

The Housing and Community Investment Department (HCIDLA) issued two letters on June 13, 2016 stating that all units are exempt from the Rent Stabilization Ordinance effective for 2016. The exemption is based upon the Notice of Intent to Withdraw Units from Rental Housing Use filed with HCIDLA on February 5, 2015. The application for Vesting Tentative Tract No. 74328 was filed on June 9, 2016. Thus, the 60-Day Notice of Condominium Conversion mailing was not performed by the applicant due to all units being vacant 60 days before filing. Therefore, the project is in conformance with the written notice requirements stipulated in Section 66452.18 of the Subdivision Map Act and Los Angeles Municipal Code Section 12.95.5 D.3.

(e) any other factors pertinent to the determination.

No other pertinent factors apply in the Advisory Agency's decision for this project.

Therefore, as conditioned, the proposed conversion will not have a significant cumulative effect on the rental housing market in the Wilshire Community Plan area. The Advisory Agency has determined that it cannot make the findings set forth in Section 12.95.2-F,6, and therefore, the condominium conversion may be approved.

(f) **THE OFF-STREET RESIDENT PARKING SPACES AND GUEST PARKING SPACES REQUIRED FOR THE PROPOSED CONDOMINIUM CONVERSION ARE REASONABLE AND FEASIBLE AND SUBSTANTIALLY CONSISTENT WITH THE PURPOSES OF THE LAMC.**

The two existing apartment buildings, cumulatively containing 8 units and 1 unpermitted dwelling unit, were designated as a historic-cultural monument (HCM) on November 25, 2015. Due to the physical limitation of the lot and the existing building, the number of parking spaces cannot be increased without major physical modification of the project, thus compromising the integrity of the HCM. Pursuant to LAMC 12.21 A.4(x)(2), the 12 existing parking spaces – which have standard dimensions – for the structure shall be maintained as shown on certified parking plan dated June 6, 2016. The project does not require additional automobile or bicycle parking spaces. Therefore, as conditioned, the proposed condominium conversion is consistent with the intent and purposes of the LAMC.

In addition, LAMC Section 12.95.2 H.1(a), allows the Advisory Agency to "...increase or decrease the required number of parking spaces up to and including three-quarters of a space per dwelling unit, where it finds that such modification is consistent with the purposes of this section... the Advisory Agency may modify the guest parking requirement up to and including one-half space per unit where it finds such modification consistent with the purposes of this section..." The

Advisory Agency found, based on the status of the project as a City Historic Cultural Monument, that it would be appropriate to apply the parking requirements in LAMC Section 12.21 A.4(x)(2) to the project.

The Advisory Agency issued its Residential Parking Policy No. AA 2000-1 in May 2000. It requires that a minimum of 2 parking spaces per unit be provided for condo conversion projects if the building is more than 5 years old from a temporary issuance of its Certificate of Occupancy. However, the Advisory Agency has the discretion to grant deviations from the policy. In the proposed project, the Advisory Agency has deferred to Los Angeles Municipal Code Section 12.21 A.4(x)(2), which states that no additional automobile or bicycle parking spaces need to be provided in connection with a change of use for any structure designated as a City Historic Cultural Monument. The instant project is a change of use from apartments to residential condominiums. This is based on the definition of the use of the project site changing from "Apartment" to "Condominium," per LAMC Section 12.03. This is memorialized in Condition No. 8 of the Advisory Agency's Letter of Decision dated March 10, 2017. The proposed condominium conversion triggers a change of use on the new Certificate of Occupancy.

The Advisory Agency has elected to allow the instant project to maintain the existing parking on the site. In addition, the neighborhood is within a Preferential Parking District, which requires permits for on street parking. The Advisory Agency found that the parking spaces provided for the project are reasonable and feasible, and substantially consistent with the purposes of the Los Angeles Municipal Code.