

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CEQA APPEAL	ENV-2016-3173-CE	8 – HARRIS-DAWSON
PROJECT ADDRESS:		
1176 West 37th Place; 1182 West 37th Place; 1182 ½ West 37th Place; 1182 ¼ West 37th Place		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Henry Fan and Charles Kim Ursa 1180 37 th Place, LLC		
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Kamran Kazemi		
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
James Childs	213-747-2526	jeanjim@earthlink.net
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Courtney Shum	213-978-1916	courtney.shum@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		

FINAL ENTITLEMENTS NOT ADVANCING:

Conditional Use, ZA-2016-4597-CU-1A

ITEMS APPEALED:

CEQA Appeal

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other _____

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other _____

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-

NOTES / INSTRUCTION(S):

Related Case: ZA-2016-4597-CU-1A

FISCAL IMPACT STATEMENT: Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission
- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
July 18, 2017	3 - 2
LAST DAY TO APPEAL:	APPEALED:
	Yes
TRANSMITTED BY:	TRANSMITTAL DATE:



SOUTH LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JUL 28 2017

Case No.: ZA-2016-4597-CU-1A

Council District: 8 – Harris-Dawson

CEQA: ENV-2016- 3173-CE

Plan Area: South Los Angeles

Project Site: 1176 West 37th Place; 1182 West 37th Place; 1182 ½ West 37th Place;
1182 ¼ West 37th Place

Applicant: Henry Fan and Charles Kim, Ursa 1180 37th Pl., LLC
Representative: Kamran Kazemi, Tala Associates

Appellant: James Childs, Adams Dockweiler Heritage Organizing Committee (A.D.H.O.C.)

At its meeting of **July 18, 2017**, the South Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

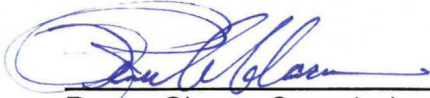
Seven (7) dwelling units, each containing more than five (5) habitable rooms, within the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay.

1. **Determined** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15300-15333, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Zoning Administrator's determination to approve a Conditional Use Permit for seven dwelling units, each containing more than five habitable rooms, within the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay;
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Anderson
Seconded: Willis
Ayes: Orozco
Nays: Bates, Stern

Vote: 3 - 2



Renee Glasco, Commission Executive Assistant I
South Los Angeles Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date /Appeal Status: The decision of the South Los Angeles Area Planning Commission is final upon the date of this determination letter, and it is not further appealable.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Zoning Administrator's Determination Letter dated May 12, 2017

c: Henry Chu, Associate Zoning Administrator

CHARLES J. RAUSCH, JR.
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

**DEPARTMENT OF
CITY PLANNING**

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<http://planning.lacity.org>

May 12, 2017

Henry Fan & Charles Kim (A)(O)
Ursa 1180 37th Pl., LLC
10573 West Pico Boulevard, Suite 213
Los Angeles, CA 90064

Kamran Kazemi (R)
Tala Associates
1916 Colby Avenue
Los Angeles, CA 90025

CASE NO. ZA 2016-4597(CU)
CONDITIONAL USE
1176-1182 ½ West 37th Place
South Los Angeles Planning Area
Zone : RD2-1
D. M. : 117B197
C. D. : 8
CEQA : ENV-2016-3173-CE
Legal Description: Lots 2-3, Block 2,
Brearley and Sinsabaugh Tract

Pursuant to Los Angeles Municipal Code Section 12.24-W,52, I hereby APPROVE:

A Conditional Use to permit seven dwelling units, each containing more than five habitable rooms, within the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay;

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Approved herein is the construction, use, and maintenance of seven small lot homes in conjunction with a proposed small lot subdivision (Case No. VTT-74283-SL). The small lot homes shall have the following number of habitable rooms and covered parking spaces:

