



## DEPARTMENT OF CITY PLANNING

### APPEAL REPORT

#### Central Area Planning Commission

**Date:** May 23, 2017

**Time:** After 4:30 p.m.\*

**Place:** Los Angeles City Hall  
200 N. Spring Street, 10<sup>th</sup> Floor  
Los Angeles, CA 90012

**Public Hearing:** Required

**Appeal Status:** Appealable to City Council

**Expiration Date:** May 23, 2017

**Case No.:**

**CEQA No.:**

VTT-74328-CC-1A  
ENV-2016-2050-CE

**Incidental Cases:**

None

**Related Cases:**

None

**Council No.:**

5 - Koretz

**Plan Area:**

Wilshire

**Certified NC:**

Mid City West

**GPLU:**

Medium Residential

**Zone:**

[Q]R3-1-O

**Appellant:**

John A. Henning, Jr.

**Applicant:**

Guy Penini

**PROJECT LOCATION:** 118-126 North Flores Street

**PROJECT:** A vesting tract map for the condominium conversion of 2 apartment buildings with 9 units into an 8-unit condominium.

**REQUEST:** Appeal of the entire decision by the Deputy Advisory Agency in approving VTT-74328-CC and the Categorical Exemption No. ENV-2016-2050-CE, as the environmental clearance for the project.

#### RECOMMENDATION:

1. **Deny** the appeal on VTT-74328-CC.
2. **Sustain** the action of the Deputy Advisory Agency in approving Vesting Tentative Tract No. 74328-CC.
3. **Adopt** the attached Revised Conditions and Findings of the Deputy Advisory Agency.
4. **Determine** that based on the whole of the administrative record, the Project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 1, Class 1, Category 10 of the City of Los Angeles CEQA Guidelines and Class 32 of the State CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

VINCENT P. BERTONI, AICP  
Advisory Agency



SHANA BONSTIN  
Principal City Planner



KEVIN S. GOLDEN  
Deputy Advisory Agency



JANE J. CHOI, AICP  
Senior City Planner

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Central Los Angeles Area Planning Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.



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## STAFF APPEAL REPORT

### Background

The project site consists of two relatively level, rectangular-shaped, interior lots and is 15,086.06 square feet (0.35 acre) in net area. The project site has a frontage of 115.97 feet along the west side of Flores Street. The site is designated Medium Residential Land Use in the Wilshire Community Plan and is zoned [Q]R3-1-O. The site is not within a specific plan area nor are any oil wells located on site.

Surrounding properties east and west of the site are zoned [Q]R3-1-O and RD1.5-1-O and developed with two-story multi-family buildings. Properties further south of the site are zoned R3-1-O and are also developed with two-story multi-family buildings. Properties further north of the site are zoned C2-1VL and C2-1VL-O and are developed with retail, restaurants, and offices.

The site is currently improved with two apartment buildings, cumulatively containing 9 apartments, which were designated as a Historic Cultural Monument (HCM) on November 25, 2015. A Certificate of Occupancy was issued for the building at 118-122 North Flores Street in 1936 and 1939 for a two-story, 4-unit apartment complex; a Certificate of Occupancy was issued for a guest room and bathroom addition in 1949 which was later converted to an unpermitted dwelling unit.

A certified parking plan dated June 8, 2016 was submitted with the application. The parking plan shows a total of 12 covered surface parking spaces. Although the provided parking does not conform to the Advisory Agency's parking requirements of 2 resident parking spaces per unit for condominium conversions for projects more than five years from the issuance of a Certificate of Occupancy. In consideration of the existing Historic Cultural Monument on the project site, the project is only required to retain the 12 existing parking spaces for the structures and no additional automobile or bicycle parking spaces need be provided, pursuant to LAMC 12.21 A.4(x)(2).

The property is zoned [Q]R3-1-O with the [Q] Condition limiting the property to a residential density not to exceed one dwelling unit per 1,200 square feet of lot area. The 15,086-square foot project site of 8 proposed dwelling units thus complies with the [Q] Condition.

A tenant information chart and tenant list were submitted for 9 units, all of which were vacant at the time of filing. 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. However, 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 12.95.2 D.3.

The project engineer has certified that the subject site is not located in a flood hazard, special hazard, hillside, or mud-prone area. The tree letter, dated October 20, 2016, certified that no protected tree species exist on the project site.

A public hearing was held on for Vesting Tentative Tract Map 74328 on January 11, 2017. Six persons spoke at the hearing, including five residents in the neighborhood of the project site and the applicant.

The following points were made at the hearing by the 5 members of the public:

- Section 12.95.2 F.6 requires that the Advisory Agency finds that "(1) the vacancy rate of the planning area in which the property is located is five percent or less..." Planning staff has used data that is out of date. The data from the Department of City Planning's internal unit that calculates the vacancy rates is derived from the Los Angeles Department of Water and Power's meter information and from December 2015. The vacancy rate for the Wilshire Community Plan area is shown as 6%. The case should be held under advisement until updated data is provided.
- Other, more up to date sources, such as the US Census puts the vacancy rate for the Los Angeles Metropolitan Area as 3%. If the Wilshire Community Plan matched this rate, the Advisory Agency would not be able to make the vacancy rate finding.
- Because the building was vacated through the Ellis Act, the applicant could not notify the tenants pursuant to the requirements of the Municipal Code. The eviction of tenants causes a cumulative impact on the overall rental market.
- The conversion of a Historic Cultural Monument (HCM) has several potentially significant impacts, as this could set a precedent on the conversion of other HCMs. Many times the condo conversions do not occur because developers cannot meet the parking requirements. However, if historic buildings are allowed to be converted without providing the required parking, this would incentivize the conversion of HCMs.
- There is a CEQA issue. The categorical exemption for condo conversions is not applicable because a HCM is involved and could be impacted.
- The condo conversion should not have been allowed to use the parking exception allowed for HCMs per LAMC Section 12.21 A.5(x) because the project does not propose a change of use.
- The conversion of an HCM and the use of the parking provision will create a cumulative impact of encouraging the conversion of HCMs across the city.
- The applicant can rent the units out again. There is no legal liability to re-rent the property.
- The parking plan does not meet the minimum requirements.
- There is a tenant living in the building. Per City regulations, the tenant should be registered with the City, given notice about the proceedings, and given first right of refusal for purchasing.
- The evictions that happened through the Ellis Act caused a lot of hardship to the residents. Some of the residents had to move out of the area.
- Where will the middle class go when these conversions occur?
- RSO properties are targeted by developers.
- The Wilshire Plan calls for the preservation of housing, and we are losing the RSO housing stock to condo conversions.
- The Mid City West Community Council did not review the condo conversion project. However, if it had, it would not have been supportive of the proposal.
- New, individual condo owners can alter features of the inside of the HCM.

The Applicant provided the following response:

- The applicant is a resident of the neighborhood.
- The neighbors in the area are active about protections for existing buildings. Therefore, there will not be many demolitions going forward.
- On the vacancy rate issue – please use the same standard as used on other projects.
- In the neighborhood, there are three units for rent on Flores, even one adjacent to the proposed project.
- Happy to offer condos to original tenants, and at a discount.

- With regard to tenants, there is a care taker living in one of the units. He and his family do not work in the building and do not perform services on the building. There was a need to bring someone in as there were issues with break ins when the project was vacant. This tenant is a partial owner of the building.
- The ninth unit is being lost because it is a substandard, illegal unit.
- For parking, the property is a Historic Cultural Monument and can retain the parking it originally had. There will be one space for every apartment. The street is part of a preferential parking district, so there will be no impacts to street parking.
- Condo owners will not be allowed to do anything they want with their properties.
- The property was purchased in November 2014, and an application was filed for a Small Lot Subdivision with full demolition in February 2015. The tenants were evicted through the Ellis Act in June 2015. The property was deemed a Historic Cultural Monument by the Cultural Heritage Commission on September 2015.
- The Mid City West Community Council reviewed the initial proposal of a Small Lot Subdivision, but it has not reviewed the condominium conversion proposal.

The Deputy Advisory Agency (DAA) stated that he is inclined to approve the project, but will hold it under advisement to see if there is a more recent vacancy rate. The DAA clarified the following points:

- The parking plan is a requirement for a condo conversion. If the project is approved, the applicant will need to submit a parking plan and get approval of the parking plan from the Department of Building and Safety.
- The issue regarding high rents in the Los Angeles Area and the Mid-Wilshire Area is a much bigger issue than what is before the DAA. The DAA does not have the tools to control costs.
- Condo conversions include a list of conditions of approval for tenant notification and to preserve the tenants' rights through the Ellis Act and condo conversion process.
- There is no environmental impact because there is no new construction. There is no CEQA violation.

The DAA held the case under advisement to allow staff additional time to investigate the possibility of obtaining a more recent vacancy rate. During the advisement period, Planning Staff received 14 letters of support for the proposed condominium conversion. In addition, the applicant's representative and John A. Henning, Jr. also submitted letters for the record.

Planning staff also received 9 letters in support of denying the submitted appeal in April and May 2017. The applicant provided a letter in response to the appeal letter, dated May 1, 2017. The letters received regarding the appeal are included in Exhibit 8 – Correspondence Received.

## **THE APPEAL**

One appeal was filed by John A. Henning, Jr., an aggrieved party, on March 17, 2017. The Appellant provided additional correspondence on April 20, 2017. The following is a summary of the appeal and staff's response.

### **Appeal Point 1**

*The apartment vacancy rate is likely to be less than 5% in the Wilshire Community Plan Area.*



Staff Response: Los Angeles Municipal Code (LAMC) Section 12.95.2 F.6 states the following regarding the vacancy rate in approving a residential condominium conversion:

*After considering the following criteria, the Advisory Agency may approve a tentative map or preliminary parcel map for a residential or residential to commercial/industrial 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... "Vacancy rate" shall refer to the most current vacancy rate for multiple-family dwelling units as published by the Department of City Planning in its Semi-Annual Population Estimate and Housing Inventory, or other estimate or survey satisfactory to the Advisory Agency. "Planning area" shall refer to those areas established by the Director of Planning for purposes of community planning pursuant to Section [11.5.6](#) of the Municipal Code.*

The applicant argues that as the US Census data from the third quarter of 2016 indicates a 3% vacancy rate for the entire Los Angeles metropolitan area, the City and the Commission should make the finding that the vacancy rate for the Wilshire Plan area is below 5%.

Standard City procedures were used to determine that the 6% vacancy rate for the Wilshire Community Plan Area was the appropriate figure for use in making this finding. The Advisory Agency has in the past utilized the vacancy rate calculated by the Department of City Planning's Demographic Research Unit (DRU) for condominium conversion projects. The DRU receives the data to calculate the vacancy rate from the Department of Water and Power, using its meter data. The most recent meter data from DWP was from November 2015. A good faith effort was made by the Department of City Planning to obtain more recent data from LADWP after the public hearing for this project on January 11, 2017. However, the Department of City Planning was not able to obtain this data prior to the issuance of the Letter of Determination for this project, which was issued 8 weeks after the public hearing for the project.

It would be incorrect to extrapolate the 3% vacancy rate for the entire Los Angeles metropolitan area, which has a total area of 4,850 square miles, to the Wilshire Community Plan area, which encompasses 14 square miles. Instead, the Advisory Agency has relied on the information from the Department of City Planning's Demographic Research Unit as the source of the data necessary to make the vacancy rate finding, as it has done in the past on previous cases. This is consistent with the fact that the Zoning Code allows the use of an estimate or survey in establishing the vacancy rate that is satisfactory to the Advisory Agency.

The Appellant makes the point that if the Advisory Agency finds that the vacancy rate is over 5%, the condominium conversion request must be denied. However, LAMC Section 12.95.2 F.6 states that in order for a residential condominium conversion proposal to be denied, both findings for the vacancy rate being below 5% *and* the existence of a significant cumulative impact of the rental housing market in the planning area of successive residential or residential to commercial/industrial conversion projects (past, present and future) need to be made in the positive. Therefore, contrary to the point raised, both findings must be made in the positive in order for a residential condominium conversion proposal to be denied.

#### **Appeal Point 2**

*The cumulative effect of successive conversion projects on rental housing market is significant.*

Staff response: Los Angeles Municipal Code (LAMC) Section 12.95.2 F.6 states the following regarding the cumulative effect finding in approving a residential condominium conversion:



*After considering the following criteria, the Advisory Agency may approve a tentative map or preliminary parcel map for a residential or residential to commercial/industrial conversion project, unless it makes both of the following findings:...and (2) the cumulative effect of the rental housing market in the planning area of successive residential or residential to commercial/industrial conversion projects (past, present and future) is significant. A finding of significant cumulative effect shall be based on the following factors: (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; (b) the number of units in the existing residential building prior to conversion; (c) the number of units which would 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.*

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 filing, 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.

- (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.

(e) *any other factors pertinent to the determination.*

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

### **Appeal Point 3**

*Conversion would jeopardize the underlying historic resource and should have been evaluated under CEQA.*

Staff Response: On June 9, 2016, the Planning Department determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970 designates the subject project as Categorically Exempt under Article III, Section 1, Class 1, Category 10, Log No. ENV-2016-2050-CE. 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, which fits this project.

The conversion of the subject property into condominiums will not jeopardize the underlying historic resource and is covered within the Categorical Exemption review completed for the project. The project involves a Los Angeles City Historic-Cultural Monument. The project, a condominium conversion through the Subdivision Map Act, involves the division of land into condominium spaces. It does not involve the alteration of the buildings. The Office of Historic Resources reviewed the scope of work covered within the proposed condominium conversion and found that the work would be consistent with the preservation of the Historic Cultural Monument.

The premise of the condominium conversion is that the underlying historic resource would be preserved as part of the conversion, in accordance with the City's Cultural Heritage Ordinance. As a matter of regulatory compliance, any future condominium owner will need the permission of the City's Cultural Heritage Commission prior to making any substantial alterations to the interior or exterior of the building.

In order to memorialize this regulatory compliance requirement, Planning Staff recommends that the Central Los Angeles Area Planning Commission include the following condition as a new Condition No. 10 on Page 5 of the Letter of Determination for VTT-74328-CC, dated March 10, 2017:

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."*

The project also qualifies for a Class 32 Categorical Exemption. Staff recommends that the Central Los Angeles Area Planning Commission adopt the revised environmental findings found in Exhibit 6.

#### **Appeal Point 4**

*The usual Advisory Agency Parking Requirements should not be waived for this Historic-Cultural Monument.*

Staff Response: 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. Moreover, 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 proposed condominium conversion is considered a change of use, as the definitions for an "apartment" use and a "condominium" use are different, thereby triggering a change of use on the new Certificate of Occupancy.

The Advisory Agency, in this instance, has the authority to impose conditions requiring additional parking in connection with the change of use. However, the Advisory Agency 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.

#### **Appeal Point 5**

*There is no basis for the finding that the required parking spaces are substantially consistent with the purposes of the LAMC.*

Staff Response: 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. 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. In consideration of the HCM on the project site, the Advisory Agency Policy requiring 2 parking spaces per unit was waived by the Deputy Advisory Agency. 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.

Pursuant to LAMC 12.21 A.4(x)(2), no additional automobile or bicycle parking spaces need be provided in connection with a change of use for a structure deemed as a HCM. The instant project is a change of use from apartments to residential condominiums. This is memorialized in Condition No. 8 on Page 5 of the Advisory Agency's Letter of Decision dated March 10, 2017. Therefore, as conditioned, the proposed condominium conversion is substantially consistent with

the purposes of the LAMC.

#### **Appeal Point 6**

*The Project does not meet the parking requirements of the Zoning Code and these requirements cannot be waived by the Advisory Agency.*

Staff Response: 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. 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. In consideration of the HCM on the project site, the Advisory Agency policy requiring 2 parking spaces per unit was waived by the Deputy Advisory Agency.

Pursuant to LAMC 12.21 A.4(x)(2), no additional automobile or bicycle parking spaces need be provided in connection with a change of use for a structure deemed as a HCM. The instant project is a change of use from apartments to residential condominiums. This is memorialized in Condition No. 8 on Page 5 of the Advisory Agency's Letter of Decision dated March 10, 2017. Therefore, as conditioned, the proposed condominium conversion is substantially consistent with the purposes of the LAMC.

#### **Appeal Point 7**

*Conversion is not necessary to provide the Applicant with an economically viable use.*

Staff Response: The condominium conversion proposal and the ability of present or future building owners to rent out the units are mutually exclusive. The Applicant's request and the City's granting of a condominium conversion does not prohibit the Applicant from renting out the units or any future buyers of the condominium units from renting out the units. The condominium conversion does not impinge on the Applicant's rights to rent out the units again, subject to state and local regulations regarding rental of units that have been involved in past Ellis Act proceedings.

#### **Appeal Point 8**

*Plans do not meet the standards for a tentative map.*

Staff Response: The Applicant provided a Certified Parking Plan on June 9, 2016, with dimensions. Per standard practice, verification of the Parking Plan will be done through the Department of Building and Safety, prior to the issuance of a building permit or certificate of occupancy, as reflected through Condition No. 7b and Condition 9 of the Letter of Determination.

#### **Appeal Point 9**

*Applicant has failed to disclose three sets of tenants apparently requiring notice of their right to purchase a unit and of the public hearing.*

Staff Response: The Applicant stated at the public hearing on January 11, 2017 that there is a care taker living in one of the units. He and his family do not work in the building and do not perform services on the building. There was a need to bring someone in as there were issues with break-ins when the buildings on the project site were vacant. This tenant is a partial owner



of the building. The original tenants living in the building were evicted through the Ellis Act proceedings in 2015. The applicant has been conditioned to complete Code-required notification requirements throughout the condominium conversion process.

#### **Appeal Point 10**

*The Commission has discretion to deny the Project because it fails to comply with the General Plan.*

Staff Response: The Central Los Angeles Area Planning Commission has the discretion to grant or deny the appeal of the proposed project. Advisory Agency found that 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 preserve a City Historic Cultural Monument while providing home ownership opportunities in the Wilshire Community Plan area. As conditioned, the proposed subdivision map is substantially consistent with the applicable general and specific plans.

#### **Appeal Point 11**

*The project violates the City's Zoning Code.*

Staff's Response: Pursuant to LAMC Section 12.95.2, through Finding of Fact (c) in its Letter of Determination issued on March 10, 2017, the Advisory Agency found that the proposed project does not have any Zoning Code violations.

#### **Appeal Point 12**

*The project violates the City's subdivision ordinance.*

Staff's Response: Pursuant to the Subdivision Map Act, through Findings of Fact (a) through (h) on Pages 11 through 14 of its Letter of Determination issued on March 10, 2017, the Advisory Agency found that the proposed project is consistent with the City's Subdivision Ordinance.

#### **Appeal Point 13**

*The project violates the City's condominium conversion ordinance.*

Staff's Response: Pursuant to LAMC Section 12.95.2, through Findings of Fact (a) through (f) on Pages 14 through 17 of its Letter of Determination issued on March 10, 2017, the Advisory Agency found that the proposed project meets the requirements of the City's Residential Condominium Conversion Ordinance.



**Appeal Point 14**

*The project violates the General Plan of the City of Los Angeles.*

Staff's Response: Pursuant to the Subdivision Map Act, through Findings of Fact (a) and (b) on Pages 11 and 12 of its Letter of Determination issued on March 10, 2017, the Advisory Agency found that the proposed project is consistent with the City's General Plan.

