

FINDINGS OF FACT (CEQA)

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2015-4087-MND on March 30, 2017. The Department found that potential negative impact could occur from the project's implementation due to the removal of protected trees and pedestrian safety.

The Deputy Advisory Agency certifies that Mitigated Negative Declaration No. ENV-2015-4087-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition No. 29 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by adopting the attached Mitigation Monitoring Program of ENV-2015-4087-MND.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 73891, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

The Vesting Tentative Tract Map was prepared in conformance with the requirements of Section 17.06-B of the Los Angeles Municipal Code ("LAMC"), including being by a Registered Professional Engineer and containing the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC.

The subject property is located within the adopted the Palms - Mar Vista - Del Rey Community Plan which designates the subject property for General Commercial land uses with corresponding zones of C1.5, C2, C4, RAS3 and RAS4.

The property contains 43,204 square-foot (0.99 acres) lot (after dedications and vacation) and is zoned [Q]C2-1VL-CDO and R3-1 which would allow for a by-right density of 97 dwelling units (84 units within the [Q]C2 zoned portion of the property and 13 units within the R3 zoned portion of the property). The applicant is proposing to develop a building containing 129 residential condominium units.

The applicant has requested a 35% Density Bonus under concurrent Case No. DIR-2015-4086-DB-CDO-SPR to permit 129 residential condominium units. The proposed development is contingent upon approval of Case No. DIR-2015-4086-DB-CDO-SPR. The Subdivision Map Act requires the Advisory Agency find that the proposed map be

consistent with the General Plan, which includes Urban Form and Neighborhood Design (Chapter 5 of the General Plan Framework Element). Upon approval of Case No. DIR-2015-4086-DB-CDO-SPR, the project's density, height, setbacks, and massing will be consistent with the zoning regulations, and Chapter 5 of the General Plan Framework Element.

The subdivision will result in a one-lot subdivision, including the merger and vacation of a public alley right-of-way to create 129 residential condominiums, as planned for under the General Commercial General Plan Land Use Designation.

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).

As such, the Advisory Agency concludes that the proposed tract map is consistent with the intent and purpose of the General Plan.

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

Pursuant to Section 66418 of the Subdivision Map Act, "design" of a map refers to street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and other such specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. In addition, Section 66427 of the Subdivision Map Act expressly states that the "design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

Section 17.05-C of the LAMC enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05-C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). The requested map meets the required components of a tentative map.

The design and layout of the tentative map are consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including Department of Building and Safety, Bureau of Engineering, and Bureau of Sanitation) have reviewed the originally-submitted map. The Bureau of Engineering provided comments that have been included as conditions of approval. In addition, the project will be required to comply with providing necessary public access to the on-site easements.

At the April 26, 2017 Deputy Advisory hearing, the Bureau of Engineering modified its originally recommended conditions due to changes in the proposed Tract Map as well as the implementation of Mobility Plan 2035. Specifically, the Bureau of Engineering eliminated the requirement that any dedication be required along Gateway Boulevard, consistent with Mobility Plan 2035, and modified approval of the alley merger contingent upon a letter from the Department of Transportation to the City Engineer stating that the

proposed alley merger area is not necessary for present and future public use.

The adopted Palms - Mar Vista - Del Rey Community Plan designates the subject property for General Commercial land uses, corresponding to the C1.5, C2, C4, RAS3 and RAS4 zones. The project site is zoned [Q]C2-1VL-CDO and R3-1, consistent with the range of zones permitted on the site, per the community plan. The applicant has requested a 35% Density Bonus under concurrent Case No. DIR-2015-4086-DB-CDO-SPR to permit 129 residential condominium units. The proposed development is contingent upon approval of Case No. DIR-2015-4086-DB-CDO-SPR.

The subject site includes four (4) street frontages, with the longest frontage along Gateway Boulevard (270 feet). In order to ensure the design and improvement of proposed subdivision is consistent with the General Plan, the Advisory Agency has designated the Lot Lines along Gateway Boulevard and Colby Avenue as Front Lot Lines and all other Lot Lines as Side Lot Lines.

The applicant has submitted a Protected Tree Report, dated September 24, 2015, prepared by L. Newman Design Group, Inc., which describes the property as having a total of seven (7) trees on-site and within the Gateway Boulevard right-of-way, including two (2) protected trees, both California Sycamores (*Platanus racemosa*). The project, as proposed, would require the removal of all seven (7) trees, including two (2) protected trees. As required per the Mitigated Negative Declaration (ENV-2015-4087-MND), all non-protected significant tree removals would be required to be replaced at a 1:1 ratio with a minimum 24-inch box tree and all protected tree removals would require approval from the Board of Public Works and at a minimum of a 2:1 ratio with a minimum of 15-gallon tree.

Nevertheless, pursuant to Section 17.05-R of the L.A.M.C. (Design Standard - Protected Tree Regulations), protected trees are only permitted to be removed if:

1. There has been prior applicable government action, or
2. The removal of the protected tree would not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters that cannot be mitigated to the satisfaction of the City's Chief Forester, and the physical condition or location of the tree is such that:
 - a. Its continued presence in its existing location prevents the reasonable development of the property; or
 - b. According to a report required pursuant to Section 17.06 C., acceptable to the Advisory Agency and prepared by a tree expert, there is a substantial decline from a condition of normal health and vigor of the tree, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable; or
 - c. It is in danger of falling due to an existing and irreversible condition; or
 - d. Its continued presence at its existing location interferes with proposed utility services or roadways within or without the subject property, and the only reasonable alternative to the interference is the removal of the tree; or

- e. It has no apparent aesthetic value, which will contribute to the appearance and design of the proposed subdivision; or it is not located with reference to other trees or monuments in such a way as to acquire a distinctive significance at the location.