Lot 1	6 habitable rooms	4 parking spaces
Lot 2	6 habitable rooms	4 parking spaces
Lot 3	6 habitable rooms	4 parking spaces
Lot 4	6 habitable rooms	4 parking spaces
Lot 5	6 habitable rooms	4 parking spaces
Lot 6	6 habitable rooms	4 parking spaces
Lot 7	6 habitable rooms	4 parking spaces
7. Walk-in closets shall not be converted into additional habitable rooms. The project shall comply with the applicable provisions of the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay Zone at all times.
8. The project shall be in substantial conformance with the conditions of approval for Case No. VTT-74283-SL, as if those conditions were stated herein.
9. Mechanical equipment, including but not limited to water heaters and air conditioning units, and utility meters shall not be placed within the required front yards, or along walls fronting a public street, in order to mitigate potential aesthetic impacts to surrounding properties. Any mechanical equipment placed on the roof shall be completely shielded by appropriate screening devices or walls and shall not be viewable from the streets or neighboring properties.
10. All open areas, including the front and rear yards, not used for buildings or parking areas shall be attractively landscaped and maintained.
11. The Common Access Driveway shall be improved with Alternative Paving Materials, such as the following: porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock, gravel, and restrained systems (a plastic or concrete grid system confined on all sides to restrict lateral movement, and filled with gravel or grass in the voices), and as defined in Section 12.21-A,6(c) of the Los Angeles Municipal Code.
12. A pedestrian pathway shall be provided from the street directly to the primary entryway of each dwelling.

13. Fences and walls, inclusive of storm water planter boxes, shall not exceed a height of 3 feet 6 inches within the required front yard, as provided in Section 12.22-C,20 of the Los Angeles Municipal Code. Over-in-height hedges shall constitute a violation of this regulation.
14. The total area of signage pertaining to the prospective rental or sale of the property shall not exceed 12 square feet on any lot, as provided in Section 12.21-A,7 of the Los Angeles Municipal Code.
15. The required setbacks, as established in Case No. VTT-74283-SL, shall not be utilized for any storage space and shall be kept free of any structure, trash, and/or debris.
16. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
17. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
18. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. 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.
- b. 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.
- c. 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 (b).

- d. 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 (b).
- e. 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. Actions include 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not

utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **May 30, 2017**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are 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

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on **May 26, 2017**, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The subject property is located on a level, rectangular-shaped, interior lot located on the south side of 37th Place between Catalina Street to the west and Vermont Avenue to the east. The project site has a frontage of approximately 100 feet and a depth of approximately 140 feet.

The subject site is designated for Low Medium II Residential land uses, corresponding to the RD1.5, RD2, RW2, and RZ2.5 Zones in the South Los Angeles Community Plan. The site is zoned RD2-1 and is thus consistent with the existing land use designation. The project site is located within the boundaries of the South Los Angeles Alcohol Sales Specific Plan, which seeks to regulate alcohol sales within the plan area. The project is a residential development on a residentially-zoned site and is not seeking approval for the sale of alcohol. Therefore, it is not subject to the regulations of the Specific Plan. The property is located within the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay Zone (NSO), which requires conditional use approval for projects resulting in a unit having five or more habitable rooms. The project proposes a new residential development that will construct seven (7) new small lot homes as part of the concurrent case, VTT-74283-SL. As designed, each home will contain five or more habitable rooms. As such, the applicant has requested Conditional Use pursuant to the Neighborhood Stabilization Overlay Zone.

The subject property is comprised of two lots at 1176 and 1182-1182 ½ West 37th Place. The property at 1176 West 37th Place is developed with a two-story single-family home that was originally constructed in 1907 and a detached garage constructed in 1949. The