**Appeal Point 15**

*The project violates the Mello Act (Government Code Sections 65590 et seq.).*

Staff's Response: The Mello Act is a State law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion and construction of housing units in California's Coastal Zone. The Act addresses the replacement of converted or demolished units occupied by low or moderate-income households, as well as the inclusion of affordable units in new housing developments. In addition, the Act prohibits the replacement of existing residential structures with noncoastal-dependent, non-residential uses, except in those cases where residential uses are no longer feasible ("Coastal-dependent uses" are non-residential developments or uses which require a site on, or adjacent to, the sea to be able to function at all). Under the Act, replacement units may be provided on a site other than the site of the proposed development, within three miles of the Coastal Zone.

The Coastal Zone is defined in the California Public Resources Code (P.R.C.) , Division 20 (commencing with Section 30000), pursuant to the California Coastal Act of 1976. The subject property is more than 8 miles from the Pacific Ocean and is not located in an area that falls within the definition of the "Coastal Zone." Therefore, the Mello Act is not applicable to the subject site.

**Appeal Point 16**

*Under the California Environmental Quality Act (CEQA) an Environmental Impact Report or Mitigated Negative Declaration should have been prepared for the project instead of a Categorical Exemption.*

Staff's Response: On June 9, 2016, the Planning Department determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970 designates the subject project as Categorically Exempt under Article III, Section 1, Class 1, Category 10, Log No. ENV-2016-2050-CE. 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 as exempted, projects that involve the division of existing multiple family rental units into condominiums or stock cooperatives, which fits this project. The project also qualifies for a Class 32 Categorical Exemption of the State CEQA Guidelines. There is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Because the Categorical Exemptions adequately addresses all aspects of the project, which is the division of land to convert existing apartments into residential condominiums, the preparation of an Environmental Impact Report or Mitigated Negative Declaration is not required.

**Appeal Point 17**

*The conditions of approval are not sufficient to mitigate impacts of the project below a level of significance under CEQA.*

Staff's Response: CEQA requires that significant environmental impacts be analyzed and adequate mitigation measures identified for any potential significant impacts. Because Class 1, Category 10 and Class 32 Categorical Exemptions adequately address all aspects of the project, which is the division of land to convert existing apartments into residential condominiums, the preparation of an Environmental Impact Report or Mitigated Negative Declaration and mitigation measures are not required. No significant impacts associated with the proposed project were identified, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

**Appeal Point 18**

*The conditions of approval do not mitigate the impacts of the project.*

Staff's Response: The Appellant has not identified which impacts of the project need to be mitigated. The Conditions of Approval for the project ensure that the project meets Code requirements for condominium conversions.

**Appeal Point 19**

*The approval of the project is not supported by adequate findings.*

Staff's Response: The Findings of Fact, as demonstrated on Pages 11 through 17 of the Advisory Agency's Letter of Decision dated March 10, 2017, were properly made pursuant to the Subdivision Map Act and LAMC Section 12.95.2.

**Appeal Point 20**

*The findings in support of the approval of the project are not supported by substantial evidence in the record.*

Staff's Response: The Findings of Fact, as demonstrated on Pages 11 through 17 of the Advisory Agency's Letter of Decision dated March 10, 2017, were properly made pursuant to the Subdivision Map Act and LAMC Section 12.95.2 and include substantial evidence from the record.

**STAFF RECOMMENDATION**

In consideration of the foregoing, it is submitted that the Deputy Advisory Agency acted reasonably in approving Tentative Tract Map No. VTT-74328. Staff recommends that the Central Area Planning Commission deny the appeal, sustain the action of the Deputy Advisory Agency in approving VTT-74328, adopt the Revised Conditions and Findings of the Deputy Advisory Agency, and determine that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 1, Category 10 of the City of Los Angeles CEQA Guidelines and Class 32 of the State CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

**REVISED CONDITION AND FINDING**

Planning Staff recommends that the Central Los Angeles Area Planning Commission include the following condition as a new Condition No. 10 on Page 5 of the Letter of Determination for VTT-74328-CC, dated March 10, 2017:

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."*

Planning Staff recommends that the Central Los Angeles Planning Commission adopt the following revised CEQA findings for Case No. VTT-74328-CC:

**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.



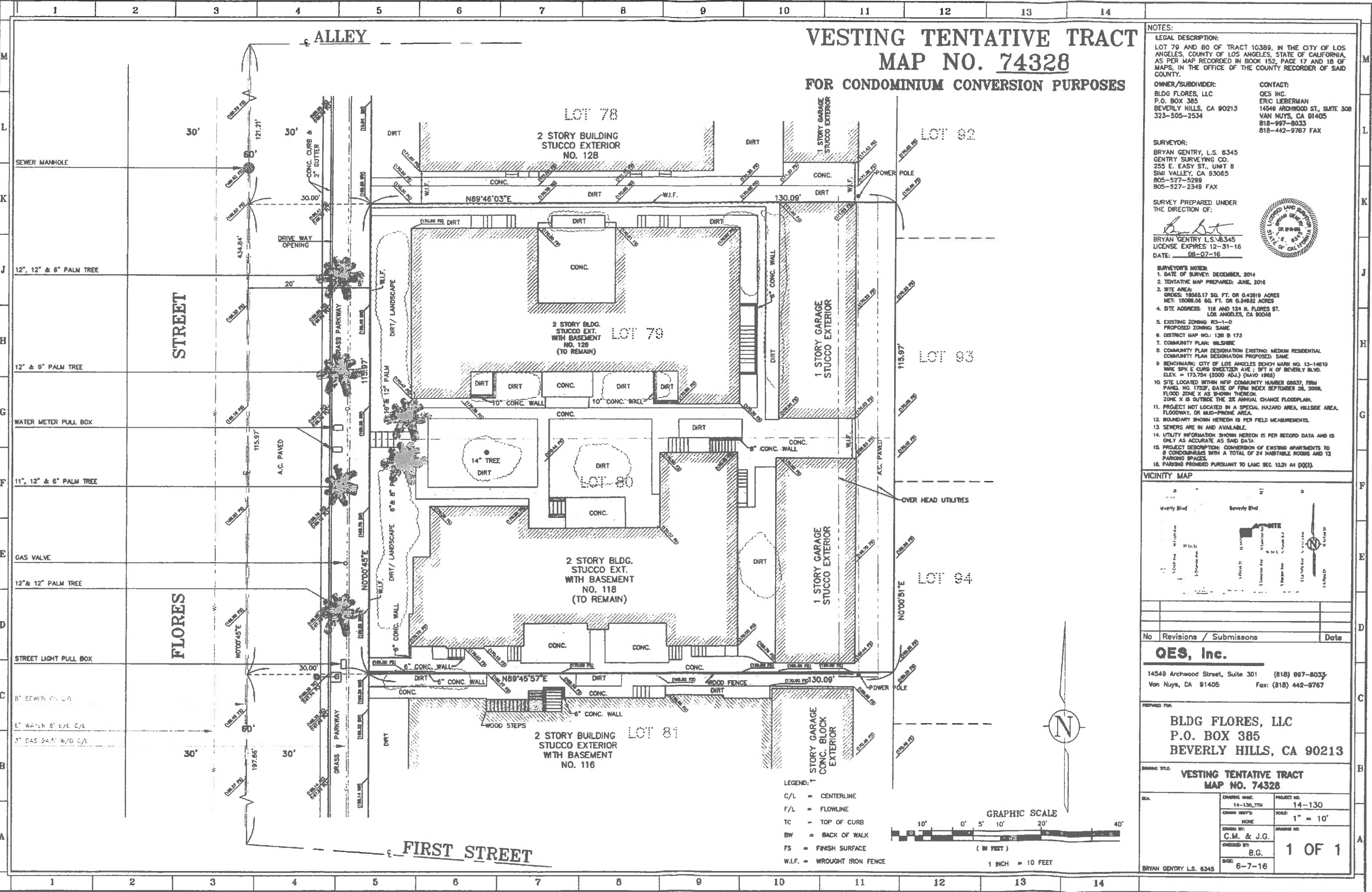
# Exhibit 1

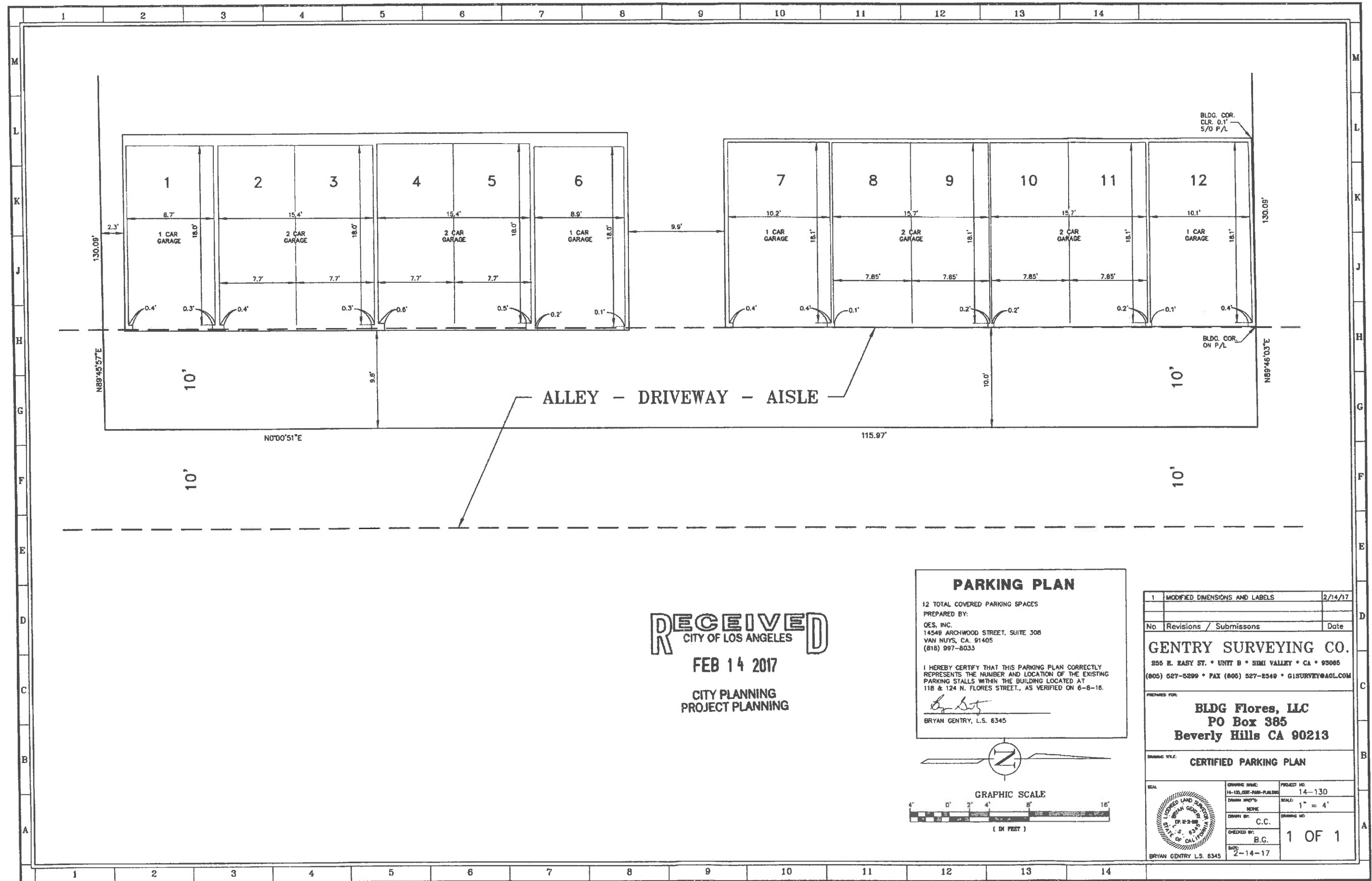
VTT-74328-CC-1A



# Exhibit 2

VTT-74328-CC-1A

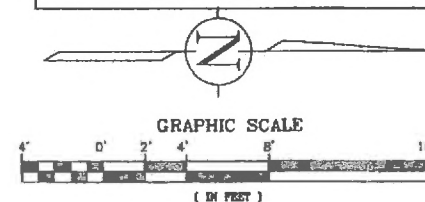




**RECEIVED**  
CITY OF LOS ANGELES  
FEB 14 2017  
CITY PLANNING  
PROJECT PLANNING

**PARKING PLAN**

12 TOTAL COVERED PARKING SPACES  
PREPARED BY:  
GES, INC.  
14548 ARCHWOOD STREET, SUITE 308  
VAN NUYS, CA. 91405  
(818) 997-8033  
I HEREBY CERTIFY THAT THIS PARKING PLAN CORRECTLY  
REPRESENTS THE NUMBER AND LOCATION OF THE EXISTING  
PARKING STALLS WITHIN THE BUILDING LOCATED AT  
118 & 124 N. FLORES STREET., AS VERIFIED ON 6-8-16.  
*Bryan Gentry*  
BRYAN GENTRY, L.S. 6345



1	MODIFIED DIMENSIONS AND LABELS	2/14/17
No	Revisions / Submissions	Date
<b>GENTRY SURVEYING CO.</b> 255 E. EASY ST. • UNIT B • SIMI VALLEY • CA • 93065 (805) 527-5299 • FAX (805) 527-2349 • G1SURVEY@AOL.COM		
PREPARED FOR: <b>BLDG Flores, LLC</b> PO Box 385 Beverly Hills CA 90213		
DRAWING TITLE: <b>CERTIFIED PARKING PLAN</b>		
REAL	DRAWING NAME: 14-130-202-PARK-PUBLISH	PROJECT NO. 14-130
	DRAWING SHEET: NONE	SCALE: 1" = 4'
	DRAWN BY: C.C.	DRAWING NO.
	CHECKED BY: B.G.	1 OF 1
	DATE: 2-14-17	
BRYAN GENTRY L.S. 6345		



# Exhibit 3

VTT-74328-CC-1A

**DEPARTMENT OF  
CITY PLANNING**

**CITY PLANNING COMMISSION**

**DAVID H. J. AMBROZ**  
PRESIDENT

**RENEE DAKE WILSON**  
VICE-PRESIDENT

**CAROLINE CHOE**  
**RICHARD KATZ**  
**JOHN W. MACK**  
**SAMANTHA MILLMAN**  
**VERONICA PADILLA-CAMPOS**  
**DANA M. PERLMAN**  
VACANT

**ROCKY WILES**  
COMMISSION OFFICE MANAGER  
(213) 978-1300

**CITY OF LOS ANGELES  
CALIFORNIA**



**ERIC GARCETTI**  
MAYOR

**EXECUTIVE OFFICES**  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

**VINCENT P. BERTONI, AICP**  
DIRECTOR  
(213) 978-1271

**KEVIN J. KELLER, AICP**  
DEPUTY DIRECTOR  
(213) 978-1272

**LISA M. WEBBER, AICP**  
DEPUTY DIRECTOR  
(213) 978-1274

**JAN ZATORSKI**  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

**Decision Date: March 10, 2017**

**Last Day to Appeal: March 20, 2017**

**Guy Penini (O)(A)**  
**Bldg Flores, LLC**  
**P.O. Box 385**  
**Beverly Hills, CA 90213**

**Eric Lieberman (E)**  
**14549 Archwood Street, Suite 308**  
**Van Nuys, CA 91404**

**Re: Vesting Tentative Tract No. VTT-74328-CC**  
**Related Case: None**  
**118-126 North Flores Street**  
**Wilshire Planning Area**  
**Zone : [Q]R3-1-O**  
**D.M. : 138 B 173**  
**C.D. : 5**  
**CEQA: ENV-2016-2050-CE**  
**Legal Description: Lot 88, TR 10389 Tract**

In accordance with provisions of Section 17.03 and 12.95.2 of the Los Angeles Municipal Code (LAMC), the Advisory Agency approved Vesting Tentative Tract No. 74328-CC, composed of one lot, located at 118-126 North Flores Street for a maximum **8-unit residential condominium conversion** as shown on map stamp-dated June 9, 2016 in the Wilshire Community Plan. The Advisory Agency's approval is subject to the following conditions:

**NOTE(S) 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.

**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](mailto: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, 4<sup>th</sup> 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.

#### **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, 4<sup>th</sup> 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, 4<sup>th</sup> 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. 7<sup>th</sup> Street, 1<sup>st</sup> 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, 4<sup>th</sup> 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, 4<sup>th</sup> 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, 3<sup>rd</sup> 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 June 9, 2016, the Planning Department determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970 designates the subject project as Categorically Exempt under Article III, Section 1, Class 1 Category 10 – Division of existing multiple family rental units into condominiums or stock cooperatives, ENV-2016-2050-CE.

### **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.**

This subdivision is part of a class of projects which the City Council has determined will not have a significant effect upon the environment. On June 9, 2016, the Planning Department determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970 designates the subject project as Categorically Exempt under Article III, Section 1, Class 1 Category 10 – Division of existing multiple family rental units into condominiums or stock cooperatives, ENV-2016-2050-CE.

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 Department of City Planning reports that the multi-family vacancy rate of the Wilshire Community Plan is 6.0%, greater than 5%. The vacancy rate was calculated using November 2015 data, less than one year old for the application filed on June 9, 2016.

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. The existing apartments were designated as a historic-cultural monument (HCM) on November 25, 2015, after the applicant legally complied with the Ellis Act demolition requirements for tenant eviction and relocation. A tenant information chart and tenant list were submitted for 9 units at the time of filing, all of which are vacant. Consequently, the project does not contain qualified tenants who are willing and able to purchase a unit.

The apartment complex has eight (8) legal units and one (1) unpermitted unit found ineligible in area requirements for conversion into a legal unit, thus the number of units in the existing building has not been reduced by Municipal Code parking requirements in the condominium conversion process. 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.

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.

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. In consideration of the HCM on the project site, the Advisory Agency policy requiring 2 parking spaces per unit was waived by the Deputy Advisory Agency. 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.

These findings shall apply to both the tentative and final maps for Tract No. 74328-CC.

VINCENT P. BERTONI, AICP  
Advisory Agency

  
KEVIN S. GOLDEN  
Deputy Advisory Agency

  
JANE J. CHOI, AICP  
Senior City Planner

VPB:JJC:KSG:AEB

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

**Forms are also available on-line at <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 90<sup>th</sup> day following the date on which the City's decision becomes final.

(11-16-16)  
Residential Condo Conversions

# Exhibit 4

VTT-74328-CC-1A



DEPARTMENT OF  
CITY PLANNING

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ  
PRESIDENT

RENEE DAKE WILSON  
VICE-PRESIDENT

CAROLINE CHOE

RICHARD KATZ

JOHN W. MACK

SAMANTHA MILLMAN

MARC MITCHELL

VERONICA PADILLA-CAMPOS

DANA M. PERLMAN

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR

(213) 978-1271

KEVIN J. KELLER, AICP

DEPUTY DIRECTOR

(213) 978-1272

LISA M. WEBBER, AICP

DEPUTY DIRECTOR

(213) 978-1274

JAN ZATORSKI

DEPUTY DIRECTOR

(213) 978-1273

<http://planning.lacity.org>

April 27, 2017

**TO: Central Los Angeles Area Planning Commission**

**RE: REVISED FINDINGS OF FACT (CEQA) FOR CASE NO. VTT-74328-CC (Log No. ENV-2016-2050-CE)**

Planning Staff recommends that the Central Los Angeles Planning Commission adopt the following revised CEQA findings for Case No. VTT-74328-CC:

**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.

# Exhibit 5

VTT-74328-CC-1A

COPY



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☒ Area Planning Commission ☐ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: VTT-74328-CC; ENV 2016-2050-CE

Project Address: 118-126 North Flores Street

Final Date to Appeal: 03/20/2017

Type of Appeal: ☐ Appeal by Applicant/Owner  
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved  
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): John A. Henning, Jr.