As shown on the submitted Site Plan, the two (2) California Sycamores are within the building footprint. Their removal is necessary to allow for reasonable development of the property.

Therefore, as conditioned, the design and improvement of the proposed subdivision are consistent with the intent and purpose of the applicable General and Specific Plans.

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

The subject site is a flat parcel containing 43,204 square-foot (0.99 acres) lot (after dedications and vacation) in the Palms - Mar Vista - Del Rey Community Plan Area. A mix of single- and multi-family residential and commercial uses make up the general character of the surrounding neighborhood. The surrounding properties consist of Low Residential, Medium Residential, General Commercial, Neighborhood Commercial, Limited Industrial, Light Manufacturing and Public Facilities land uses and are zoned R1-1, R3-1VL, R3-1, [T][Q]C2-1VL-CDO, [Q]C2-1VL-CDO, [Q]CM-1VL-CDO, [Q]M2-1VL-CDO and PF-1XL. Surrounding properties are primarily developed with one-story single-family residential, two- to four-story multi-family residential and one- to two-story commercial buildings. North of the subject property is the Metro Expo Line and south of the subject property, across Colby Avenue, is a church.

The proposed project is considered an infill development in a neighborhood that is currently developed with residential and commercial uses.

The applicant has requested a 35% Density Bonus under concurrent Case No. DIR-2015-4086-DB-CDO-SPR to permit 129 residential condominium units. The proposed development is contingent upon approval of Case No. DIR-2015-4086-DB-CDO-SPR.

The property is located within 1.7 kilometers to the nearest fault (Santa Monica Fault).

The property is not located within an Airport Hazard area, the Coastal Zone, the Very High Fire Hazard Severity Zone, Fire District No. 1, a Flood Zone, a Watercourse, a Hazardous Waste/Border Zone, a Methane Hazard Site, a High Wind Velocity Area, the Special Grading Area (BOE Basic Grid Map A-13372), Oil Wells area, the Alquist-Priolo Fault Zone, a Landslide area, a Liquefaction Zone, a Preliminary Fault Rupture Study Area or a Tsunami Inundation Zone.

Therefore, as conditioned, the site is physically suitable for the proposed type of development.

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

The adopted Palms - Mar Vista - Del Rey Community Plan designates the subject property for Neighborhood Office Commercial land uses, corresponding to the C1.5, C2, C4, RAS3 and RAS4 zones. The project site is zoned [Q]C2-1VL-CDO and R3-1 which would allow for a by-right density of 97 dwelling units (84 units within the [Q]C2 zoned portion of the

property and 13 units within the R3 zoned portion of the property). The applicant is proposing to develop 129 residential condominium units.

The applicant has requested a 35% Density Bonus under concurrent Case No. DIR-2015-4086-DB-CDO-SPR to permit 129 residential condominium units. The proposed development is contingent upon approval of Case No. DIR-2015-4086-DB-CDO-SPR. A mix of single- and multi-family residential and commercial uses make up the general character of the surrounding neighborhood. The surrounding properties consist of Low Residential, Medium Residential, General Commercial, Neighborhood Commercial, Limited Industrial, Light Manufacturing and Public Facilities land uses and are zoned R1-1, R3-1VL, R3-1, [T][Q]C2-1VL-CDO, [Q]C2-1VL-CDO, [Q]CM-1VL-CDO, [Q]M2-1VL-CDO and PF-1XL. Surrounding properties are primarily developed with one-story single-family residential, two- to four-story multi-family residential and one- to two-story commercial buildings. North of the subject property is the Metro Expo Line and south of the subject property, across Colby Avenue, is a church.

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 site is not within a very high fire hazard severity, toxic waste area, landslide area, or a preliminary fault rupture study area. The subject site is not located in a slope stability study area, high erosion hazard area, or Alquist-Priolo Fault Zone. The project has been approved contingent upon compliance with any requirements of the Department of Building and Safety, Grading Division.

Upon approval of Case No. DIR-2015-4086-DB-CDO-SPR, the proposed project with 129 residential condominium units complies with all L.A.M.C. requirements for density, parking, and yards. As conditioned, the proposed tract map is physically suitable for the proposed density of the 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.

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2015-4087-MND on March 30, 2017. The Department found that potential negative impact could occur from the project's implementation due to the removal of protected trees and pedestrian safety.

The Deputy Advisory Agency certifies that Mitigated Negative Declaration No. ENV-2015-4087-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition No. 29 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by adopting the attached Mitigation Monitoring Program of ENV-2015-4087-MND.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision, and subsequent improvements, are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements, as mandated by law, would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The project is not located on a hazardous materials site, flood hazard area, nor is it located on a site having unsuitable soil conditions. The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances.

The area surrounding the property is fully developed with similar uses indicating that sewers and other services are available and adverse impacts to the public health or safety are not likely to occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

- (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.

According to the Bureau of Sanitation, there are no easements on the project site. Needed public access for roads and utilities will be acquired by the City prior to the recordation of the proposed tract. The project site contains a legally recorded lot as identified by Assessor Parcel Nos. 4260-036-042 and 4260-036-043. The site is surrounded by private 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. Necessary public access for roads and utilities will be acquired by the City prior to recordation of the proposed map.

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

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

other design and improvement requirements.

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

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

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

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 73891.