property at 1182-1182 ½ West 37th Place is developed with two structures, including a single-story structure toward the front of the lot containing two residential dwelling units and constructed in 1908, and a one-story rear building likely moved to the site in 1928. None of the existing structures on the project site are designated as historic cultural monuments and the project site is not located within a Historic Preservation Overlay Zone. Furthermore, a historic resource evaluation, dated February 12, 2017, was conducted by Kaplan Chen Kaplan that reviewed the three buildings on the site as well as the 1100 block of West 37th Place. Sources including the South Central Coastal Information Center (SCCIC) and the SurveyLA reports for the South Los Angeles Community Plan Area were reviewed. None of the properties or neighborhood as a district were recorded in the SCCIC database or in SurveyLA. Based on the research and analysis conducted and the evaluation provided in the report, it was found that none of the subject buildings are associated with any historic events or patterns of history, or with any historic persons and are not notable or significant works of any architect nor are they good examples of any early 20th Century architectural styles. The buildings are 1176 West 37th Place and 1182 West 37th Place do not meet the criteria to be designated as eligible to the National Register of Historic Places, the California Register of Historical Resources, or as a City of Los Angeles Historic-Cultural Monument as individual landmarks or as contributing buildings to any potential historic district.

Following the demolition of the existing structures on site, the project will involve the new construction, use and maintenance of seven (7) small lot homes in conjunction with a proposed small lot subdivision. The proposed homes will have the following number of habitable rooms and parking spaces:

Lot	Habitable Room Count	Parking Spaces
1	6	4
2	6	4
3	6	4
4	6	4
5	6	4
6	6	4
7	6	4

Property in the surrounding area is classified in the RD2-1 and RD1.5-1 Zones. The neighborhood immediately surrounding the site includes a mix of single- and multi-family residential land uses. The properties to the north of the subject site, across 37th Place, are zoned RD1.5-1 and developed with a single-story single-family home and a two-story duplex. The property abutting the project site to the east is zoned RD2-1 and improved with a two-story triplex. The property abutting the project site to the west is zoned RD2-1 and developed with a two-story structure containing four residential dwelling units. The properties immediately to the south of the subject site, fronting 37th Drive are developed with two single-story single-family homes.

37th Place, adjoining the subject property to the north, is a designated Standard Local Street, dedicated to a 30-foot width at the project’s street frontage and is improved.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

Vesting Tentative Tract No. 74283-SL – An incidental request, pursuant to Sections 17.03, 17.15, and 12.22-C,27 of the Los Angeles Municipal Code (LAMC), to permit the merger and re-subdivision of two (2) lots into a seven (7) small lot subdivision pursuant to Ordinance No. 176,354 for the construction of seven small lot homes with a total of 30 parking spaces (four per small lot home and two guest parking spaces) on an approximately 14,002 net square foot site in the RD2-1 zone. A letter of determination was issued on May 12, 2017 with an appeal period ending May 22, 2017.

Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:

AA-2014-3294-PMLA-SL. On July 1, 2016, the Deputy Advisory Agency adopted the Mitigated Negative Declaration case no. ENV-2014-3296-MND as the environmental clearance, and adopted the Mitigation Monitoring Program, and approved the subject parcel map, composed of four lots pursuant to the Small Lot Subdivision Ordinance No. 176354 to allow a subdivision on one lot into four small lots and the construction of one dwelling unit in each lot as shown on map stamp-dated June 23, 2016. The project address is 1155 and 1157 West 36th Place.

AA-2014-3294-PMLA-SL-1A. On October 18, 2016, the South Los Angeles Area Planning Commission adopted ENV-2014-3296-MND, denied the appeal on AA-2014-3294-PMLA-SL, sustained the action of the Deputy Advisory Agency, and adopted the findings of the Deputy Advisory Agency.

Case No. ZA 2014-3295(CU). On July 22, 2016, the Associate Zoning Administrator, pursuant to Los Angeles Municipal Code Section 12.24-W,52, approved a Conditional Use to permit seven dwelling units, each containing more than five habitable rooms, within the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay.

Case No. ZA 2014-3295(CU)(1A). On October 18, 2016, the South Los Angeles Area Planning Commission found pursuant to CEQA Guidelines Section 1507 4(B), after consideration of the whole of the administrative record, including the mitigated negative declaration case no. ENV-2014-3296-MND and all the comments received, with the imposition of the mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; found the mitigated negative declaration reflects the independent judgment and analysis of the City, found the mitigation measures have been made enforceable conditions on the project; and adopted the mitigated negative declaration and the Mitigation Monitoring Program prepared for the project; denied the appeal; sustained the Zoning Administrator's decision to approve the conditional use to permit dwelling units having five or more habitable rooms within the North University Park - Exposition Park - West Adams Neighborhood Stabilization Overlay District, in conjunction with the construction of four new small lot single-family dwellings in the RD1.5-1 zone; and adopt the findings of the Zoning Administrator. At the writing of the staff report, the case is scheduled to go the Planning and Land Use Management Committee in the month of May.