Company: \_\_\_\_\_

Mailing Address: 125 N. Sweetzer Ave., Unit 202

City: Los Angeles

State: CA

Zip: 90048

Telephone: (323) 655-6171

E-mail: jhenning@planninglawgroup.com

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

☒ Self

☐ Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_



#### 4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☒ Entire

☐ Part

Are specific conditions of approval being appealed?

☐ Yes

☒ No

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

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

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

#### 5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: \_\_\_\_\_

Date: 03/17/2017

#### 6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>89</u>	Reviewed & Accepted by (DSC Planner): <u>[Signature]</u>	Date: <u>3/17/17</u>
Receipt No: <u>0102708826</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**Justification/Reason for Appealing**  
**Appeal to Central Area Planning Commission**  
**Case Numbers VTT-74328-CC; ENV 2016-2050-CE**  
**Project Address: 118-126 North Flores Street**

The within appeal is filed on the ground that the Deputy Advisory Agency ("DAA") erred and abused its discretion by granting the attached "Vesting Tentative Tract" dated March 10, 2017, and adopted a Categorical Exemption ("CE") as the environmental review for the proposed condominium conversion at 118 through 126 North Flores Street.

Appellant John Henning is aggrieved by the decision because he is an immediately abutting neighbor to the project site, and is directly affected by the proposed project. In addition to this, Mr. Henning is a taxpayer and in the City of Los Angeles and as such is entitled to the full enforcement by the City of its local zoning and planning laws, the California Environmental Quality Act, and other state and local laws pertaining to the project.

The DAA abused its discretion because:

- (1) The project violates the City's zoning code;
- (2) The project violates the City's subdivision ordinance;
- (3) The project violates the City's condominium conversion ordinance;
- (4) The project violates the General Plan of the City of Los Angeles;
- (5) The project violates the Mello Act (Government Code sections 65590 et seq.);
- (6) Under the California Environmental Quality Act (CEQA) an Environmental Impact Report or Mitigated Negative Declaration should have been prepared for the project instead of a Categorical Exemption;
- (7) The conditions of approval are not sufficient to mitigate impacts of the project below a level of significance under CEQA;
- (8) The conditions of approval do not mitigate impacts of the project;
- (9) The approval of the project is not supported by adequate findings; and
- (10) The findings in support of the approval of the project are not supported by substantial evidence in the record.

**The appellant will submit additional correspondence and support for his appeal before the Central Area Planning Commission meets to consider the appeal.**

**JOHN A. HENNING, JR.**  
ATTORNEY AT LAW  
125 N. SWEETZER AVENUE  
LOS ANGELES, CALIFORNIA 90048

TELEPHONE: (323) 655-6171  
E-MAIL: jhenning@planninglawgroup.com



April 19, 2017

**VIA ELECTRONIC MAIL**  
**AND U.S. MAIL**

Central Area Planning Commission  
City of Los Angeles  
200 N. Spring St.  
Los Angeles, CA 90012

Re: Case No. VTT-74328-CC-1A (118-126 N. Flores St.) (Hearing Date: May 9, 2017)

Honorable Commissioners:

The Deputy Advisory Agency erred in approving the requested conversion of the historic Mendel and Mabel Meyer Courtyard Apartments into condominiums. Your Commission should reverse the decision and allow these buildings to remain rental apartments, just as they have been for over 75 years.

Here is why:

1. **Apartment Vacancy Rate is Likely to be Less Than 5% in the Wilshire Community Plan Area.**

An important purpose of the condominium conversion ordinance is "to protect the existing rental housing stock by reducing conversions." (LAMC section 12.95.2.A.) In accordance with this intent, the ordinance states that a conversion may be approved unless there is a finding that the vacancy rate of the relevant planning area (here the Wilshire Community Plan Area) is five percent or less. (LAMC sec. 12.95.2.F.6.)

For purposes of this section, "'Vacancy rate' shall refer to the most current vacancy rate for multiple-family dwelling units as published by the DCP in its Semi-Annual Population Estimate and Housing Inventory, or other estimate or survey satisfactory to the Advisory Agency."

The City Council unanimously passed a motion in 2006 demanding that Planning Department staff enforce section 12.95.2.F.6, which until that point apparently was not routinely enforced. See [http://clkrep.lacity.org/online/docs/2006/06-1772-S1\\_ca\\_11-14-06.pdf](http://clkrep.lacity.org/online/docs/2006/06-1772-S1_ca_11-14-06.pdf).

Yet even today, DCP does not appear to be applying this provision diligently to limit condominium conversions. This is a case in point.

DCP apparently no longer publishes a “Semi-Annual Population Estimate and Housing Inventory,” which is described in the ordinance as a source for the vacancy rate. Instead, for purposes of this condominium conversion project and other similar projects, the Advisory Agency is relying upon data from the Los Angeles Department of Water and Power (LADWP), which uses inactive power meters as an indicator of vacancy. This data indicates a 6% vacancy rate in the Wilshire Plan area, which exceeds the 5% threshold for denying a conversion.

However, as the Deputy Advisory Agency conceded in its determination letter, the calculation of the 6% rate was made in November 2015, more than 14 months ago, presumably based on data that is even older than that. (Determination at pg. 15-16, finding (e).) Meanwhile, the U.S. Census, which tracks vacancy rates each quarter for cities nationwide, has determined that the vacancy rate for the Los Angeles metropolitan area in the 3<sup>rd</sup> quarter of 2016 was just 3.0%. See [https://www.census.gov/housing/hvs/data/rates/tab4\\_msa\\_15\\_16\\_rvr.xlsx](https://www.census.gov/housing/hvs/data/rates/tab4_msa_15_16_rvr.xlsx). (For news coverage, see <http://www.scp.org/news/2016/01/28/57103/la-apartments-rental-vacancy-rate-fall-to-27/>)

Given the acknowledged housing crisis in Los Angeles, and especially the lack of rental housing and the recent increased losses of housing covered by the Rent Stabilization ordinance (RSO) in particular, the vacancy rate used by the Advisory Agency cries out to be updated to the present day. Very possibly, in the last 14 months the LADWP data may have changed to indicate a vacancy rate in the Wilshire Plan area of below 5 percent. If so, then the finding that the vacancy rate is below 5 percent must be made, and the condominium conversion must be denied on that basis alone.

At the close of the public hearing, the Deputy Advisory Agency acknowledged this issue and expressed to staff the need for recent data on the vacancy rate. However, staff apparently did not make efforts to ensure that the rate was, in fact, recalculated before the determination was made, or if it did, those efforts were not successful.

While the case was under consideration by the Deputy Advisory Agency, at the urging of concerned neighbors, the 5<sup>th</sup> District Council Office asked Planning Department staff to recalculate the actual apartment vacancy rate in Wilshire Plan area, based on up-to-date LADWP data. Concurrent with this request, the Council Office asked the Deputy Advisory Agency to keep this case open and to refrain from issuing a determination until the recalculation of the vacancy rate was complete.

Unfortunately, the Deputy Advisory Agency ignored this request and issued a decision finding that the vacancy rate in the Wilshire Plan area was, in fact, 6% based upon the 14-month old data. (Determination at pp. 15-16, finding (e).)

In the determination letter the Deputy Advisory Agency attempted to justify its reliance on old data by noting that the application for the condominium conversion had been filed in June 2016, and that at the time of filing the data was “less than one year old.” (Determination at pg. 16, finding (e).) However, there is no rational basis for using the filing date of a case, rather than the date the determination is made on the case, as the yardstick for measuring the age of the relevant data. The ordinance requires the Deputy Advisory Agency to make its finding about the vacancy rate based upon the “most current” data from a semi-annual calculation, i.e., a calculation that is less than 6 months old at the time the Deputy Advisory Agency makes its finding about the vacancy rate. Since findings are made concurrent with the determination on the underlying case, the data should be current as of the date of the determination.

Unless and until more recent data is analyzed by the Planning Department, there is not substantial evidence in the record to support a finding that the vacancy rate in the Wilshire Plan area is 6%, or indeed, that it is any particular rate higher than 5%. To the contrary, the only reliable evidence of a vacancy rate less than 6 months old is the U.S. Census data from the 3<sup>rd</sup> quarter of 2016, which indicates a 3% vacancy rate for the entire Los Angeles metropolitan area. Based upon that evidence, the City (and on this appeal, this Commission) should make the finding that the vacancy rate for the Wilshire Plan area is below 5%. On that basis, the project should be denied.

2. **Cumulative Effect of Successive Conversion Projects on Rental Housing Market is Significant.**

Upon a finding that the vacancy rate is 5 percent or less, the ordinance requires denial of the project if a separate finding is made, i.e., that “the cumulative effect on the rental housing market in the planning area of successive residential ... conversion projects (past, present and future) is significant.” (LAMC sec. 12.95.2.F.6.) As with the vacancy rate finding, the City Council demanded in its 2006 motion that Planning Department staff enforce this aspect of section 12.95.2.F.6 as well.

Presumably because it found that the vacancy rate was greater than 5%, the Deputy Advisory Agency made no finding whatsoever concerning the cumulative effect on the rental housing market of successive residential conversion projects. Since the Deputy Advisory Agency should have found that the vacancy rate was less than 5%, it should have proceeded to consider the second finding concerning significant cumulative impact.

The ordinance states that the finding of significant cumulative effect shall be based on the following factors:



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

(LAMC sec. 12.95.2.F.6.)

The test does not require all of the factors to argue for a significant impact; rather, that factors are considered together to determine whether there is a significant impact. Nonetheless, in fact, here all of these factors either argue for a finding of significant cumulative effect from successive conversion projects, or are simply not applicable to this project. Thus, the finding of significant cumulative effect should be made, and the condominium conversion should be denied. Addressing the five factors in turn:

Factor (a): The clear purpose of this factor is to maximize the number of tenants who are willing and able to purchase a unit, thus minimizing the impact of the conversion project on the tenants. Here, there are zero tenants who are willing or able to purchase a unit in the building. This is because the owner has evicted the prior tenants pursuant to the Ellis Act, and then for purposes of this application has treated them as though they do not exist. As such, the owner has not given any of the notice contemplated by the conversion ordinance, which might help it to ascertain their willingness and/or ability to purchase a unit. And while the Advisory Agency apparently has a policy to relieve an applicant of the obligation to formally offer units to tenants who have already moved, the applicant could still have made offers to the prior tenants in order to ascertain their interest in the units for purposes of establishing tenant interest for purposes of factor (a) of the cumulative impact test. Since the applicant has not done this, there is no basis for a finding that any tenants are willing and able to purchase a unit. Thus, without more, the assumption must be that no tenants are willing and able to purchase a unit. This factor argues strongly that the project and successive conversions will have a cumulative impact on the rental market.

Factor (b): The clear purpose of this factor is to minimize the loss of multifamily residential units. The number of units in the existing building prior to conversion was 9, as established in the Notice of Intent to Withdraw Units From Rental Housing Use filed with the application. That is one less unit than the condominium project would have, for a net loss of one unit. One of the

previously occupied units was “illegal,” i.e., unregistered and not included in the certificate of occupancy. However, in its determination letter the Deputy Advisory Agency specifically referred to the fact that this building consists of 9 units, including one “unpermitted” unit. (Determination at pg. 15, finding (c); pg. 16, finding (e).) Meanwhile, the California Court of Appeal has emphasized the importance of unpermitted units to the City’s housing stock, in finding that the Los Angeles RSO applies equally to permitted and unpermitted units. Carter v. Cohen (2010) 188 Cal. App. 4th 1038, 1051 (rental unit lacking a certificate of occupancy and not registered under RSO still falls within the scope of the RSO). Thus, for purposes of the evaluation of cumulative impact of successive conversions on RSO units, the number of units in the building prior to conversion is nine. Since the project consists of eight units, this factor supports a finding that the project will have a cumulative impact on the rental market.

Factor (c): The number of units which would be eliminated in case conversion occurred in order to satisfy Municipal Code parking requirements appears to irrelevant, as no units appear to have been eliminated for this purpose. This inapplicable factor has no bearing on the finding of cumulative impact.

Factor (d): The adequacy of the relocation assistance plan also appears to be irrelevant, as there has been no “relocation assistance plan” as such. Instead, the tenants were all evicted pursuant to the Ellis Act before any such plan could be required pursuant to the condominium conversion regulations. This inapplicable factor has no bearing on the finding of cumulative impact.

Factor (e): There are other factors pertinent to the determination of a significant cumulative effect from successive condominium conversion projects. One of them is the simple fact that the project leads to the permanent net loss of nine RSO units in the City, which units are desperately needed in light of recent losses through demolition and development. Another factor is that the conversion of this designated HCM into condominiums based upon a discretionary exemption from the minimum parking requirements would merely set an example that would invite similar conversions of designated HCMs throughout the City into condominiums. Since many RSO units are in historic buildings, this would lead to far broader impacts citywide.

3. **Conversion Would Jeopardize the Underlying Historic Resource and Should Have Been Evaluated Under CEQA.**

In 2015, these buildings were designated historic/cultural monuments. They were specifically monuments to Mendel Meyer, a renowned builder of the 1920s who designed the Egyptian Theater and many other treasured landmarks in the City. Mr. Meyer’s career boomed during the roaring 20s and then hit the skids in the 1930s, with the onset of the Great Depression. In 1936, Mr. Meyer built the first of the two Flores buildings, living as an owner/landlord in the

most spectacular of the units. Then, he built the second building in 1939, and when his circumstances diminished further, he moved into one of the more modest units in that building. The Meyers rented the remaining units to people much like the people who rent them today – working people, young families, seniors, and new immigrants to Hollywood. They lived in the courtyard apartments until their respective deaths in 1950s.

The buildings – and especially their interiors – have remained remarkably intact since Mendel Meyer's time. The numerous landlords over the years have not been tempted to alter the units, largely because they are, in the final analysis, relatively modest in scale and in amenities, and because the rents have been relatively affordable and protected from dramatic increases by the RSO.

The applicant now wishes to do a "conversion" to condominiums, but what it really intends is a "gut-remodel," to the extent that is possible. The applicant has already approached the Office of Historic Resources with proposals to make numerous interior and exterior changes to the building, including removing elements that were part of the original historic design.

The impact of this "conversion" should have been considered as a potentially significant impact on cultural resources for purposes of the California Environmental Quality Act (CEQA), and a Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR) should have been prepared to evaluate that potential impact. Instead, the Deputy Advisory Agency found that the project was properly subject to a Class 1 (existing facilities), Category 10 exemption ("Division of existing multiple family rental units into condominiums or stock cooperatives."). (Determination at pg. 13, finding (e). This type of review was not proper and violates CEQA.

First, the project is not merely the division of "existing multiple family rental units". It involves the wholesale alteration of the individual units, including the combination of two units into one.

Second, Article III(1) of the City CEQA Guidelines specifically provides that categorical exemptions "are not used for projects where it can be readily perceived that such projects may have a significant effect on the environment." Here, it can be readily perceived that the conversion and renovation/alteration of 8 units and the combination of two units into one "may" have a significant effect on the environment, i.e., on the historic resource designated by the Cultural Heritage Commission. Indeed, by imposing this "readily perceived" standard, the City has effectively set its own threshold for the use of categorical exemptions, which is more stringent than the standard applied under the statewide CEQA statute and statewide CEQA Guidelines. Moreover, neither state law nor the statewide Guidelines pre-empts the City CEQA Guidelines on this point. Nor does state law relieve the Advisory Agency from the obligation to comply with the City CEQA Guidelines. The City Guidelines are a separate enactment, formalized by a resolution of the City Council adopted in 2002. (See Council File 02-1507, at <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=02-1507>.) The Advisory Agency is bound to follow the City CEQA Guidelines prohibition on the

use of categorical exemptions when it can be “readily perceived” that the project “may” have a significant impact.

Third, even the state CEQA Guidelines also prohibit the use of a categorical exemption here. Section 15300.2 of the Guidelines (“Exceptions”) states, in relevant part, “(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” Here, the subject building is a designated HCM, something that applies to less than 1% of buildings in the City (fewer than 1200 of hundreds of thousands of buildings). These are unusual circumstances giving rise to a reasonable possibility of a significant effect on a historic resource.

Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086, 1105 is a key case on this issue. It holds that there must be “unusual circumstances” to preclude the application of a categorical exemption, and that “unusual circumstances relate to some feature of the project that distinguishes the project from other features in the exempt class.” Here, that feature is the fact that the project involves the alteration of two buildings that are a designated historic/cultural monument. This feature of the project directly implicates a recognized potentially significant impact under CEQA, i.e., the impact to a cultural resource. Moreover, as the applicant’s attorney, Elisa Paster, has emphasized in correspondence to the Deputy Advisory Agency, the neighborhood is a largely intact historic neighborhood consisting of 90% of the original architecture. The alteration of a designated historic building in this unusually intact neighborhood is itself another “unusual circumstance,” as it is readily apparent that most neighborhoods in the City of Los Angeles are not 90% historically intact.

Berkeley Hillside goes on to hold that “Once an unusual circumstance is proved under this method, then the ‘party need only show a reasonable possibility of a significant effect due to that unusual circumstance.’” Here, the fact that the applicant seeks to substantially alter the historic cultural/monument – including by combining two units into one – is all that is needed to prove a “reasonable possibility” of a significant impact on the cultural resource.

In her letter to the Deputy Advisory Agency, the applicant’s attorney, Ms. Paster essentially argued that this “reasonable possibility” of a significant impact could be avoided by various promises made by the applicant. First, she promised that there will not be a significant impact to the historic resource because the subdivision does not itself “impact any physical details.” However, the fact that the subdivision does not itself have the potential to alter the historic resource is utterly irrelevant under CEQA, when the subdivision will have the reasonably foreseeable result of altering the resource. See Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners (2001) 91 Cal.App.4th 1344, 1360.

Ms. Paster also promised that her client will be a good steward of the building, noting that when “renovation plans” are proposed, they will have to follow Secretary of Interior standards. However, CEQA does not allow an applicant’s promises of future mitigation to substitute for full environmental review. See Communities for a Better Environment v. City of



Richmond (2010) 184 Cal.App.4th 70, 92. (court holding that “reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.”)

CEQA is clear: An Environmental Impact Report (EIR) is necessary when there is a “fair argument” that there “may” be a significant impact, except when mitigation measures will mitigate that impact, in which case a Mitigated Negative Declaration (MND) is appropriate. The so-called “fair argument” test is designed to be especially protective of the environmental resource in question, which in this case is a designated historic/cultural monument. The applicant’s promises to protect this historic resource, for what they are worth, must be evaluated in an EIR or an MND. These promises do not justify the use of a categorical exemption to evade full CEQA review.

**4. The Usual Advisory Agency Parking Requirements Should Not be Waived For This Historic-Cultural Monument.**

Pursuant to Advisory Agency policy the project, a conversion project with 8 units, requires 16 parking spaces (two per unit). (See Advisory Agency Policy No. 2006-2 Multi Family Parking Policy (minimum 2 spaces per unit if building is more than 5 years old); see also LAMC sec. 12.21.A.4. (requiring provision of off-street parking for buildings “at the time such buildings or structures are altered, enlarged [or] converted” and requiring 2 parking spaces for all dwelling units with “three or more habitable rooms”).) All parking spaces in a condominium conversion project must comply with the modern code, in terms of matters such as stall length and width, aisle width, and driveway access.

Here, the existing garages have just 12 spaces. Moreover, several of these are remarkably substandard in comparison to the requirements of the zoning code. Two spaces are within narrow individual garages that are only 8’7” and 8’9” wide, respectively. Eight spaces are in double garages that are less than 16 feet wide. All 12 spaces are obstructed by columns or walls at the entry to the garage, further constraining access.

Nonetheless, the Deputy Advisory Agency expressly waived all Deputy Advisory Agency parking requirements for the conversion project. (Determination at pg. 12, finding (b).) Specifically, it found that the project is exempt from providing any new parking because the structures are designated HCMs, referring to LAMC section 12.21.A.5.(x), a provision of the zoning code which applies generally to all development. However, this exemption should not be applied to this project.

First, the provision states that for a building designated as an HCM “no additional automobile or bicycle parking spaces need be provided in connection with a change of use.” This condominium conversion project is not a “change of use,” because the use remains residential in nature, and specifically multiple dwelling units. Thus, the provision does not

exempt the applicant from complying with the usual Advisory Agency parking requirements at all. (See LAMC section 12.10.A.3 (defining “multiple dwellings” as one of the “uses” permitted in R-3 zone.) The Deputy Advisory Agency does not have the discretion to simply declare that a “change of use” occurs when rental apartments are converted to condominium units, as that would fly in the face of the plain language of the zoning code.

Second, even if the condominium conversion project could somehow be deemed a “change of use,” the provision specifically states that “Nevertheless, a decision-making body, as part of a discretionary approval related to a change of use, may impose conditions requiring additional parking requirements in connection with the change of use.” (LAMC section 12.21.A.5.(x).) The condominium conversion is a discretionary approval, and the Advisory Agency is fully authorized to, and should, impose additional parking requirements in connection with that approval. Indeed, the Advisory Agency already imposes additional parking requirements routinely on tract map projects, based on matters such as parking congestion, size of project, and age of project. Here, the Deputy Advisory Agency should have exercised discretion to require at least the 2 usual code-required parking spaces for a residential unit.

The owner may argue that the two-space requirement is impossible to satisfy in light of the historic designation of the property and the need to protect the historic resource. In fact, the owner has several options that do not require a waiver of the usual parking requirements. First, the owner can reduce the number of units in its project to provide two code-conforming spaces for each unit in the existing garages. Second, it can modify the garage buildings, consistent with the protection of the historic resource. Third, to the extent that the spaces are smaller than required by modern code, or lack the access or driveway required by modern code, the owner can apply for a variance from the City based upon hardship stemming from the designation as an HCM. Fourth, the applicant always has the option to abandon the condominium conversion and return the subject units to use as rental apartments, in which case no discretionary approval is necessary in the first place.

Simply stated, the Deputy Advisory Agency should not have granted a de facto variance by applying an obscure exemption from the parking rules for a change of use – especially since that exemption is purely discretionary. There is no rational basis for it to do so.

**5. There is No Basis for the Finding That the Required Parking Spaces are Substantially Consistent With the Purposes of the LAMC.**

In support of the determination, the Deputy Advisory Agency made the required finding that “(g) 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.” There was no basis for making this finding, and the Commission should find that, in fact, the proposed parking spaces are not substantially consistent with the purposes of the LAMC.



The Deputy Advisory Agency supported its finding of consistency with the LAMC by making two points: (1) that “the number of parking spaces cannot be increased without major physical modification of the project.” and (2) that LAMC section 12.21.A.5.(x) provides that a building designated HCM does not require additional parking in connection with a “change of use.” (Determination at pg. 17, finding (f).) There is not substantial evidence to support either of these two points, and even if there was substantial evidence to support either of them, this Commission is also entitled to make the opposite finding based upon substantial evidence already in the record.

First, there is no substantial evidence to support the contention that “major physical modification” would be necessary to provide the necessary parking. Moreover, even if this contention were supported by substantial evidence, it is not relevant to the required finding that the parking spaces provided are “substantially consistent with the purposes of the LAMC.” The Advisory Agency does not have the power to, and should not, waive parking requirements merely because “major physical modification” may be necessary to comply with those requirements. The waiver of minimum parking requirements should be accomplished only through a formal variance or exception, which is accompanied by a legally rigorous series of findings about the need for such relief, including unnecessary hardship, special circumstances and the like.

Second, as discussed above, the code section cited by staff, which grants relief from parking requirements for a designated HCM, does not apply to this project. This project involves no change in use, as the property before and after the project is a residential use – and, more particularly, a multiple dwelling use.

**6. The Project Does Not Meet the Parking Requirements of the Zoning Code and These Requirements Cannot Be Waived by the Advisory Agency.**

Entirely separate from the parking requirements in the subdivision ordinance are the parking requirements of the zoning code. LAMC section 12.21.A.4 requires provision of off-street parking for buildings “at the time such buildings or structures are altered, enlarged [or] converted” and requires 2 parking spaces for all dwelling units with “three or more habitable rooms.” Since all of the proposed units in this conversion contain three or more habitable rooms, the conversion to 8 condominium units requires 16 parking spaces under the zoning code.

As discussed in detail above, it would be improper for the Deputy Advisory Agency to grant an exception from the two-space requirement contained in the Advisory Agency Multi-Family Parking Policy, because such an exception is unwarranted and merely invites other requests for individual exceptions. However, regardless of any authority the Advisory Agency may have to waive its own parking requirements, it simply lacks any authority to grant an exception from the separate two-space requirement contained in section 12.21.A.4 of the zoning code. Such an exception would be a de facto variance from the zoning code, and is expressly prohibited by the subdivision ordinance itself. LAMC section 12.95.2.H.1.d states:

d. Where the number of parking spaces required by other provisions of this code in existence on the date of map application exceeds the minimum numbers established by this section, the number of parking spaces shall not be diminished.

Moreover, even if the Advisory Agency did have the discretion to relieve the applicant from the minimum number of required parking spaces under the zoning code, it has no discretion to relieve the applicant from the zoning code requirements concerning the width and length of the individual parking spaces, or matters such as access aisles and driveways. Here, all of the parking spaces in the project are substandard and nonconforming with the zoning code.

The Advisory Agency cannot put off to another time or to another City agency the question of whether parking in the project complies with the zoning code. Instead, in order to approve the condominium conversion it must make a finding that the “parking spaces are reasonable and feasible and substantially consistent with the purposes of the LAMC.” This finding simply cannot be made here.

7. **Conversion is Not Necessary to Provide the Applicant With an Economically Viable Use.**

The applicant has contended to various City officials that it needs to convert the existing apartment building to condominiums in order to have an economically viable use of the property. This is untrue.

This building is, and until very recently was, an apartment building. It is typical of this neighborhood. In fact, all of the surrounding buildings and all buildings on the same block of N. Flores Street are uniformly multi-unit rental apartment buildings dating from before 1950. Moreover, the entire Beverly Square area, which spans some 12 blocks between Beverly and Third Streets, consists almost entirely of rental apartments. Most of these are in pre-1950 buildings.

In fact, a condominium conversion would be unique here, and would grant the applicant an economic advantage that no one else in the neighborhood has: There have been zero condominium conversions of the existing pre-1950 housing stock in the 12-block Beverly Square neighborhood. Even new condominiums are rare: Although numerous new apartment buildings have been constructed in recent years, only a handful of new condominium buildings have been built in Beverly Square. Of these, the largest, a 3-lot condominium project on Sweetzer Avenue about 2 blocks away, built in 2008, ultimately failed and is presently operated as rental apartments.

The applicant finds condominium conversion convenient only because, in 2015-16, it evicted all of the tenants and removed the buildings from the rental market, as part of a proposed small-lot subdivision project. While the Ellis Act evictions were underway, one of the tenants and several neighbors, with the vigorous support of the Council Office, applied for designation

of the buildings as a Historic-Cultural Monument, and they were designated by the City Council in November 2015. This spared the buildings from demolition and thwarted the small-lot subdivision.

Despite the pending HCM nomination, the applicant persisted with the Ellis Act process. As reflected by the applicant's own allegations in this application, the units were all withdrawn from rental use as of June 6, 2015. After the Ellis process was complete, but while the HCM process was underway, two tenants, Steven Luftman and Karen Smalley, remained in possession of their apartment on the ground that the owner had not followed the Ellis Act in evicting them. Their plight attracted much press attention and became a lightning rod for activists statewide concerned about the abuse of the Ellis Act. (See <http://www.latimes.com/local/lanow/la-me-ln-tenants-decry-eviction-by-landlord-the-chair-of-state-housing-finance-agency-20150530-story.html>.)

At the time of the Ellis Act evictions, one of the principals of the applicant Bldg Flores LLC was (and presumably still is) Matthew Jacobs. Ironically Mr. Jacobs, at the same time as he was evicting tenants from the Flores buildings and another historic bungalow court on Edinburgh Ave., about a mile away, also held a position as Chair of the board of the California Housing Finance Agency (CalHFA), a state agency with the mission to "support the needs of renters and homebuyers by providing financing and programs that create safe, decent and affordable housing opportunities for low to moderate income Californians". Soon after this came to light, Mr. Jacobs was forced to resign from that post. (See <http://beverlypress.com/2015/07/head-of-affordable-housing-agency-steps-down-amid-protest/>.)

After the HCM designation precluded demolition, the owner could easily have returned the buildings to their original apartment use, and allowed the remaining tenants to stay in their homes. Instead, whether out of spite or simply to make more money, the owner finally sued the last two tenants, and they eventually had to move.

Now that the owner has evicted all the tenants, it has argued to various City officials that it is legally precluded from returning the units to apartment rental use. This is untrue. In fact, the Ellis Act, and the City ordinance implementing the Ellis Act, allow the units to be returned to rental use by filing a simple form with the Housing and Community Investment Department (HCIDLA). (See LAMC section 151.24.) Moreover, as long as the units are returned to the market more than two years after withdrawal (which in this case is June 2017, just 2 months from now) the owner will have no legal liability for damages to the evicted tenants. (See LAMC section 151.25 (providing for damages only if rental unit is offered for rent or lease less than 2 years after withdrawal).)

Instead, beginning in June 2017, the owner will be in full compliance with the Ellis Act if it simply notifies former tenants who requested notification at the time they were evicted that that premises are available for re-rental, and then allows them 30 days to accept the offer. (See LAMC sec. 151.26, 151.27.) Thereafter, the owner must rent the units either to these tenants or, if they decline to re-rent, to new tenants at the same rents that were in effect at the time the



Notice of Intent to Withdraw was filed with HCIDLA, plus annual adjustments under the RSO. (See LAMC sec. 151.26.A.2.) According to the Notice of Intent submitted by the applicant, the total rent for the two buildings at the time the Notice was filed was \$15,881.60, or an average of about \$2,000 for the eight units. Upon return to rental apartment use, the owner will therefore derive a substantial income from the buildings and will not be harmed in the slightest.

**8. Plans Do Not Meet Standards for a Tentative Map.**

LAMC section 12.95.2.D.1.b.(1) states that for a Residential Conversion Project “the following information shall be submitted at the time of filing: ... (c) Parking plan, including the total number of spaces actually provided and the total number required if different from that actually provided; dimensions of stalls, aisles and driveways; locations of columns, walls and other obstructions; total number of covered and uncovered parking spaces and location and number of guest parking spaces.” Here, the Parking Plan, which is crucial to the project, does not come close to meeting these requirements:

- There is no dimensioning of the individual 12 stalls. Moreover, since four of the stalls are within double-space garages, it is impossible to tell where one stall begins and where the other ends. This is not a merely technical defect; the lack of dimensioning makes it impossible to establish with certainty that any particular space is (or is not) in conformance with the minimum specifications for a parking space in the zoning code. (In fact, all of the stalls are so substandard that they do not conform to these specifications; the only question remaining is by how much.)
- Columns located at the entrances to the various parking spaces are not clearly shown or labeled, much less dimensioned. This omission is a significant one, as under the zoning code the minimum width of a parking space is dictated in part by the presence of obstructions (such as columns) alongside the parking stalls. (See LADBS Information Bulletin “Parking Design, P/ZC 2002-001, at pg. 1, section A.6. (“Stall widths must be increased 10 inches for obstructions, except for stalls serving single family dwellings and duplexes.”) <https://www.ladbs.org/docs/default-source/publications/information-bulletins/zoning-code/parking-lot-design-ib-p-zc2002-001.pdf?sfvrsn=17>
- Aisles are not dimensioned. Instead, a distance of 10 feet is shown to the property line, which obviously is not sufficient for a car to back. In fact, the shortest minimum access aisle width for a 90-degree compact parking stall is 20 feet, because it must be sufficient for a car to back entirely from the parking space and maneuver away from it. (See LADBS Information Bulletin “Parking Design, P/ZC 2002-001, at pg. 11, Table 6. <https://www.ladbs.org/docs/default-source/publications/information-bulletins/zoning-code/parking-lot-design-ib-p-zc2002-001.pdf?sfvrsn=17>)

- No driveway whatsoever is depicted. Every parking space in the City must have a driveway leading to it. LAMC section 12.21.A.4.(h) provides that “An access driveway shall be provided and maintained between each automobile parking space or area and a street, or alley, or a private street or easement ...” Further, a driveway has minimum specifications; in the R-3 zone, a driveway must be at least 10 feet wide. (See LADBS Information Bulletin “Parking Design, P/ZC 2002-001, at pg. 2, Section G.3. <https://www.ladbs.org/docs/default-source/publications/information-bulletins/zoning-code/parking-lot-design-ib-p-zc2002-001.pdf?sfvrsn=17>) Given these requirements, a driveway should have been depicted on the parking plan for every parking space, even if that driveway is not located entirely on the lot which it serves. Again, this is not a mere technicality: Presently, the parking spaces on the parking plan lead to nowhere. If the applicant complied with the requirement to identify a driveway on the parking plan, the lack of an adequate driveway would have become that much more apparent.
- In fact, the stalls are accessed from a shared alley, across an easement shared with other property owners on Flores Street and Sweetzer Avenue. None of this is depicted, much less is it dimensioned. Here, in essence, the applicant seeks to use the shared alley easement as either his access aisle and/or as his driveway. If that is his intent, he must depict and dimension them, as they must meet minimum requirements in the zoning code.

These omissions are especially important because the project does not meet code parking requirements, but rather relies on an exemption for HCMs undergoing a “change of use”.

Under Government Code section 66473, a local agency must disapprove a tentative map for failure to meet or perform any of the requirements or conditions imposed by “this division or local ordinance enacted pursuant thereto.” Thus, the Deputy Advisory Agency should have disapproved the map based upon these shortcomings alone.

**9. Applicant Has Failed to Disclose Three Sets of Tenants Apparently Requiring Notice of Their Right to Purchase a Unit and of the Public Hearing.**

At the public hearing before the Deputy Advisory Agency, there was testimony from neighbors that the applicant had apparently had tenants – perhaps resident managers of the building, but nonetheless very possibly “tenants” – from the time this application was filed until the present. The names of these persons do not appear in the application.

LAMC section 12.95.2.D.1.(b) states that for a Residential Conversion Project “the following information shall be submitted at the time of filing: ... (2) **Tenant Information.** Name and address of each tenant; total number of project occupants; length of tenancy; rent schedule for 18 months preceding the application; relocation assistance plan.” The zoning code

defines "Tenant" as "A person who rents, leases or sub-leases, through either a written or oral agreement, residential real property from another." (See LAMC sec. 12.03.)

The application was filed in June 2016. For over a year, since approximately March of 2016, I have been aware of two persons – apparently a married couple – who live in one of the units of the existing apartment buildings. I initially learned of their presence from a prior tenant who had visited the property. Then, in about March of 2016, I went to the property to retrieve a string of lights that a prior tenant had borrowed from me, which was strung on one of the exterior stairways of the building. In the course of that, I needed help to reach the lights and knocked on the door of one of the units, which appeared to be occupied. A man answered the door and lent me a chair. While I was present a woman also entered the unit with groceries. In the months since that time, I have occasionally observed the same man and/or woman, and at times a young child, accessing the property from the alley. This is easily visible to me because the garages for the Flores property and the garages for the property where I live face each other, and front the same alley. I have observed these people park inside the garages on a regular basis, the most recent time being just a few days ago. It is apparent to me that they are living in the building, either part-time or full-time.

Presumably these residents have occupied the building over many months as part of the applicant's business, and not merely as a gift or favor. Perhaps they pay rent to the owner. Or, they may be "resident managers," who provide some sort of service to the applicant such as maintenance and security. In either case, they are likely to be deemed "tenants" by the City. According to one of my neighbors, who has spoken to these tenants, he is in fact acting as a manager of the property.

More recently, in about March of 2017, just about the time that the Deputy Advisory Agency made its decision, two new groups of occupants moved into two other vacant units. One of my neighbors has spoken to each of these occupants, and their presence is clear from moving boxes and trash in the alley and lights constantly burning within the units.

The Rent Adjustment Commission, which promulgates rules pursuant to the RSO, distinguishes between two types of "resident managers": (1) "resident-managers" who receive free rent but no wages, or partial free rent; and (2) "employee-managers," who are required to live on the premises as a condition of employment, and who are provided both free rent and income at the minimum wage. (See RAC rule 920.01, 920.02.) "Employee-managers" are not treated as "tenants" for purposes of the protections of the RSO, but "resident-managers" do qualify as tenants. (See RAC rule 920.01, 920.02.)

Thus, unless the three sets of occupants of the Flores building meet all the criteria of "employee-managers," or are living in the building as a gift or as a favor, their names should have been disclosed with the application.



Moreover, even if the occupants are “employee-managers,” the unit must be registered with HCIDLA. (RAC rule 922.01.) Here, based upon the filings by the applicant, there has been no such registration. To the contrary, the applicant has continuously represented that the building is unoccupied and “vacant”.

If the occupants of the building are properly classified as “tenants,” then the applicant also has failed to satisfy LAMC section 12.95.2.D.1.(c), which requires at the time of filing evidence of “written notice to the tenants of an exclusive right to purchase the dwelling unit occupied by the tenant; and the number of tenants that have expressed interest in purchasing their dwelling unit”. (Elsewhere section 12.95.2.E.2. provides that “Each tenant of a conversion project subject to this section shall be given 180 days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion.”)

In addition to being disclosed in the application, the Department of City Planning is required to notify any “tenants” of the public hearing, at least 10 days in advance. (See LAMC section 12.95.2.E.1. If the applicant has failed to identify tenants in the application, then these tenants have not received this required notice.

The applicant’s lawyer, Ms. Paster, wrote a letter to the Deputy Advisory Agency in which she defended the owner’s use of the building for these apparent tenants. She admitted that the first group of occupants – a family consisting of a man, his common-law wife, and their son – are occupying the property. However, she insisted that “the occupants are living in the building as a gift or favor” and that “These persons are simply allowed to live on the property free of rent and are not required to provide any services, bonuses, benefits or gratuity to the Applicant in connection with their occupancy.” As such, Ms. Paster insisted that the occupant family does not qualify as “tenants” and that they are not qualified to receive various notices and rights pursuant to LAMC section 12.95.