Public Hearing

A public hearing was held by the Associate Zoning Administrator on April 5, 2017 at Los Angeles City Hall in Room 1020. The hearing was attended by the applicant's Charles Kim and representative for the tract map, Karl Riemer. Also in attendance were members from the applicant's team, and members from the public including representatives from the North Area Neighborhood Development Council (NANDC), West Adams Heritage Association, Adams-Dockweiler Heritage Organizing Committee, and the Planning Director for Council, Lynell Washington.

The applicant and applicant's representative made the following statements:

- Revised tract maps were submitted to the Planning Department.
- The City effectuated the zone change of the neighborhood to RD2. This was approved by the City Council.
- In regards to historic and cultural issues of the site, there was a sreport prepared this year. The reports stated the subject site and the neighborhood were not within the historic cultural database.
- The existing structures on the site were not determined to be notable.
- The site is not located within an historic preservation overlay zone.
- The project will comply with the regulations of the RD2 zone and the small lot design guidelines, including the front and rear yard setbacks.
- In regards to outreach, the project met with the neighborhood council and the Housing Authority, and made revisions to bridge the gap.
- The original project was four-stories tall, and the revised project is now three-stories tall.
- The height was reduced from 45 feet to 39 ½ feet.
- The square footage of the interior areas were also reduced.
- The design was also modified to make the project compatible to the surrounding area.
- There are relevant cases similar to the subject project that were approved.

Comments from those who spoke during the public comment period at the public hearing included the following:

- A request was made to keep the record open for one week.
- The mentioned study of the area omitted many significant houses.
- There is a disagreement on the study and context of the area.
- The neighborhood of the subject site is misrepresented, and another historical assessment study is being prepared and will be completed in a couple of weeks.
- The categorical exemption issued for the project is not appropriate.
- Homes in the area are historic. Permits for many of the homes in the area cannot be found.
- Many homes in this area today were built before 1910.
- There needs to be a thorough survey of the area.
- The project will displace student housing.
- The categorical exemption is an abuse of the MND.
- There should be additional parking for guests.

- There are five tenants on the site that will be displaced.
- There should be a potential relocation of the cultural homes.
- The houses on the site should be offered for harvesting.
- There was not proper notification of this project.
- Will there be tenant relocation assistance?
- There were exterior changes to one of the buildings before February of 2017, where moldings were removed.
- The construction of luxury units would affect the neighborhood.

Comments from the Planning Director of Council District 8 include the following:

- The Council Office is very familiar with the area.
- There needs to be a face-to-face dialogue with the applicant to mitigate salient issues.

The Associate Zoning Administrator took the case under advisement for one week, as requested by a member of the NANDC.

Public Correspondence

A petition comprised of 280 names supporting the project was submitted. There were no letters received prior to the public hearing. After the hearing, emails and letters were received from the following parties: Roland Souza, Joanne Russell, Minh Segura, Jean Frost inclusive of NANDC's letter, and West Adams Heritage Association. The letters have been placed in the case file folder, which is available to the public.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the proposed hours of operation to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The project will contribute to the needed supply of housing in the neighborhood, while also increasing the supply of off-street parking in the area by 30 spaces. No deviations from the zoning code have been requested herein. The proposed height,