Ms. Paster did not claim to have any personal knowledge of the status of this family. Curiously, she did not offer any statement by the principals of the applicant to support her statements. Nor did she present any statement from the occupants themselves.

Meanwhile, Ms. Paster’s statements contradict what the principal of the applicant, Guy Penini, said about the family during the public hearing before the Deputy Advisory Agency. At that hearing Mr. Penini said that the occupants were “part owners of the project”. Yet Ms. Paster’s letter is suspiciously silent about this “part owner” relationship.

There seems to be little reason for a limited liability company organized solely for the purpose of developing this property to be offering a “gift or favor” consisting of free rent valued at thousands of dollars per month, to a family with which it has no business or employment relationship. If, on the other hand, the family were truly “part owners” of the project, then Ms. Paster surely would have disclosed this in her letter. The same is true of the other two new tenants who have recently appeared in the building.

Something is fishy here.

All things considered, it is fair to wonder whether Ms. Paster and her client are seeking to conceal the actual status of these occupants and to characterize them in a way that will avoid the application of the condominium conversion ordinance, the Ellis Act, and/or the Rent Stabilization Ordinance.

**10. The Commission Has Discretion to Deny the Project Because it Fails to Comply With the General Plan.**

LAMC section 12.95.2.A states that a purpose of the condominium conversion ordinance is “to generally regulate projects in accordance with applicable general and specific plans and with the public health, safety and welfare.” State law provides that the local agency must make an affirmative finding of general and specific plan consistency in order to approve a tentative map, and that the local agency must disapprove a tentative map if it finds that the proposed map or the design and improvement of the proposed subdivision are not consistent with applicable general and specific plans. (Government Code section 66474 (a)–(b); see Woodland Hills Residents Ass’n v City Council (1975) 44 Cal.App.3d 825.)

The Deputy Advisory Agency found that the project was consistent with the General Plan. (Determination at pp. 11-12, findings (a) and (b); pp. 14-15, finding (b).) However, the Commission is entitled to find, and should find, that it is not.

Here, the Wilshire Community Plan includes the following primary residential issue: “Need to preserve the existing character of residential neighborhoods while accommodating more affordable housing and child care facilities.” (Wilshire Plan at I-5.)

Moreover, the City’s general plan contains numerous provisions that this project would violate. Goal 1 of the Housing Element of the General Plan Framework Element, and several of the objectives and policies, each emphasize the need to protect existing rental housing:

GOAL 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.2 Preserve quality rental and ownership housing for households of all income levels and special needs.

Policies: ... 1.2.2 Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City’s stock of decent, safe, healthy or affordable housing.”

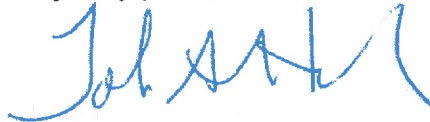
Honorable Commissioners  
April 19, 2017  
Page 18

The courts defer to a local agency's determination of consistency with the general plan. "When we review an agency's decision for consistency with its own general plan, we accord great deference to the agency's determination. This is because the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity." Save Our Peninsula Comm. v Monterey County Bd. of Supervisors (2001) 87 Cal.App.4th 99, 142.

Thus, the Commission has discretion to find, based upon substantial evidence in the record, that this project does not comply with the City's General Plan. On that basis alone, the Commission is entitled to grant the appeal and deny the project.

Thank you for your kind consideration of my comments. I respectfully request that you grant my appeal and deny this project.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John A. Henning, Jr.", with a stylized, cursive script.

John A. Henning, Jr.

cc: Jane Choi

# Exhibit 6

VTT-74328-CC-1A



# City of Los Angeles Department of City Planning

## 4/28/2017 PARCEL PROFILE REPORT

### PROPERTY ADDRESSES

126 N FLORES ST  
124 N FLORES ST  
126 1/2 N FLORES ST  
124 1/2 N FLORES ST

### ZIP CODES

90048

### RECENT ACTIVITY

VTT-73441-SL  
ENV-2015-1134-EAF

### CASE NUMBERS

CPC-25066  
CPC-1986-823-GPC  
CPC-1974-25066  
ORD-76753  
ORD-183497  
ORD-165331-SA670  
ORD-146336  
ORD-146330  
YD-296-YV  
CHC-2015-2491-HCM  
ENV-2015-2492-CE  
ED-74-2146-487-21-SPZ  
ED-74-529-SPZ  
AFF-2159

### Address/Legal Information

PIN Number	138B173 542
Lot/Parcel Area (Calculated)	7,545.3 (sq ft)
Thomas Brothers Grid	PAGE 633 - GRID A1
Assessor Parcel No. (APN)	5511009007
Tract	TR 10389
Map Reference	M B 152-17/18
Block	None
Lot	79
Arb (Lot Cut Reference)	None
Map Sheet	138B173

### Jurisdictional Information

Community Plan Area	Wilshire
Area Planning Commission	Central
Neighborhood Council	Mid City West
Council District	CD 5 - Paul Koretz
Census Tract #	2148.00
LADBS District Office	Los Angeles Metro

### Planning and Zoning Information

Special Notes	HISTORIC MONUMENT UNDER CONSIDERATION
Zoning	[Q]R3-1-O
Zoning Information (ZI)	ZI-2452 Transit Priority Area in the City of Los Angeles
General Plan Land Use	Medium Residential
General Plan Footnote(s)	Yes
Hillside Area (Zoning Code)	No
Specific Plan Area	None
Special Land Use / Zoning	None
Design Review Board	No
Historic Preservation Review	Yes
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	None
District	None
Subarea	None
CUGU: Clean Up-Green Up	None
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None
SN: Sign District	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Ellis Act Property	Yes
Rent Stabilization Ordinance (RSO)	Yes
CRA - Community Redevelopment Agency	None
Central City Parking	No

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at [zimas.lacity.org](http://zimas.lacity.org)  
(\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Downtown Parking	No
Building Line	10
500 Ft School Zone	No
500 Ft Park Zone	No
<b>Assessor Information</b>	
Assessor Parcel No. (APN)	5511009007
Ownership (Assessor)	
Owner1	BLDG FLORES LLC
Address	755 N LAUREL AVE LOS ANGELES CA 90046
Ownership (Bureau of Engineering, Land Records)	
Owner	SCHKALIM, ABRAHAM (ET AL)
Address	PO BOX 35334 LOS ANGELES CA 90035
APN Area (Co. Public Works)*	0.173 (ac)
Use Code	0400 - Residential - Four Units (Any Combination) - 4 Stories or Less
Assessed Land Val.	\$1,157,542
Assessed Improvement Val.	\$847,497
Last Owner Change	11/21/2014
Last Sale Amount	\$3,790,037
Tax Rate Area	67
Deed Ref No. (City Clerk)	602718
	568264
	553897
	0-282-3
Building 1	
Year Built	1936
Building Class	D6
Number of Units	4
Number of Bedrooms	8
Number of Bathrooms	4
Building Square Footage	5,456.0 (sq ft)
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
<b>Additional Information</b>	
Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Very High Fire Hazard Severity Zone	No
Fire District No. 1	No
Flood Zone	None
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	Methane Zone
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	No
Oil Wells	None
<b>Seismic Hazards</b>	
Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	2.34805728
Nearest Fault (Name)	Hollywood Fault
Region	Transverse Ranges and Los Angeles Basin

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 (\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.



Fault Type	B
Slip Rate (mm/year)	1.00000000
Slip Geometry	Left Lateral - Reverse - Oblique
Slip Type	Poorly Constrained
Down Dip Width (km)	14.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	70.00000000
Maximum Magnitude	6.40000000
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	Yes
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No
<b>Economic Development Areas</b>	
Business Improvement District	None
Promise Zone	No
Renewal Community	No
Revitalization Zone	None
State Enterprise Zone	None
Targeted Neighborhood Initiative	None
<b>Public Safety</b>	
Police Information	
Bureau	West
Division / Station	Wilshire
Reporting District	722
Fire Information	
Bureau	South
Battalion	18
District / Fire Station	61
Red Flag Restricted Parking	No

## CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	CPC-1986-823-GPC
Required Action(s):	GPC-GENERAL PLAN/ZONING CONSISTENCY (AB283)
Project Descriptions(s):	AB-283 PROGRAM - GENERAL PLAN/ZONE CONSISTENCY - WILSHIRE AREA- COMMUNITY WIDE ZONE CHANGES AND COMMUNITY PLAN CHANGES TO BRING THE ZONING INTO CONSISTENCY WITH THE COMMUNITY PLAN. INCLUDES CHANGES OF HEIGHT AS NEEDED. REQUIRED BY COURT AS PART OF SETTLEMENT IN THE HILLSIDE FEDERATION LAWSUIT
Case Number:	CPC-1974-25066
Required Action(s):	Data Not Available
Project Descriptions(s):	
Case Number:	YD-296-YV
Required Action(s):	YV-HEIGHT AND DENSITY ADJUSTMENTS 20% OR MORE
Project Descriptions(s):	Data Not Available
Case Number:	CHC-2015-2491-HCM
Required Action(s):	HCM-HISTORIC CULTURAL MONUMENT
Project Descriptions(s):	DESIGNATION OF THE MENDEL AND MABEL MEYER COURTYARD APARTMENTS AS HISTORIC-CULTURAL MONUMENTS
Case Number:	ENV-2015-2492-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	DESIGNATION OF THE MENDEL AND MABEL MEYER COURTYARD APARTMENTS AS HISTORIC-CULTURAL MONUMENTS

## DATA NOT AVAILABLE

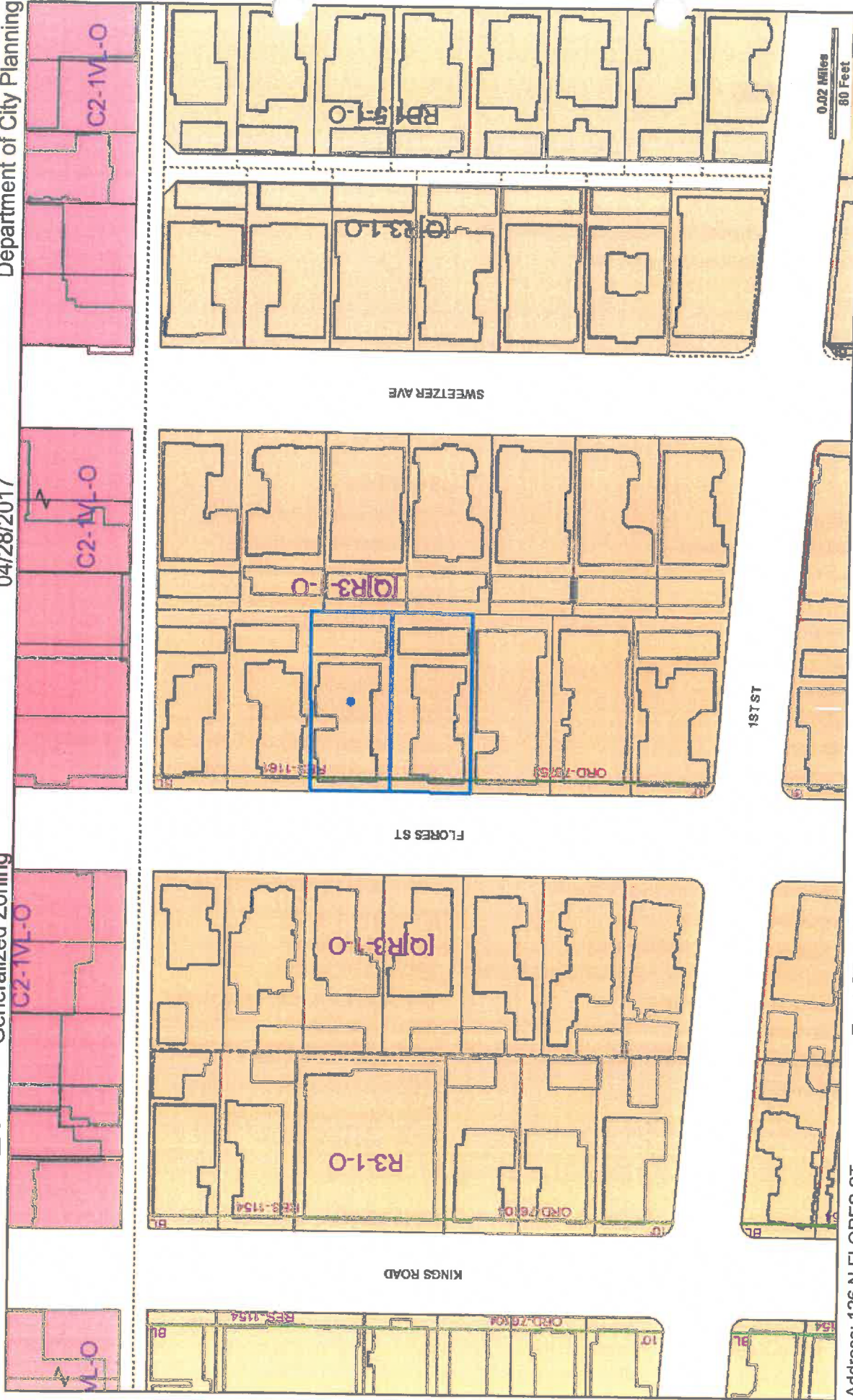
CPC-25066  
ORD-76753  
ORD-183497  
ORD-185331-SA670  
ORD-146336  
ORD-146330  
ED-74-2146-487-21-SPZ  
ED-74-529-SPZ  
AFF-2159

# ZIMAS INTRANET

Generalized Zoning

04/28/2017

City of Los Angeles  
Department of City Planning



Address: 126 N FLORES ST

APN: 5511009007

PIN #: 138B173 542

Tract: TR 10389

Block: None

Lot: 79

Arb: None










Zoning: [Q]R3-1-O

General Plan: Medium Residential



# LEGEND

## GENERALIZED ZONING

	OS, GW
	A, RA
	RE, RS, R1, RU, RZ, RW1
	R2, RD, RMP, RW2, R3, RAS, R4, R5
	CR, C1, C1.5, C2, C4, C5, CW, ADP, LASED, CEC, USC, PVSP, PPSP
	CM, MR, WC, CCS, UV, UI, UC, M1, M2, LAX, M3, SL
	P, PB
	PF
	HILLSIDE

## GENERAL PLAN LAND USE

### LAND USE

#### RESIDENTIAL




	Minimum Residential
	Very Low / Very Low I Residential
	Very Low II Residential
	Low / Low I Residential
	Low II Residential
	Low Medium / Low Medium I Residential
	Low Medium II Residential
	Medium Residential
	High Medium Residential
	High Density Residential
	Very High Medium Residential

#### COMMERCIAL






	Limited Commercial
	Limited Commercial - Mixed Medium Residential
	Highway Oriented Commercial
	Highway Oriented and Limited Commercial
	Highway Oriented Commercial - Mixed Medium Residential
	Neighborhood Office Commercial
	Community Commercial
	Community Commercial - Mixed High Residential
	Regional Center Commercial

### FRAMEWORK

#### COMMERCIAL

	Neighborhood Commercial
	General Commercial
	Community Commercial
	Regional Mixed Commercial






#### INDUSTRIAL

	Commercial Manufacturing
	Limited Manufacturing
	Light Manufacturing
	Heavy Manufacturing
	Hybrid Industrial




#### PARKING

	Parking Buffer
--	----------------

#### PORT OF LOS ANGELES

	General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
	General / Bulk Cargo - Hazard
	Commercial Fishing
	Recreation and Commercial
	Intermodal Container Transfer Facility Site



#### LOS ANGELES INTERNATIONAL AIRPORT

	Airport Landside
	Airport Airside
	Airport Northside

#### OPEN SPACE / PUBLIC FACILITIES

	Open Space
	Public / Open Space
	Public / Quasi-Public Open Space
	Other Public Open Space
	Public Facilities












#### INDUSTRIAL

















	Limited Industrial
	Light Industrial





# CIRCULATION

## STREET





































-  Arterial Mountain Road
-  Collector Scenic Street
-  Collector Street
-  Collector Street (Hillside)
-  Collector Street (Modified)
-  Collector Street (Proposed)
-  Country Road
-  Divided Major Highway II
-  Divided Secondary Scenic Highway
-  Local Scenic Road
-  Local Street
-  Major Highway (Modified)
-  Major Highway I
-  Major Highway II
-  Major Highway II (Modified)

-  Major Scenic Highway
-  Major Scenic Highway (Modified)
-  Major Scenic Highway II
-  Mountain Collector Street
-  Park Road
-  Parkway
-  Principal Major Highway
-  Private Street
-  Scenic Divided Major Highway II
-  Scenic Park
-  Scenic Parkway
-  Secondary Highway
-  Secondary Highway (Modified)
-  Secondary Scenic Highway
-  Special Collector Street
-  Super Major Highway

## FREEWAYS

-  Freeway
-  Interchange
-  On-Ramp / Off- Ramp
-  Railroad
-  Scenic Freeway Highway

## MISC. LINES




-  Airport Boundary
-  Bus Line
-  Coastal Zone Boundary
-  Coastline Boundary
-  Collector Scenic Street (Proposed)
-  Commercial Areas
-  Commercial Center
-  Community Redevelopment Project Area
-  Country Road
-  DWP Power Lines
-  Desirable Open Space
-  Detached Single Family House
-  Endangered Ridgeline
-  Equestrian and/or Hiking Trail
-  Hiking Trail
-  Historical Preservation
-  Horsekeeping Area
-  Local Street
-  MSA Desirable Open Space
-  Major Scenic Controls
-  Multi-Purpose Trail
-  Natural Resource Reserve
-  Park Road
-  Park Road (Proposed)
-  Quasi-Public
-  Rapid Transit Line
-  Residential Planned Development
-  Scenic Highway (Obsolete)
-  Secondary Scenic Controls
-  Secondary Scenic Highway (Proposed)
-  Site Boundary
-  Southern California Edison Power
-  Special Study Area
-  Specific Plan Area
-  Stagecoach Line
-  Wildlife Corridor



## POINTS OF INTEREST





 Alternative Youth Hostel (Proposed)	 Horticultural Center	 Public Elementary School
 Animal Shelter	 Hospital	 Public Elementary School (Proposed)
 Area Library	 Hospital (Proposed)	 Public Golf Course
 Area Library (Proposed)	HW House of Worship	 Public Golf Course (Proposed)
 Bridge	 Important Ecological Area	 Public Housing
 Campground	 Important Ecological Area (Proposed)	 Public Housing (Proposed Expansion)
 Campground (Proposed)	 Interpretive Center (Proposed)	 Public Junior High School
 Cemetery	 Junior College	 Public Junior High School (Proposed)
HW Church	 MTA / Metrolink Station	 Public Middle School
 City Hall	 MTA Station	 Public Senior High School
 Community Center	 MTA Stop	 Public Senior High School (Proposed)
 Community Library	MWD MWD Headquarters	 Pumping Station
 Community Library (Proposed Expansion)	 Maintenance Yard	 Pumping Station (Proposed)
 Community Library (Proposed)	 Municipal Office Building	 Refuse Collection Center
 Community Park	 Municipal Parking lot	 Regional Library
 Community Park (Proposed Expansion)	 Neighborhood Park	 Regional Library (Proposed Expansion)
 Community Park (Proposed)	 Neighborhood Park (Proposed Expansion)	 Regional Library (Proposed)
 Community Transit Center	 Neighborhood Park (Proposed)	 Regional Park
 Convalescent Hospital	 Oil Collection Center	 Regional Park (Proposed)
 Correctional Facility	 Parking Enforcement	RPD Residential Plan Development
 Cultural / Historic Site (Proposed)	 Police Headquarters	 Scenic View Site
 Cultural / Historical Site	 Police Station	 Scenic View Site (Proposed)
 Cultural Arts Center	 Police Station (Proposed Expansion)	 School District Headquarters
DMV DMV Office	 Police Station (Proposed)	 School Unspecified Loc/Type (Proposed)
DWP DWP	 Police Training site	 Skill Center
 DWP Pumping Station	PO Post Office	 Social Services
 Equestrian Center	 Power Distribution Station	 Special Feature
 Fire Department Headquarters	 Power Distribution Station (Proposed)	 Special Recreation (a)
 Fire Station	 Power Receiving Station	 Special School Facility
 Fire Station (Proposed Expansion)	 Power Receiving Station (Proposed)	 Special School Facility (Proposed)
 Fire Station (Proposed)	C Private College	 Steam Plant
 Fire Supply & Maintenance	E Private Elementary School	 Surface Mining
 Fire Training Site	 Private Golf Course	 Trail & Assembly Area
 Fireboat Station	 Private Golf Course (Proposed)	 Trail & Assembly Area (Proposed)
 Health Center / Medical Facility	JH Private Junior High School	UTL Utility Yard
 Helistop	PS Private Pre-School	 Water Tank Reservoir
 Historic Monument	 Private Recreation & Cultural Facility	 Wildlife Migration Corridor
 Historical / Cultural Monument	SH Private Senior High School	 Wildlife Preserve Gate
 Horsekeeping Area	SF Private Special School	
 Horsekeeping Area (Proposed)	 Public Elementary (Proposed Expansion)	

## SCHOOLS/PARKS WITH 500 FT. BUFFER




-  Existing School/Park Site
-  Planned School/Park Site
-  Inside 500 Ft. Buffer

- |  |  |  |
|--|--|--|
|  Aquatic Facilities   |  Other Facilities                 |  Opportunity School       |
|  Beaches              |  Park / Recreation Centers        |  Charter School           |
|  Child Care Centers   |  Parks                            |  Elementary School        |
|  Golf Course          |  Performing / Visual Arts Centers |  Span School              |
|  Historic Sites       |  Recreation Centers               |  Special Education School |
|  Horticulture/Gardens |  Senior Citizen Centers           |  High School              |
|  Skate Parks          |  |  Middle School            |

## COASTAL ZONE

-  Coastal Zone Commission Authority
-  Calvo Exclusion Area
-  Not in Coastal Zone
-  Dual Jurisdictional Coastal Zone

## MUNICIPAL CODE SECTION 85.02 (VEHICLE DWELLING)

-  No vehicle dwelling anytime
-  No vehicle dwelling overnight between 9:00 PM - 6:00 AM. Must comply with all posted parking restrictions
-  Vehicle dwelling allowed. Must comply with all posted parking restrictions

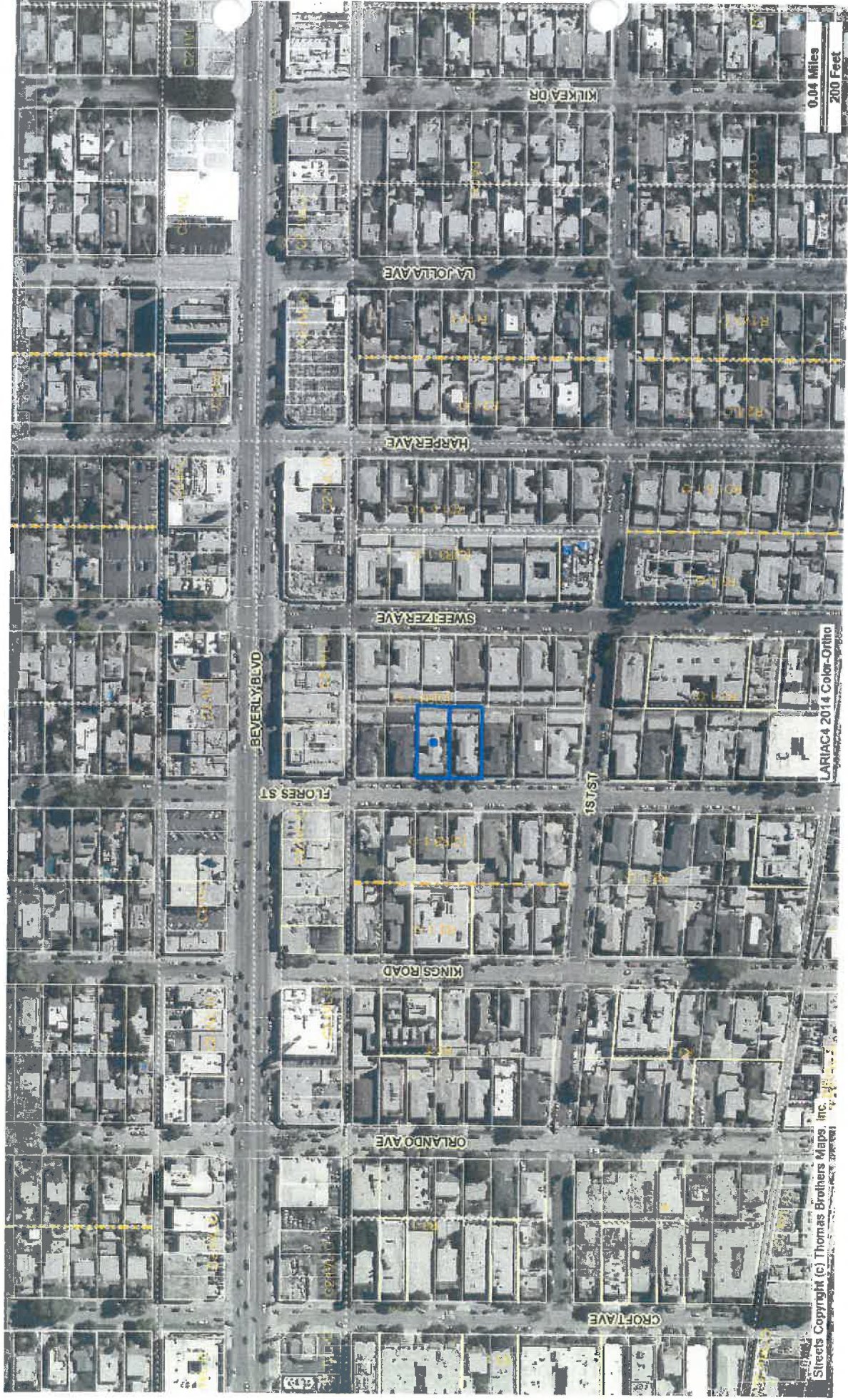
## OTHER SYMBOLS

- |  |   |  |
|--|---|--|
|  Lot Line               |  Airport Hazard Zone   |  Flood Zone                          |
|  Tract Line             |  Census Tract          |  Hazardous Waste                     |
|  Lot Cut                |  Coastal Zone          |  High Wind Zone                      |
|  Easement               |  Council District      |  Hillside Grading                    |
|  Zone Boundary          |  LADBS District Office |  Historic Preservation Overlay Zone  |
|  Building Line          |  Downtown Parking      |  Specific Plan Area                  |
|  Lot Split              |  Fault Zone            |  Very High Fire Hazard Severity Zone |
|  Community Driveway     |  Fire District No. 1   |  Oil Wells                           |
|  Lot Ties               |  Tract Map             |  |
|  Building Outlines 2014 |  Parcel Map            |  |
|  Building Outlines 2008 |   |  |

**Exhibit 7**

**VTT-74328-CC-1A**







# Exhibit 8





Jane Choi &lt;jane.choi@lacity.org&gt;

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## Why I support the N Flores Courtyard development?

1 message

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Kate Foster <KFoster87@mail.com>

Thu, May 4, 2017 at 1:43 AM

To: jane.choi@lacity.org

Jane -

My name is Kate, I am a neighbor of the proposed development on 120 N Flores, and I contact you after I learned more about this project and decided to support it and wanted to share with you the issues that made me change my mind.

For a start, I feel that the street block between Beverly and W 3rd is quite dark - there are nights when I actually don't feel safe walking in the block. And I think that this development will be able to avert this - first physically with additional lighting throughout the courtyard, but also by adding new blood to the neighborhood of young professionals who are more active at night than most of my neighbors.

In addition, I believe that this development will add a marquee complex to our block with the courtyard and its surrounding buildings creating a center of beauty in our area, and hopefully also a center of community activity - at the last few years neither the courtyard at 120 N Flores, nor the courtyard in the opposite complex have seen any social activities, which I attribute to their unappealing condition, lack of lighting and design, but I hope that this renewed development will also renew the social role of the courtyard in neighborhoods like ours.

Finally, believe that this development will increase the property prices in the area, which is a clear advantage to the people who are committed for this neighborhood for a while, but this won't be a project which will throw the prices for an upward spiral - we would see an uptick, which is good, but I don't expect a few additional condos moving the price index to an unsuitable level.

I hope you would take this letter into your consideration and appreciate you reviewing it.

- Kate Foster



Jane Choi &lt;jane.choi@lacity.org&gt;

---

**Re: Flores Courtyard Apartments - Case #VTT-74328-CC (In Support of DENYING the May 9th Appeal)**

3 messages

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**Mike Rudin** <mrudin@gmail.com>

Tue, May 2, 2017 at 11:25 AM

To: jane.choi@lacity.org

Hi Jane,

Just to clarify, since the original motion was approved, I'm actually supporting a **denial** of the appeal.

Never was good at student government, so please forgive the confusion. :)

Best,  
Mike

---

On May 2, 2017, at 9:54 AM, Mike Rudin <mrudin@gmail.com> wrote:

Dear Jane,

I am a long-time renter on Flores Ave writing to express my support of the Flores Courtyard Apartment condo conversion.

I am also writing to express my frustration. I was looking to purchase a home in Los Angeles for over a year and was continually disappointed at the cost and quality of the housing available to purchase. In the end, I recently purchased a home, but it resulted in my moving away from the Flores neighborhood I grew to love over 5+ years of living there.

This City needs more condominiums and more affordable price points for first time homeowners like myself. I would have liked to stay in my neighborhood – but there were only limited options here and most of them are large, very expensive McMansions. A condo conversion at Flores might have allowed me to purchase a home and give me real stability in my neighborhood.

The City should be encouraging this conversion and more opportunities for first-time homeowners to stay in the neighborhoods they call home.

Thank you,  
Michael Rudin  
3127 Curts Ave.  
Los Angeles CA 90034

Formerly of:  
133 S. Flores  
Los Angeles, CA 90048

---

**Jane Choi** <jane.choi@lacity.org>

Tue, May 2, 2017 at 1:07 PM

To: Mike Rudin &lt;mrudin@gmail.com&gt;

Thank you for your email. I will add your letter in support of the project and the denial of the appeal to the case file.

Best,

5/8/2017

City of Los Angeles Mail - Re: Flores Courtyard Apartments - Case #VTT-74328-CC (In Support of DENYING the May 9th Appeal)

Jane

[Quoted text hidden]



**Jane Choi, AICP**, Senior City Planner  
**Central Project Planning Division**  
**Department of City Planning**  
**T: (213) 978-1379**  
200 N. Spring St., Room 621  
Los Angeles, CA. 90012

---

**Mike Rudin** <mrudin@gmail.com>  
To: Jane Choi <jane.choi@lacity.org>

Tue, May 2, 2017 at 1:07 PM

Thank you very much. Best of luck!  
[Quoted text hidden]



Jane Choi &lt;jane.choi@lacity.org&gt;

---

**Re: Proposed Development in N Flores 90048**

2 messages

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**Lauren Levine** <llevine85a@gmail.com>

Tue, May 2, 2017 at 8:05 AM

To: jane.choi@lacity.org

Dear Ms. Choi:

I would like to express my support for the development project located on 118 north Flores.

I live near-by and work in weho, so I am one of those rare Angelinos that walk to work, and I have to admit that I love my area - it is beautiful, airy and full of green, but at the same time it is stale and stuffy - most of the historic properties actually show their history, and not in a pleasant way. It's kind of remind me of scene from that old great movie "Sunset Boulevard" - when you look carefully you see cracks on those old walls, and the look & feel is not as appealing as it should be for such a beautiful area in the midst of our beautiful city.

It is time to let the development cycle do its course - allow for rejuvenation of new public and private developments, and this project seems like a good example of such rejuvenation, and I am all for it!

Please help me and my neighbors in rejuvenating our neighborhood.

Thanks,  
Lauren B. Levine

Virus-free. [www.avg.com](http://www.avg.com)

---

**Jane Choi** <jane.choi@lacity.org>

Tue, May 2, 2017 at 1:08 PM

To: Lauren Levine &lt;llevine85a@gmail.com&gt;

Thank you for your email. I will add your letter in support of the project and the denial of the appeal to the case file.

Best,  
Jane

[Quoted text hidden]



**Jane Choi, AICP**, Senior City Planner  
**Central Project Planning Division**  
**Department of City Planning**  
**T:** (213) 978-1379  
200 N. Spring St., Room 621  
Los Angeles, CA. 90012



Jane Choi &lt;jane.choi@lacity.org&gt;

---

**Letter in Support of the Proposed Development at 118 North Flores**

2 messages

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**Justin Williams** <jtherockwilliams@gmail.com>

Mon, May 1, 2017 at 4:25 PM

To: Jane Choi &lt;jane.choi@lacity.org&gt;, Etta Armstrong &lt;etta.armstrong@lacity.org&gt;, Shawn Bayliss &lt;shawn.bayliss@lacity.org&gt;

Hello -

I am a new member of the LA community, and I hope to have my voice heard on this, as I am - and plan to be - an active member of the community.

I moved to LA from NYC, where I worked in advertising firms, but after I decided to follow my passion in production I started my own firm and moved to the west coast. I love it out here, but the slow development cycle is bothering me, as I would like to see LA - and in particular its midtown core - turning into a more vibrant area that will attract people like me from around the world, and I feel that a development - like the proposed one in Flores - is exactly what we need. More development, newer apartments with modern interiors. Not a bad replica of the NYC rentals like what I saw in Downtown LA, but developments that bring forth the LA historic beauty with a modern interior.

I have passed through the Flores corridor many times in the last 7 months, and that complex on 11 N Flores seems to me like a perfect opportunity to build new apartments - it has all the magic going for it with that beautiful courtyard, but it looks so unappealing from the outside and when you pay attention you can even smell the mold. It's time for a change! I hope you would choose to be an active voice in the change that is going on in LA, and not an obstacle in its flow.

All the best,  
Justin Williams

120 South Orlando Avenue  
Los Angeles, CA 90048

---

**Jane Choi** <jane.choi@lacity.org>

Tue, May 2, 2017 at 1:11 PM

To: Justin Williams &lt;jtherockwilliams@gmail.com&gt;

Cc: Etta Armstrong &lt;etta.armstrong@lacity.org&gt;, Shawn Bayliss &lt;shawn.bayliss@lacity.org&gt;

Thank you for your email. I will add your letter in support of the project and the denial of the appeal to the case file.

Best,  
Jane

[Quoted text hidden]



**Jane Choi, AICP**, Senior City Planner  
Central Project Planning Division  
Department of City Planning  
T: (213) 978-1379  
200 N. Spring St., Room 621  
Los Angeles, CA. 90012





Jane Choi &lt;jane.choi@lacity.org&gt;

---

**Resident Support for Flores Courtyard Apartments (case #VTT-74328-CC)**

2 messages

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**Moran Bar-Kochva** <moranb@gmail.com>

Mon, May 1, 2017 at 7:07 AM

To: jane.choi@lacity.org

Dear Jane:

My name is Moran Bar-Kochva, a new renter in Los Angeles, who is writing in support of the condo conversion of 118 N Flores property (case VTT-74328-CC).

I really like the neighborhood and would appreciate the opportunity to buy a property in this neighborhood.

But, unfortunately, there are very few options – mostly those large expensive homes that Councilman Koretz hates.

I would prefer a condo as I often travel for business, but there are almost no condos available. Those that are available are mostly - in my opinion - ugly modern ones from the '80s. The Flores building would be a great option – an easy walk to so many neighborhood amenities and close to my business and part of the architectural fabric of the neighborhood.

As a lover of art and co-founder of the large art nonprofit, The Contemporaries, I feel that I have enough experience and aesthetic sensibilities to describe the planned development as a positive, even very positive, aesthetic addition to the neighborhood, and would love to see it become a reality!

I want to make Los Angeles my home – please help create ownership opportunities where few exist.

**Sincerely,**  
**Moran Bar-Kochva**  
Council District 5  
Los Angeles, CA

---

**Jane Choi** <jane.choi@lacity.org>

Tue, May 2, 2017 at 1:12 PM

To: Moran Bar-Kochva &lt;moranb@gmail.com&gt;

Thank you for your email. I will add your letter in support of the project and the denial of the appeal to the case file.

Best,  
Jane

[Quoted text hidden]

---

**Jane Choi, AICP**, Senior City Planner  
Central Project Planning Division

5/8/2017

City of Los Angeles Mail - Resident Support for Flores Courtyard Apartments (case #VTT-74328-CC)



**Department of City Planning**

**T: (213) 978-1379**

**200 N. Spring St., Room 621**

**Los Angeles, CA. 90012**



Etta Armstrong &lt;etta.armstrong@lacity.org&gt;

---

**Letter of Support to Flores Courtyard Apartments**

2 messages

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**Celeste Pelino** <celeste.pelino@gmail.com>

Sun, Apr 30, 2017 at 5:14 PM

To: jane.choi@lacity.org, Etta Armstrong &lt;etta.armstrong@lacity.org&gt;, Shawn Bayliss &lt;shawn.bayliss@lacity.org&gt;

**Dear Jane, Etta, and Shawn,**

I am a resident of Beverly Grove, and I am sending you this letter in strong support of the condo conversion proposed for the 100 block of North Flores [case #VTT-74328-CC].

The buildings of Mendel and Mabel Meyer Courtyard had grand history, but in these days they are just in a nasty condition!

They could - and should - become something better, something nice, something that befits the Historic Cultural Monument designation that you gave them.

And I also think that such condo conversion development means that the developers would invest real resources into a renovation and restoration, which is much needed. And then when individual people own these condos, they'll improve their homes, and these historic buildings will be preserved as you want, and the Mendel Meyer Courtyard will be restored back to their past glory!

Yours,

**Celeste Pelino**

Los Angeles, CA 90046

---

**Jane Choi** <jane.choi@lacity.org>

Tue, May 2, 2017 at 1:12 PM

To: Celeste Pelino &lt;celeste.pelino@gmail.com&gt;

Cc: Etta Armstrong &lt;etta.armstrong@lacity.org&gt;, Shawn Bayliss &lt;shawn.bayliss@lacity.org&gt;

Thank you for your email. I will add your letter in support of the project and the denial of the appeal to the case file.

Best,

Jane

[Quoted text hidden]



**Jane Choi, AICP, Senior City Planner**  
**Central Project Planning Division**  
**Department of City Planning**

T: (213) 978-1379

200 N. Spring St., Room 621

Los Angeles, CA. 90012



Etta Armstrong &lt;etta.armstrong@lacity.org&gt;

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**Flores Courtyard Apartments - Case #VTT-74328-CC**2 messages

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**Scott Dilloff** <scott.dilloff@gmail.com>

Fri, Apr 28, 2017 at 7:56 PM

To: jane.choi@lacity.org, etta.armstrong@lacity.org, shawn.bayliss@lacity.org

To Jane Choi, Etta Armstrong, and Shawn Bayliss:

I am a renter and business owner in Mid City West. I love my neighborhood and this community and would like to make this area my home for years to come.