area, and density are all permitted by-right and do not require any relief from zoning regulations. The project was revised to reduce the number of stories from four to three, to reduce height and square footage, and redesigned to have more compatible features to surrounding homes. For example, the original design was a modern style, whereas the revised design brought in a more traditional design elements that included balconies, façade articulation, eaves, and others to complement neighboring homes that have been built with the different architectural styles, including craftsman, prevalent in the area. The proposed development replaces old dwellings that show signs of deferred maintenance. Additionally, the project adds a net three units to the housing supply. The development will enhance the built environment and perform a function that is beneficial to the community, city and region.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject site is comprised of approximately 14,002 square feet of lot area and zoned RD2-1 with a Low Medium II Residential land use designation in the South Los Angeles Community Plan. Up to seven units are allowed on the site based on density regulations for the RD2-1 Zone, which permits one dwelling unit per 2,000 square feet of lot area; seven units are proposed. The project is within the maximum height of 45 feet permitted in the RD2-1 Zone.

Property in the surrounding area is classified in the RD2-1 and RD1.5-1 Zones. The neighborhood immediately surrounding the site includes a mix of single- and multi-family residential land uses. The properties to the north of the subject site, across 37th Place, are zoned RD1.5-1 and developed with a single-story single-family home and a two-story duplex. The property abutting the site to the east is zoned RD2-1 and improved with a two-story triplex. The property abutting the site to the west is zoned RD2-1 and developed with a two-story structure containing four residential dwelling units. The properties immediately to the south of the subject site, fronting 37th Drive are developed with two single-story single-family homes. The proposed residential use is consistent with the mix of residential uses in the area.

As stated previously, the project was redesigned to be compatible with existing homes in the area. The project design includes a traditional style architecture instead of modern style. Also, the project reduced the number of stories from four to three stories, reduced the height from 45 feet to 39 feet 6 inches, and reduced the square footage of each unit. The project also meets the Neighborhood Stabilization Ordinance's requirement to comply with LAMC Section 12.21-A,4(a) of providing two spaces for up to four habitable rooms, and one additional parking space for each additional habitable room after four. A total of 30 parking spaces would be provided for the seven unit small lot project, where all units will have a maximum six habitable rooms, and two additional parking spaces would be allocated for guests for the entire development. The project provides meets requirement for parking and provides two additional spaces for guests.

Also, 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. The project is beneath the threshold criteria established by LADOT for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. The project will not result in significant impacts related to air quality because it falls below interim air threshold established by City Planning staff. Interim thresholds were developed by City Planning staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of a 7-unit small lot development will be on a site which has been previously developed and is consistent with the General Plan.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

There are twelve elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of code requirements of the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The South Los Angeles Community Plan has designated the site for Low Medium II Residential land uses with the corresponding zones of RD1.5, RD2, RW2, and RZ2.5. The RD2-1 zoning of the site is consistent with the existing land use designation.

The project is located within the South Los Angeles Community Plan Area, which designates the property for Low Medium II Residential land uses with the corresponding zone of RD2 and Height District No. 1. The site is also located within the South Los Angeles Alcohol Sales Specific Plan; the project is not affected, as it does not involve the sale of alcoholic beverages for off-site consumption.

The project conforms to the following objectives and policies of the South Los Angeles Community Plan because the proposed use is located within an existing residential neighborhood, results in increased housing supply, and will result in the enhancement of the built environment:

Objective 1-1: "To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area..."

Policy 1-5.1: "Promote greater individual choice in type, quality, price, and location of housing"

Policy 1-5.3: "Provide for development of townhouses and other similar condo type housing units to increase ownership options:

Policy 1-5.4: "Provide for the clustering of housing units to help decrease the effective cost of land per dwelling unit."

The proposed project produces a total of seven dwelling units and the demolition of four dwelling units. It creates new housing for a diverse population, and a net increase of units over existing conditions. The project satisfies all parking requirements and does not require a waiver from building envelope requirements.

Section 13.12-C,2 of the LAMC requires that "Any project shall, in addition to complying with the parking requirements of Section 12.21-A(a) of this Code, also provide one additional parking space for each habitable room at or above 5 habitable rooms. Section 12.21-A,4(a) of the Code requires two parking spaces for every unit with more than three habitable rooms. As proposed, all seven dwellings will have six habitable rooms resulting in a total of four spaces per each of those units. The proposed project provides the required 28 parking spaces and also provided two guest parking spaces, for a total of 30 spaces.