Unfortunately, there are limited opportunities for home ownership in the area: homes are rarely available and are usually incredibly expensive. There are also very few condominiums, and most are small and dated.

I understand the City approved a condominium conversion of the historic courtyard building on Flores, and that decision has been appealed. I am writing to reiterate my support for the project. Please approve this project – it would be great to have the potential to buy a home in a historic building. It would also provide a rare opportunity for people to buy reasonably priced housing in the area.

Flores is also a walkable neighborhood – close to my business, restaurants and shops! People can live here without having to rely on their car – that's the future of LA neighborhoods.

Please support this condo conversion!

Thank you,

Scott Dilloff

451 ½ N Stanley

Los Angeles, CA 90036

---

**Jane Choi** <jane.choi@lacity.org>

Tue, May 2, 2017 at 1:12 PM

To: Scott Dilloff &lt;scott.dilloff@gmail.com&gt;

Cc: Etta Armstrong &lt;etta.armstrong@lacity.org&gt;, Shawn Bayliss &lt;shawn.bayliss@lacity.org&gt;

Thank you for your email. I will add your letter in support of the project and the denial of the appeal to the case file.

Best,

Jane

[Quoted text hidden]

—

**Jane Choi, AICP**, Senior City Planner



Jane Choi &lt;jane.choi@lacity.org&gt;

---

**Fwd: VTT-74328-CC – Flores Condominiums**

3 messages

**Amanda Briones** <amanda.briones@lacity.org>

Tue, May 2, 2017 at 4:45 PM

To: Jane Choi &lt;jane.choi@lacity.org&gt;

Hi Jane,

Can you add the following comments to the administrative file for Case No. VTT-74328-CC? Thank you!

Sincerely,  
Amanda**AMANDA E. BRIONES**DEPARTMENT OF CITY PLANNING  
Central Project PlanningT (213) 978-1328  
E [amanda.briones@lacity.org](mailto:amanda.briones@lacity.org)  
200 N Spring Street, Room 620  
Los Angeles, CA 90012

----- Forwarded message -----

From: **Sean Dalesandro** <[prea64@gmail.com](mailto:prea64@gmail.com)>

Date: Tue, May 2, 2017 at 4:17 PM

Subject: VTT-74328-CC – Flores Condominiums

To: [Amanda.briones@lacity.org](mailto:Amanda.briones@lacity.org)Cc: [shawn.bayliss@lacity.org](mailto:shawn.bayliss@lacity.org)

Dear Ms. Briones,

I live around the corner on King's in a condominium and am writing to express my support for this conversion of the two courtyard buildings on Flores into a condominium. While not exactly architecturally noteworthy, these buildings have really good bones – tall windows, a big courtyard, and a nice relationship to the street. Sadly, they are in cosmetically tragic condition: bad 1990's windows, bad landscaping, bad balcony rails, and an UGLY fence at the street. Approving the conversion to condominiums will allow for these buildings to be restored and preserved in coordination with the City's Office Historic Resources. This will provide an ownership opportunity for others like myself in the area (the only other condos in mid-city LA).

Sean Dalesandro  
Direct: [310 488 2514](tel:3104882514)



Tue, May 2, 2017 at 5:27 PM

Guy Penini <gpenini@bldgpartners.com>  
To: Jane Choi <jane.choi@lacity.org>  
Cc: "epaster@glaserweil.com" <epaster@glaserweil.com>

Hi Jane,

We received a copy of the email below. I'm forwarding it along to you for the administrative file as it was sent to Amanda.

Best,

Guy

**From:** Sean Dalesandro [<mailto:prea64@gmail.com>]  
**Sent:** Tuesday, May 2, 2017 4:17 PM  
**To:** [Amanda.briones@lacity.org](mailto:Amanda.briones@lacity.org)  
**Cc:** [shawn.bayliss@lacity.org](mailto:shawn.bayliss@lacity.org)  
**Subject:** VTT-74328-CC – Flores Condominiums

Dear Ms. Briones,

I live around the corner on King's in a condominium and am writing to express my support for this conversion of the two courtyard buildings on Flores into a condominium. While not exactly architecturally noteworthy, these buildings have really good bones – tall windows, a big courtyard, and a nice relationship to the street. Sadly, they are in cosmetically tragic condition: bad 1990's windows, bad landscaping, bad balcony rails, and an UGLY fence at the street. Approving the conversion to condominiums will allow for these buildings to be restored and preserved in coordination with the City's Office Historic Resources. This will provide an ownership opportunity for others like myself in the area (the only other condos in mid-city LA).

Sean Dalesandro  
Direct: [310 488 2514](tel:3104882514)

---

Jane Choi <jane.choi@lacity.org>  
To: Guy Penini <gpenini@bldgpartners.com>  
Cc: "epaster@glaserweil.com" <epaster@glaserweil.com>

Wed, May 3, 2017 at 8:47 AM

Yes, I will include it in the file.

Thanks,  
Jane

[Quoted text hidden]



Jane Choi, AICP, Senior City Planner  
Central Project Planning Division  
Department of City Planning  
T: (213) 978-1379  
200 N. Spring St., Room 621  
Los Angeles, CA. 90012

5/8/2017

City of Los Angeles Mail - Fwd: VTT-74328-CC – Flores Condominiums



Jane Choi &lt;jane.choi@lacity.org&gt;

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**Flores condo - VTT-74328-CC**

2 messages

---

**Mary Pickhardt** <marypickhardt@gmail.com>

Sun, Apr 30, 2017 at 9:35 PM

To: jane.choi@lacity.org

Cc: etta.armstrong@lacity.org, shawn.bayliss@lacity.org, Guy Penini &lt;gpenini@bldgpartners.com&gt;

Please add the attached letter to the file in support of the proposed condominium conversion for the Meyer Courtyard Apartments.

Thank you,

Mary Pickhardt, **Architect**  
220 South Irving Boulevard  
Los Angeles, California 90004  
t-323-935-1353 f-323-935-0248



**Meyer Courtyard #VTT-74328-CC.PDF**  
527K

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**Jane Choi** <jane.choi@lacity.org>

Tue, May 2, 2017 at 1:13 PM

To: Mary Pickhardt &lt;marypickhardt@gmail.com&gt;

Cc: Etta Armstrong &lt;etta.armstrong@lacity.org&gt;, Shawn Bayliss &lt;shawn.bayliss@lacity.org&gt;, Guy Penini &lt;gpenini@bldgpartners.com&gt;

Thank you for your email. I will add your letter in support of the project and the denial of the appeal to the case file.

Best,  
Jane

[Quoted text hidden]



**Jane Choi, AICP**, Senior City Planner  
**Central Project Planning Division**  
**Department of City Planning**  
T: (213) 978-1379  
200 N. Spring St., Room 621  
Los Angeles, CA. 90012

MARY PICKHARDT ARCHITECT

January 18, 2017

Amanda Briones  
City of Los Angeles Department of City Planning  
200 N. Spring Street, Rm 620  
Los Angeles, CA 90012  
amanda.briones@lacity.org

RE: Meyer Courtyard Apartments  
Case #VTT-74328-CC

Dear Ms Briones

I am writing in support of the condominium conversion application for the Mendel and Mabel Meyer Courtyard Apartments - HCM # 1096.

The buildings are classic examples of two story Los Angeles courtyard apartments built in the 1930-1940's. Each of the one and two-bedroom units is spacious, bright and airy, and each connected to a private outdoor space that is the key feature of our California lifestyle.

The properties, built in 1936 and 1939, have been poorly maintained and have been allowed to fall into a sad state of disrepair. The units have not had any significant upgrades in the plumbing, electrical or mechanical systems. The original architectural character of the buildings has been seriously altered. There was an ill-considered addition in 1948. All but a few original windows have been retrofitted with cheap replacement sashes.

While the kitchens and bathrooms retain their original features, without a careful and costly restoration these rooms will continue to deteriorate and will ultimately be completely lost. I know from experience that a true restoration of these units is not a cost effective project for the rental market.

In my opinion, the only path for neglected historic structures to be renovated and original features restored is for the apartments to become condominiums. The investment in the units for potential sale as private homes will ensure that funds are available for a complete and sensitive restoration of the structures. A newly formed HOA will also ensure that the buildings are properly restored and are maintained as contributors to this historic multi-family community.

I hope that the Planning Department will look favorably on this condominium application as an essential project that will provide architectural stability to Flores Street and will enhance the Beverly Square neighborhood.

Sincerely,



Mary Pickhardt AIA

CC: Shawn Bayliss, CD5

220 SOUTH IRVING BOULEVARD, LOS ANGELES CA 90004

# Glaser Weil

# ORIGINAL

# FILE COPY

10250 Constellation Blvd.  
19th Floor  
Los Angeles, CA 90067  
310.553.3000 TEL  
310.556.2920 FAX

Elisa L. Paster

Direct Dial  
310.556.7855

Direct Fax  
310.843.2655

Email  
epaster@glaserweil.com

May 1, 2017

VIA E-MAIL AND MESSENGER

Central Area Planning Commission  
City of Los Angeles  
200 North Spring Street  
Los Angeles, California 90012  
c/o etta.armstrong@lacity.org

Re: Case No. VTT-74328-CC

Dear Honorable Commissioners:

We are writing on behalf of our client BLDG Flores LLC (the "Applicant") regarding the proposed condominium conversion (Case No. VTT-74328-CC) (the "Project") at 118-126 North Flores Street (the "Property"). The Applicant proposes an eight unit condominium project at the Property, which is a designated Historic Cultural Monument ("HCM").

This letter responds to John A. Henning's April 19, 2017 letter opposing the Project and provides additional information to be submitted into the Administrative Record for this matter. This letter further supplements our January 31, 2017 letter, which responded to Mr. Henning's January 11, 2017 letter (collectively both of Mr. Henning's letters shall be referred to as the "Henning Letters").

The Henning Letters provide no evidence, substantial or otherwise, to reject the Project. They are riddled with personal attacks on the Applicant, consistent with Mr. Henning's previous attacks on Applicant's other projects. This is in keeping with Mr. Henning's previous submissions to the City (including the HCM nomination application) which unmistakably contradict his arguments here.

We respectfully request that the Central Los Angeles Area Planning Commission (the "CLAAPC") deny Mr. Henning's appeal and approve the Project.

1. The City has the discretion to determine the vacancy rate, which for the Wilshire Community Plan area is over five percent.

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The Henning Letters misinterpret the Los Angeles Municipal Code (the "LAMC") requirements related to the approval of a condominium map. Specifically, the Henning Letters state that the City must deny the Project if it makes a finding that the vacancy rate is below five percent. In fact, the City may deny a condominium project only if it makes both a finding related to vacancy and a finding related to cumulative impact. Neither finding can be made here.

LAMC section 12.95.2.F.6 states:

After considering the following criteria, the Advisory Agency may approve a tentative map or preliminary parcel map for a residential or residential to commercial/industrial 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 of the rental housing market in the planning area of successive residential or residential to commercial/industrial conversion projects (past, present and future) is significant. (Emphasis added.)

The Department of City Planning ("DCP"), the City department with the expertise to implement this section, used its professional judgment in calculating the vacancy rate for the Wilshire Plan Area. The DCP relied upon the most up-to-date data available from the Los Angeles Department of Water and Power ("LADWP"), which collects data on inactive power meters to indicate vacancy. DCP routinely utilizes this data because it can be narrowly tailored to within specific boundaries, such as the boundaries of the Wilshire Plan Area. DCP earnestly relied upon this narrowly tailored data to account for a vacancy rate over 5 percent.

In contrast, Mr. Henning would have DCP go above and beyond its rational and reasonable standard practice. He asks the City to instead rely upon US Census data that would seek to account for an area that is 4,834 square miles larger than the Wilshire Plan Area. Mr. Henning cites to general figures, not narrowly tailored ones, for the entire Los Angeles-Long Beach-Anaheim Metropolitan Statistical Area<sup>1</sup> (4,848 square miles<sup>2</sup> as opposed to the approximately 14 square mile Wilshire Plan area<sup>3</sup>) and a general news story.

The DCP should not accede to Mr. Henning's request to rely upon such expansive and varied information. Even if this evidence were applicable to the Wilshire Plan Area, which it is not, it would still not be compelling because this is not a battle of facts or experts. The City

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<sup>1</sup> The chart Mr. Henning cites to refers to the area as "Los Angeles-Long Beach-Anaheim."

<sup>2</sup> <https://www.census.gov/dataviz/visualizations/026/508.php>.

<sup>3</sup> Wilshire Community Plan at page I-1.

need only demonstrate that there is evidence to support its decision. (*Smith v County of Los Angeles* (1989) 211 Cal.App.3d 188, 198 (defining substantial evidence as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.")) The City has made its finding based on such evidence, and the evidence cited in the Henning Letters is immaterial.

**2. Substantial evidence supports a finding of no cumulative impact.**

The Henning Letters make similarly unsupported statements regarding the Project's potential cumulative effects on the rental market. No substantial evidence would support a finding that the Project would result in a cumulative impact.

A finding of cumulative impact must be based on all of the following factors:

"(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; (b) the number of units in the existing residential building prior to conversion; (c) the number of units which would 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." (LAMC § 12.95.2.F.6, emphasis added.)

A finding that any one of these factors would not create a cumulative impact is sufficient for the City to find that a cumulative impact would not occur. (*See Topanga Assn. for a Scenic Community v. County of Los Angeles* (1976) 11 Cal.3d 506.)

First, some context for Mr. Henning's Letters is important. The Applicant's original intent was to demolish the existing buildings and develop a small lot subdivision project. With the permission of the City, the Applicant legally exercised its right to go out of the rental business pursuant to the Ellis Act and LAMC sections 151.22-151.26. The Applicant also submitted an application to develop the small lot subdivision in April of 2015. Soon thereafter, Mr. Henning and his clients in that proceeding submitted an application to the City to designate the Property a HCM, claiming that they wanted to save the structure for historic reasons. Thereafter, the City designated the Property as an HCM. This occurred well after the Applicant legally complied with the Ellis Act. Thus, by the time the Applicant opted to, instead, go forward with the Project, no tenants remained at the Property. All tenants were paid relocation fees (the amount required by the City or, in some cases, much more).

Based on this history, several of the factors relating to the cumulative impact are irrelevant, despite the Henning Letters' objections. Specifically, factors (a) (the number of

tenants who are willing and able to purchase a unit), and (d) (the adequacy of the relocation plan) are immaterial since no tenants reside in the building.

Only eight legal units – the same number as the Project – have ever existed at the Property<sup>4</sup>. The most recent certificates of occupancy, dated 1936 and 1937, state that eight units are permitted. In 1949, a permit was issued for a 299 square foot “guest room.” But, a guest room is not a dwelling unit and no permit was ever issued for an additional apartment at the Property. Instead, a previous owner of the Property illegally converted the “guest room” into another dwelling unit. Similarly, the registration for Rent Stabilization issued by the City’s Housing and Community Investment Department (which is reissued every year) only shows eight units registered at the Property. The Applicant is well aware that rental units lacking a certificate of occupancy fall within the scope of the RSO (*Carter v. Cohen (201) 188 Ca. App. 4th 1038, 1051*), as was the case here with the illegally converted guest room, which was a part of the Ellis Act proceedings that the Applicant undertook. However, one unit does not create a cumulative impact, certainly not one that was not permitted and has no tenant occupying it currently. In sum, there is no reduction in the number of units at the Property and no cumulative impact would result from Project approval as related to factor (b) (the number of units existing in the building at the time of the approval).

No units are proposed to be eliminated for the purposes of complying with the LAMC’s parking requirements (factor (c)). As discussed above, the Property is only permitted for eight units and the Project consists of eight units.

The “other facts” that the Henning Letter cites to are irrelevant. These units were legally taken off the rental market already; it is inappropriate to look back to the City’s approval of the Ellis Act as part of this proceeding. Similarly, a single determination by the Advisory Agency does not create precedent. The City’s approval of this conversion, based on these specific facts creates no precedent as to whether other buildings – historic or otherwise – should be converted based on their specific facts. Mr. Henning engages in pure speculation.

Finally, there are no other factors pertinent to the determination of a cumulative impact, as the Henning Letters imply. While Mr. Henning would have the CAPC believe this matter will invite similar conversions of HCMs throughout the City, Mr. Henning simply states his opinion unsupported by fact or evidence. The Henning Letters identify no other condominium conversion projects, much less conversion of historic buildings, past, present, or reasonably foreseeable, that, in combination with this project, would create an impact. That concept is fundamental; if there are no other similar projects, then there can be no cumulative

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<sup>4</sup> The Henning Letters cite to the Applicant’s Ellis Act paperwork which listed nine tenants at the Property. The illegal ninth unit existed and was occupied when Applicant purchased the Property in November 2014. The Applicant provided relocation assistance to all nine tenants.

impacts. Mr. Henning's assertion in this regard is speculative. Therefore, no cumulative impact would result from Project approval as related to this factor (factor (e)).

**3. Reliance on a Categorical Exemption is supported by substantial evidence.**

Without citation to any evidence, the Henning Letters state that the Project would jeopardize the "underlying historic resources" and that the City's reliance on a Categorical Exemption is inappropriate. Mr. Henning failed to meet his burden of proof to demonstrate that the City should not rely upon a Categorical Exemption, and substantial evidence supports the City's determination that a Class 1, Section (10) and Class 32 exemptions apply to the Project.

The Advisory Agency properly determined that the condominium conversion is exempt as a Class 1, Existing Facility, (10) division of existing multiple family residence units into condominiums. It cannot be readily perceived that the Project would have a significant impact on the environment for the following reasons:

- The Project site is within a Transit Priority Area (TPA), established by Senate Bill 743, for a project within one-half mile of a major transit stop. As such, the project is consistent with statewide objectives for providing housing around transit. Additionally, pursuant to Public Resources Code section 21099(d)(1), aesthetic and parking impacts of the project shall not be considered significant impacts on the environment.
- Notwithstanding the provisions of Public Resources Code 21099(d)(1), the Project would not result in aesthetic impacts because the footprint of the buildings will not change and the height of the buildings will remain the same.
- Notwithstanding the provisions of Public Resources Code 21099(d)(1), the Project would not result in parking impacts because the Project complies with the parking requirements of LAMC § 12.95.2,H,1,a.
- The Project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels. The Ordinances cover both operational noise levels (i.e. post-construction), as well as any noise impact during construction. As a result of the project being required to comply with said ordinances, the project would not result in any significant noise impacts.
- The Project involves the conversion of an existing nine unit rental apartment building into eight condominium units. Because the number of units is not

increasing, there would be no increase in the number of trips generated at the site, nor attendant air quality, noise, or greenhouse gas impacts.

- Any construction, the majority of which would be interior, must occur in accordance with all City, AQMD and other applicable guidelines. This will ensure that no air quality standards are violated.
- The Project site is a designated Historic and Cultural Monument (HCM). Los Angeles Administrative Code § 22.171.14(a) requires that alterations to the Project site be conducted in accordance with the Secretary of Interior's Standards for Renovation. Therefore, based on the City's Significance Threshold for Cultural Resources and 14 Cal. Code Regs. § 15064.3, no significant impact would occur. This point is addressed in greater detail below.

Moreover, for all of the reasons set forth below, none of the exceptions to the exemptions apply which would remove the Project from the Class 1, Existing Facility (10) exemption.

The Project is also exempt because it falls within the infill exemption (Class 32) and is not barred by one of the exceptions in CEQA Guidelines § 15300.2.<sup>5</sup> CEQA Guidelines § 15300.2 lists exemptions which render a project ineligible for a categorical exemption, including whether there is a reasonable probability that the activity will have a significant effect on the environment due to unusual circumstances. Here, there is neither a reasonable probability, nor can it be readily perceived, that the Project would have a significant effect on the environment, due to unusual circumstances or otherwise.

In *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 ("Berkeley Hillside"), the Supreme Court of California extensively discussed the test to determine whether the unusual circumstances exception applies to a lead agency's determination that a project is exempt from CEQA. "In the first alternative, . . . a challenger must prove both unusual circumstances and a significant environmental effect that is due to those circumstances. In this method of proof, the unusual circumstances relate to some feature of the project that distinguishes the project from other features in the exempt class." *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 574 ("Citizens") citing *Berkeley Hillside*, 60 Cal.4th at 1105. "Once an unusual circumstance is proved under this method, then the 'party need only show a reasonable possibility of a significant effect due to that unusual circumstance.'" *Id.* Whether or not the project presents

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<sup>5</sup> CEQA Guidelines § 15061.



unusual circumstances is a question of fact subject to the substantial evidence test. *Berkeley Hillside*, *supra*, 60 Cal.4th at 1114.

In the second alternative, a challenger “may establish an unusual circumstance with evidence that the project will have a significant environmental effect.” *Berkeley Hillside*, *supra*, 60 Cal.4th at p. 1105.) “When it is shown ‘that a project otherwise covered by a categorical exemption will have a significant environmental effect, it necessarily follows that the project presents unusual circumstances.’” (*Id.* at pp. 1105-06, italics omitted.) “A challenger must establish more than just a fair argument that the project will have a significant environmental effect. A party challenging the exemption, must show that the project will have a significant environmental impact.” (*Citizens*, *supra*, 242 Cal.App.4th at 576 [emphasis added].) The information provided in the Henning Letters does not meet either test.

The Henning Letters do not provide substantial evidence that the Project has some characteristic or feature that distinguishes it from other projects in the exempt class, such as its size or location. *Berkeley Hillside*, *supra*, 60 Cal.4th at p. 1105, 1114. The Property is substantially similar to other buildings in the area within the same exempt classes. Class 1 consists of existing facilities, including interior alterations and “division of existing multiple family or single-family residences into common-interest ownership... where no physical changes occur which are not otherwise exempt.” The buildings are existing multi-family structures which will be converted to condominium units. The Project is the very epitome of “existing” facilities and is similar in size and type to other existing buildings within the Beverly Square area (the area from Croft Avenue to Harper Avenue with Beverly Boulevard to the north and Third Street to the south). Indeed, as noted in the staff report for the HCM designation, this area “features an intact collection of architectural styles that are representative of the period.” In his application to designate the Property as an HCM, Mr. Henning states:

“The paired buildings are also essential components of Beverly Square, a multi-family residential district built almost entirely during the 1930s that features a remarkable variety of architectural styles that are hallmarks of the period... There is perhaps no better example of this than Beverly Square, in which 90% of the original architecture remains...”

Because the City has clearly identified similar multi-family structures in the area, the exemption applies. “[T]he presence of comparable facilities in the immediate area adequately supports [an] implied finding that there were no ‘unusual circumstances’ precluding a categorical exemption.” *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307, 1316; *see also San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1025.

Mr. Henning argues that the unusual circumstance is that the Property is an HCM. But this argument is unavailing because all historic buildings are not alike and cannot be compared

with each other since they differ in use, size, type, and history. The other projects within Class 1 are existing facilities, not historic buildings. That is the means for comparison. *Berkeley Hillside*, *supra*, 60 Cal.4th at p. 1105; accord, *Voices for Rural Living v. El Dorado Irr. Dist.* (2012) 209 Cal.App.4th, 1096, 1109, (“whether a circumstance is “unusual” is judged relative to the typical circumstances related to an otherwise typically exempt project” [internal citations omitted].) Even if it were comparable to other historic buildings, then it is still not unusual. There are many historic buildings in the neighborhood, thus making this normal for the area.

Even if the Henning Letters constituted substantial evidence of unusual circumstances, which they do not, they do not provide a fair argument of a significant impact, much less show that the Project will result in a significant impact. The Henning Letters allege – without even a shred of evidence – that physical alterations will occur that will create a significant impact. This allegation is patently false.

CEQA Guidelines section 15064.5(b)(2) states that modifications to a historical resource would result in a significant impact if that historical resource is “materially impaired.” That same section goes on to note that a historical resource is “materially impaired” if a project would demolish or materially alter “in an adverse manner those physical characteristics that account for its inclusion in a local register of historic resources...” Here, again, reference to the City’s staff report for the HCM designation and the application filed by Mr. Henning for the nomination are instructive. The City determined that the Property is a “notable work of a master builder, designer or architect whose individual genius influenced his or her age.” The physical characteristics identified as significant include the “H-shaped site plan that creates a courtyard effect between the two buildings,” the “pedestrian pathways... and communal open gardens,” “private balcon[ies] and patio[s], stucco cladding on the first floor with decorative wrought iron grilles covering windows,” and second floor walls “covered with wide width wood planking...[and] cantilevered balconies supported by decorative overhanging corbels.” (*Id.* at 3.) The staff report also mentions the “Art Moderne horizontal wood casement windows,” “shingled hipped roofs,” and some interior elements such as hardwood floors, cabinetry and tile work. (*Id.* at 3-4.) The section of Mr. Henning’s application entitled “Distinguishing Characteristics” also discusses the configuration of the “open courtyards,” “pathways lead[ing] through the garden area to unit doors which are tucked away into light columned side porticos,” the location of the unit doors which “lends to the illusion that each building is actually a large single-family home” and the private patios. (*Id.* at 15.) The decision before this body – the subdivision – will not impact any physical details, and Mr. Henning’s misguided assumptions do not rise to the level of substantial evidence to the contrary.

Mr. Henning takes issue with what he characterizes as “mere promises” of mitigation measures in connection with potential renovation plans. Mr. Henning’s vision of the future, while interesting, does not comport with reality. The Applicant is not making promises; it is in reality, complying with the law. While still being developed, the renovation plans for the

Property must be done in accordance with the Secretary of Interior's Standards for Renovation. Compliance with these standards will ensure no significant impact will occur. Any alterations to the interiors must be approved by the City and must follow those standards or must otherwise show that the alteration "protects and preserves the architectural qualities and the physical characteristics that make the site, building, or structure a designated Monument..." (LAAC § 22.171.14(a).) The City is the final arbiter for the renovations and ensures that these standards are met.

Moreover, there is no deferred mitigation as the Henning Letters claim. State law specifically states that compliance with the Secretary of the Interior's Standards constitutes mitigation of any potential impacts. CEQA Guidelines section 15064.5(3) (a project that follows the Secretary of Interior's Standards "shall be considered as mitigated to a level of less than a significant impact on the historical resource" (emphasis added).) Therefore, there is no fair argument or substantial evidence that the Project would create a significant impact.

**4. The City has properly applied the parking ratio.**

The Advisory Agency has the discretion to reduce the required number of parking spaces and HCMs need not provide additional parking spaces pursuant to the LAMC. The Henning Letters ignore the Advisory Agency's discretion in arguing that the Project should have 16 parking spaces for eight units, and that since only 12 spaces exist on site, that the Applicant should either reduce the number of units, modify the garages or obtain a variance<sup>6</sup>. None of these actions are necessary.

LAMC section 12.21.A.4.x.2 states that no additional parking spaces must be required for an HCM in connection with a change of use. The City – both Planning and the Department of Building and Safety - have determined that a change of use is occurring here, something that is well within its discretion. *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807. The Henning Letters make the simplistic argument that no change of use has occurred because both are "residential in nature." However, this misses the point because different regulations apply to multi-family dwelling units depending on whether they are rental or for-sale. LADBS has confirmed that a change of use occurs – and a new certificate of occupancy is required – when a rental unit is converted to a condominium unit. Whilst the discretionary authority may require additional spaces, it need not do so.

Moreover, even if it were not a change of use, 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

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<sup>6</sup> Mr. Henning also suggests that the Applicant abandon the Project and return the units for use as rental apartments. Strangely, however, Mr. Henning does not suggest that additional parking is necessary for those residents.

including three-quarters of a space per dwelling unit where it finds that such modification is consistent with the purposes of this section.” LAMC section 12.95.2.A sets forth a myriad of different purposes, with which the Project is consistent. Specifically:

- The Project will “promote greater individual choice in type, quality, price and location of housing” because the Project will provide higher quality of housing in the neighborhood and will allow individuals to own, not just rent, units within this area. The Henning Letters state, “the surrounding buildings and all buildings on the same block of N. Flores street are uniformly multi-unit rental apartments...” and the “entire Beverly Square area... consists of almost entirely of rental apartments.” Thus, this Project will promote greater choice.
- The Project will “provide increased homeownership opportunities for all segments of the population” by offering ownership opportunities where they did not previously exist.
- The Project will “promote the safety of conversion projects and correction of Building Code violations” as the interior renovations occur.
- The Project will “provide adequate off-street parking” because the Property is located in an area with significant walking, biking, and public transit opportunities. Indeed, the City has determined that the Property is a designated Transit Priority Area. Further, the Property has a Walk Score of 88 out of 100, and the neighborhood was identified as the 5<sup>th</sup> most walkable neighborhood in Los Angeles. All of this type of information is routinely used by the City to reduce the number of parking spaces required for housing, something that is consistent with the Senate Bill 743 and the State’s efforts to reduce greenhouse gas emissions. Thus, having fewer than 2 parking spaces per unit is appropriate.
- The Project is consistent with the Wilshire Community Plan, as discussed in more detail below.

Forcing the Applicant to reduce the number of units to accommodate additional parking would contribute to a declining housing stock, would be impractical for the Property (due to physical limitations) and would be contrary to the intent and purpose of the Condominium Conversion Ordinance.<sup>7</sup> Requiring additional parking spaces would also be inconsistent with the

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<sup>7</sup> The Henning Letters are internally inconsistent: they argue that the number of units could be reduced for parking reasons, yet argue that a loss of any units (he is only referring to the illegal unit) is contrary to the LAMC § 12.95.F.6. The Henning Letters argue that no modifications should be made

HCM: the courtyard is one of the character defining features of the HCM, and no modifications should be permitted that would compromise its integrity. Thus, due to the physical limitations of the lot and buildings, the number of parking spaces cannot be increased.

Therefore, the Advisory Agency, and the CAPC on appeal, is well within its discretion to maintain 12 parking spaces on the Property.

**5. The Project is consistent with the General Plan.**

The Project is consistent with the Wilshire Community Plan (WCP). Beginning at II-2, ("Purpose of the Wilshire Community Plan"), the WCP identifies several purposes with which the Project is consistent. Most notably these include: "[e]nhancing the positive characteristics of residential neighborhoods while providing a variety of housing opportunities", [p]reserving and enhancing the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks, and appearance", and "[i]mproving the quality of the built environment through design guidelines, streetscape improvements, and other physical improvements which might enhance the appearance of the community." The Project will enhance, not degrade, the historic character of the buildings, by restoring the units rather than allowing them to continue to decline. Indeed, the newly formed HOA will ensure that these buildings are maintained as contributors to the community and to the potential Beverly Square historic district. Moreover, the Project will offer ownership as an option in a neighborhood characterized by rental units, and maintain the existing buildings configuration and form so as to ensure contiguity with the existing neighborhood.

The Project will further implement the following specific goals, objectives, and policies of the WCP (beginning at III-3, "Land Use Policies and Programs, Residential"):

**Goal: Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Wilshire community.**

**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.**

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because of the HCM designation, yet suggest that new parking should be added (presumably displacing a unit or disrupting the courtyard configuration).



*The Project will preserve the existing structures and allow for ownership of units in a neighborhood largely characterized by rental units, thus providing for diversity of economic needs. Maintaining the existing structures provides stability for the neighborhood.*

**Objective 1-3: Preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.**

**Policy 1-3.1: Promote architectural compatibility and landscaping for new Multiple Family residential development to protect the character and scale of existing residential neighborhoods.**

**Policy 1-3.2: Support historic preservation goals in neighborhoods of architectural merit and/or historic significance.**

**Policy 1.3.3: Promote the preservation and rehabilitation of individual residential buildings of historic significance.**

*The Project will restore and enhance the buildings, which will add to the integrity of the Beverly Square area. All of the renovations will be conducted in accordance with the Secretary Interior Standards for Renovation. The Applicant is dedicating significant resources to saving and restoring these buildings, ensuring that all character definition features remain intact.*

In further attempting to attack the Project, the Henning Letters mischaracterize language in WCP. The Henning Letters state that a "primary residential issue" is the "[n]eed to preserve the existing character of residential neighborhoods while accommodating more affordable housing and child care facilities." However, this "Issue" is one of many Issues listed in the WCP. Moreover, "Issues" are not goals and policies. They are "[a summary of the] planning and land use issues and opportunities identified by residents, property owners, and business owners in the Wilshire Community Plan Area." Moreover, the Project does preserve the existing character of the residential neighborhood: it will enhance and restore the buildings, and help to ensure that a historic overlay zone remains viable.

Further, despite Mr. Henning's allegations, Goal 1 and Objective 1.2 do not "emphasize the need to protect existing rental housing." In both cases, "ownership and rental housing" (WCP at III-2) are equally important.

For all of the foregoing reasons, the Project is consistent with the WCP and should be approved.

**6. The Applicant is not required to disclose tenant information or provide notice to former tenants regarding purchase rights and public hearings.**

The Henning Letters erroneously claim that the Applicant's proposal should be denied because the Applicant failed to disclose tenant information as well as provide notice to tenants of both a public hearing and their right to purchase a converted unit. LAMC section 12.95.2.D.A(b) does state that the party seeking to engage in a residential conversion project must provide tenant information including the "[n]ame and address of each tenant; total number of project occupants; length of tenancy; rent schedule for 18 months preceding the application; relocation assistance plan." This provision however, is inapplicable here, because the couple living at the Property are not "tenants," as that term is defined in the LAMC. Based only on pure speculation, Mr. Henning forms an incorrect conclusion.

LAMC section 12.03 defines a tenant as "a person who rents, leases or sub-leases, through either a written or oral agreement, residential real property from another." The term for "rent" however, is not defined within LAMC section 12.03; rather, it is defined within the applicable Rent Stabilization Ordinance ("RSO") at LAMC section 151.02. The RSO defines "rent" as:

"[t]he consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental unit, including but not limited to monies demanded or paid for the following: meals where required by the landlord as a condition of the tenancy; parking; furnishings; other housing services of any kind; subletting; or security deposits."

Applying this definition here, the persons to which Mr. Henning refers do not rent, lease, or sub-lease the property because they do not provide any consideration whatsoever to the Applicant. Further, the Applicant has not asked or demanded for any consideration from these persons. These persons are simply allowed to live on the property free of rent and are not required to provide any services, bonuses, benefits, or gratuity to the Applicant in connection with their occupancy. Since they do not rent, lease, or sub-lease the Property, these persons cannot be considered tenants for purposes of the LAMC section 12.95.

Given this information, the Henning Letters' distinction between resident-managers and employee-managers is irrelevant. Here, the occupants of the Property have a profit interest in the LLC and are not paying rent.

Furthermore, since these persons are not tenants, there is no requirement that the Applicant comply with LAMC section 12.95.2.D.1.(c) (requiring that the landlord provide notice to tenants that they may purchase their dwelling unit) or LAMC section 12.95.2.E.1 (requiring 10-day advance notice to tenants for any public hearing).

Therefore, the Henning Letters' arguments in this regard are without merit.

**7. The Applicant's Parking Plan meets the standards for a Condominium Conversion.**

The Henning Letters misapply the LAMC in order to reach the incorrect conclusion that the Applicant's Parking Plan does not meet the LAMC's requirements. LAMC section 12.95.2.D sets forth the "Application Requirements" for "Residential Conversion Projects." LAMC section 12.95.2.D.1.b.(1)(c) specifically requires that the building plans, certified to accuracy by a licensed engineer, contain a "[p]arking plan, including the total number of spaces actually provided and the total number required if different from that actually provided; dimensions of stalls, aisles and driveways; locations of columns, walls and other obstructions; total number of covered and uncovered parking spaces and location and number of guest parking spaces."

Mr. Henning makes incorrect claims with regard to the Applicant's Parking Plan, all of which are without merit. A revised parking plan has been provided.

(a) "There is no dimensioning of the individual 12 stalls."

There are eight total car garages and the stalls within each are dimensioned.

(b) "Columns located at the entrances to the various parking spaces are not clearly shown or labeled, much less dimensioned."

The revised parking plan provides dimensions.

(c) "Aisles are not dimensioned. Instead, a distance of 10 feet is shown to the property line, which obviously is not sufficient for a car to back."

The Henning Letters assertion here is misleading. Both the length and the width of each aisle is readily available and visible upon even a cursory inspection.

(d) "No driveway whatsoever is depicted."

This claim is also misleading. There is no driveway between the garages and the residential buildings. The garages are accessed via the alley. It is labeled.

(e) "In fact, the stalls are accessed from a shared alley, across an easement shared with other property owners on Flores Street and Sweetzer Avenue. None of this is depicted, much less is it dimensioned."

Yet again, the Henning Letters incorrectly utilize an accurate fact in order to mislead. Although the stalls are accessed by a common alley, by its plain terms, the statute does

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not require indicating or depicting how the stalls and parking lot are to be accessed, whether and where an easement is involved in accessing the stalls, or the easement's dimensions.

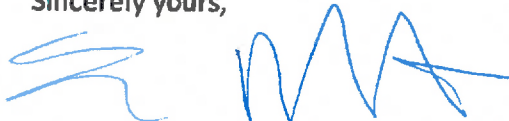
Each of the claims in the Henning Letters related to the Parking Plan are without merit. Mr. Henning has no further basis on which to argue that the Applicant's proposal should fail due to perceived deficiencies in the Parking Plan.

**8. Economic feasibility is irrelevant to the findings for a Condominium Conversion.**

The Henning Letters discuss, *ad nauseum*, the history of the Property and economic viability and urges the Deputy Advisory Agency, and now the CAPC, to act outside its authority in this matter. Since the information is irrelevant, it can only be to push Mr. Henning's personal animosity towards the Applicants. The case before the CAPC is a Vesting Tentative Tract Map for Condominium Conversion. LAMC section 12.95.2 clearly sets out the findings to be made by the Advisory Agency, and the CAPC on appeal. Neither economic viability, Mr. Henning's opinion of Applicant's business model, nor Mr. Henning's opinion on how the Ellis Act should be enforced are relevant or appropriate for consideration. The Henning Letters are nothing more than a bullying tactic and are without any legal merit.

For all of the foregoing reasons, we respectfully request that the CLAAPC deny the appeal and approve the Project.

Sincerely yours,



ELISA L. PASTER  
of GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

ELP:ep

cc: Jane Choi – jane.choi@lacity.org  
Kevin Golden – kevin.golden@lacity.org  
Shawn Bayliss – shawn.bayliss@lacity.org