ADDITIONAL FINDINGS FOR NEIGHBORHOOD STABILIZATION OVERLAY PROJECTS

4. The project provides additional on-site parking under Section 13.2-C,2 of this Code.

LAMC Section 13.12-C,2 requires that "Any project shall, in addition to complying with the parking requirements of Section 12.21-A,4(a) of this Code, also provide one additional parking space for each habitable room at or above five habitable rooms." LAMC Section 12.21-A,4(a) requires two parking spaces for every unit with more than three habitable rooms.

The project proposes to subdivide the site into seven (7) small lots for the construction of seven (7) small lot homes. Each of the seven proposed small lot homes contains a total of six habitable rooms. The project would provide a total of 28 parking spaces (four per each small lot home), pursuant to the requirements of the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay Zone (NSO), plus two guest parking spaces, for a total of 30 parking spaces.

5. There is no detrimental concentration of large scale, campus serving housing within a 1,000-foot radius of the proposed project.

The development patterns and land uses within a 1,000-foot radius of the subject site were reviewed. While the property is located in close proximity to the University of Southern California (approximately 750 feet to the east), and apartment buildings in the area that advertise to a student population, no concentration of large scale campus serving housing was found within the radius.

Property in the surrounding area is classified in the RD2-1 and RD1.5-1 Zones. The neighborhood immediately surrounding the site includes a mix of single- and multi-family residential land uses. The properties to the north of the subject site, across 37th Place, are zoned RD1.5-1 and developed with a single-story single-family home and a two-story duplex. The property abutting the project site to the east is zoned RD2-1 and improved with a two-story triplex. The property abutting the project site to the west is zoned RD2-1 and developed with a two-story structure containing four residential dwelling units. The properties immediately to the south of the subject site, fronting 37th Drive are developed with two single-story single-family homes.

For this analysis, it is reasonable to define a large-scale housing development as one that occupies several lots, or a large lot that occupies a significant portion of a city block, rather than an individual small lot subdivision constructed within the boundaries of a standard legal lot. In this instance, the lots within a 1,000-foot radius of the site are developed with structures that fit within a standard lot. The only exceptions are 1) the Billy G. Mills apartment complex, located on 37th Place, west of Vermont Avenue and 2) the Rolland Curtis Garden Apartments, located between 38th Place and Exposition, west of Vermont Avenue. Both housing developments provide affordable market rate rental housing not exclusively catered to students. Additionally, the two developments are separated a sufficient distance from each other so as to not constitute a concentration of such development.

6. The project conforms to any applicable Historic Preservation Overlay Zone (HPOZ) or Specific Plan.

The project is not within a Historic Preservation Overlay Zone. The subject property is comprised of two lots at 1176 and 1182-1182 ½ West 37th Place. The property at 1176 West 37th Place is developed with a two-story single-family home that was originally constructed in 1907 and a detached garage constructed in 1949. The property at 1182-1182 ½ West 37th Place is developed with two structures, including a single-story structure toward the front of the lot containing two residential dwelling units and constructed in 1908, and a one-story rear building likely moved to the site in 1928. None of the existing structures on the project site are designated as historic cultural monuments and the project site is not located within a Historic Preservation Overlay Zone. Furthermore, a historic resource evaluation, dated February 12, 2017, was conducted by Kaplan Chen Kaplan that reviewed the three buildings on the site as well as the 1100 block of West 37th Place. Sources including the South Central Coastal Information Center (SCCIC) and the SurveyLA reports for the South Los Angeles Community Plan Area were reviewed. None of the properties or neighborhood as a district were recorded in the SCCIC database or in SurveyLA. Based on the research and analysis conducted and the evaluation provided in the report, it was found that none of the subject buildings are associated

with any historic events or patterns of history, or with any historic persons and are not notable or significant works of any architect nor are they good examples of any early 20th Century architectural styles. The buildings are 1176 West 37th Place and 1182 West 37th Place do not meet the criteria to be designated as eligible to the National Register of Historic Places, the California Register of Historical Resources, or as a City of Los Angeles Historic-Cultural Monument as individual landmarks or as contributing buildings to any potential historic district.

The project site is located within the boundaries of the South Los Angeles Alcohol Sales Specific Plan, which seeks to regulate alcohol sales within the plan area. The project is a residential development on a residentially-zoned site. The project is not affected as it does not involve the sale of alcoholic beverages. Therefore, it is not subject to the regulations of the Specific Plan. The project is not within a Historic Preservation Overlay Zone.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone B, areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood.
8. On March 17, 2017, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2016-3173-CE, for a Categorical Exemption, Class 32, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). The Deputy Advisory Agency determined the Class 32 Categorical Exemption was appropriate for the following reasons:

There are five (5) conditions which the project must meet in order to qualify for the Class 32 Categorical Exemption are as follows: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.

- a) The project is in compliance with the adopted Low Medium II Residential land use designation of the South Los Angeles Community Plan and the permitted density based on its net lot area of 14,002 square feet.
- b) The project site is located in the South Los Angeles Community Plan area within the city limits of Los Angeles; The project site is fully developed with residential

buildings and is located in an urbanized area of the City in close proximity to USC and other large employment centers.

- c) Based on review of Exhibit C-2 of the City of Los Angeles L.A. CEQA Thresholds, Guide 2006, and Figure 9.3, Significant Ecological Areas and Coast Resource Areas Policy Map, the Project site is not located within a Significant Ecological Area.
- d) **Traffic:** The construction of seven units proposed by the project is only three more than the existing units, and the existing mobility and circulation system available in close proximity to the proposed project can easily accommodate the additional three units introduced into the community. Furthermore, as explained in the LADOT traffic studies manual, a Traffic Study is only required for development projects forecast to generate over 43 AM or PM commuter peak hour trips. By introducing three additional residential dwelling units beyond existing conditions, the project is forecast to generate just a small fraction of the 43 peak hour trip threshold used by LADOT for purposes of determining whether a detailed review of traffic impacts is required. Therefore, the project will not cause a significant or substantial increase in traffic; it is anticipated that traffic impacts as a result of the project will be less-than-significant, and no mitigation is required.

Noise: The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances, which limits the emission or creation of noise levels. The Ordinances cover both operational noise levels (i.e. post-construction), as well as any noise impact during construction. Section 41.40 of the LAMC regulates noise from demolition and construction activities. Section 41.40 prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturday. All such activities are also prohibited on Sundays and all federal holidays. Section 112.05 of the LAMC also specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. As a result of the project being required to comply with the above ordinances and regulations, it can be found that the project would not result in any significant noise impacts.

Air Quality: A significant air quality impact may occur if a project is inconsistent with the AQMP or would in some way represent a substantial hindrance to employing the policies or obtaining the goals of that plan. The proposed project will result in an increase of just three residential units and is not expected to conflict with or obstruct the implementation of the AQMP and SCAQMD rules. Therefore, project impacts will be less than significant.

Water Quality: Construction activities would not involve any significant excavation near an identified water source. Furthermore, Best Management Practices ("BMPs") would be required during general operation of the project to

ensure that storm water runoff meets the established water quality standards and waste discharge requirements. Therefore, development of the proposed project would not degrade the quality of stormwater runoff from the site.

- e) The project site is located within a highly urbanized area served by existing public utilities and services. The existing uses at the site has been and will continue to be served by all required utilities and public services.

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed ordinance listed in “CEQA Guidelines” Section 15300.2 and determined that none of the exceptions apply to the proposed project:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

Because the proposed Project is not defined as a Class 3, 4, 5, 6 or 11 project, this exception is inapplicable. The Project site in an urbanized area in the City of Los Angeles. The Project site is not located in a particularly sensitive environment and would not be located on a site containing wetlands, endangered species, or wildlife habitats; therefore, this exception is not applicable.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

This exception does not apply to the proposed project. The project is the construction of residential units in an area previously developed and surrounded by residential uses. The project is entirely consistent with the existing General Plan designation, zoning, NSO District requirements. The Project will not generate a significant number of vehicle trips and will not result in any significant impacts to land use planning, habitat, noise, air quality, or water quality and therefore will not make a considerable contribution to any significant cumulative traffic, air quality, or noise impacts. Therefore, impacts under this category will be less than significant.

(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.

This exception does not apply to the proposed project. The project site is comprised of two standard-sized lots located in an urbanized area of the City. The project consists of residential uses and operations that are compatible with

the surrounding residential development. The site does not demonstrate any unusual circumstances, and the project will not generate significant traffic, air quality, or noise impacts.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

This exception does not apply to the proposed project. According to the California Scenic Highway Mapping System, the project site is not located on or near a portion of a highway that is either eligible or officially designated as a state scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

This exception does not apply to the proposed project. The project site is not located in Hazardous Waste/Border Zone Properties area as designated by the City of Los Angeles. There are no oils wells located on the project site. There are no elevators or in-ground hydrologic systems, no monitoring or water supply wells, or above- or below-ground storage tanks on the project site. No potentially fluid-filled electrical equipment is located on or immediately adjacent to the project site. No industrial wastewater is generated on the project site and sanitary wastewater is discharged to the City Bureau of Sanitation.

The project site is located within a Methane Zone or Methane Buffer Zone and would subject to the requirements of the City Methane Ordinance. These regulatory requirements are applied for all projects in the City located within a Methane Zone in order to avoid any significant impacts.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The project is not located in a designated Historic Preservation Overlay Zone or on a site designated as historic on any federal, state or local database. The subject property is comprised of two lots at 1176 and 1182-1182 ½ West 37th Place. The property at 1176 West 37th Place is developed with a two-story single-family home that was originally constructed in 1907 and a detached garage constructed in 1949. The property at 1182-1182 ½ West 37th Place is developed with two structures, including a single-story structure toward the front of the lot containing two residential dwelling units and constructed in 1908, and a one-story rear building likely moved to the site in 1928. None of the existing structures on the project site are designated as historic cultural monuments and

the project site is not located within a Historic Preservation Overlay Zone. Furthermore, a historic resource evaluation, dated February 12, 2017, was conducted by Kaplan Chen Kaplan that reviewed the three buildings on the site as well as the 1100 block of West 37th Place. Sources including the South Central Coastal Information Center (SCCIC) and the SurveyLA reports for the South Los Angeles Community Plan Area were reviewed. None of the properties or neighborhood as a district were recorded in the SCCIC database or in SurveyLA. Based on the research and analysis conducted and the evaluation provided in the report, it was found that none of the subject buildings are associated with any historic events or patterns of history, or with any historic persons and are not notable or significant works of any architect nor are they good examples of any early 20th Century architectural styles. The buildings at 1176 West 37th Place and 1182 West 37th Place do not meet the criteria to be designated as eligible to the National Register of Historic Places, the California Register of Historical Resources, or as a City of Los Angeles Historic-Cultural Monument as individual landmarks or as contributing buildings to any potential historic district. Therefore, demolition of structures on the project site and construction of the proposed project would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA.

As outlined above, the proposed project is located in a developed, urbanized area, which is not a particularly sensitive environment and will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted by any federal, state, or local agency. The project will not result in any significant impacts and, therefore, will not make a cumulatively considerable contribution to any significant cumulative impacts. The project is comprised of two standard-sized lots, is consistent with the surrounding developments, including established residential uses, does not present any unusual circumstances, nor would it constitute a substantial adverse change in the significance of a historic resource as defined by CEQA. Therefore, none of the possible exceptions to Categorical Exemptions, found in Section 15300.2 Exceptions, apply to this project.

Inquiries regarding this matter should be directed to Courtney Shum, Planning Staff for the Expedited Processing Section at (213) 978-1916

HENRY CHU
Associate Zoning Administrator

HC:CS:bk

cc: Councilmember Marqueece Harris-Dawson
Eighth District
Adjoining Property Owners