

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
VTT-73891-1A	ENV-2015-4087-MND	11 – Bonin
PROJECT ADDRESS:		
11460-11488 West Gateway Boulevard; 2426 South Colby Avenue; 2425 South Butler Avenue		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Randy Kirshner 11460 Gateway, LLC 15300 Ventura Blvd., Ste.405 Sherman Oaks, CA 91403 <input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Dana Sayles, Three6ixty 4309 Overland Avenue Culver City, CA 90230	310-204-3500	Dana@three6ixty.net
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Henrietta Conrad and Golden State Environmental Justice Alliance		
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Craig M. Collins, Blum Collins, LLP 707 Wilshire Boulevard Suite 4880 Los Angeles, CA 90017	213-572-0400	collins@blumcollins.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Oliver Netburn	213-978-1382	oliver.netburn@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Tract Map Appeal		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

Vesting Tentative Tract

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):

None

FISCAL IMPACT STATEMENT:

- Yes No

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

PLANNING COMMISSION:

- | | |
|--|--|
| <input checked="" type="checkbox"/> City Planning Commission (CPC) | <input type="checkbox"/> North Valley Area Planning Commission |
| <input type="checkbox"/> Cultural Heritage Commission (CHC) | <input type="checkbox"/> South LA Area Planning Commission |
| <input type="checkbox"/> Central Area Planning Commission | <input type="checkbox"/> South Valley Area Planning Commission |
| <input type="checkbox"/> East LA Area Planning Commission | <input type="checkbox"/> West LA Area Planning Commission |
| <input type="checkbox"/> Harbor Area Planning Commission | |

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
July 27, 2017	7 - 0
LAST DAY TO APPEAL:	APPEALED:
August 14, 2017	Yes
TRANSMITTED BY:	TRANSMITTAL DATE:
James K. Williams	August 16, 2017



LOS ANGELES CITY 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: AUG 04 2017

Case No.: VTT-73891-1A
CEQA: ENV-2015-4087-MND
Plan Area: Palms–Mar Vista–Del Rey

Council District: 11 – Bonin

Project Site: 11460–11488 West Gateway Boulevard;
2426 South Colby Avenue;
2425 South Butler Avenue

Applicant: 11460 Gateway, LLC
Representative: Dana Sayles, three6ixty

Appellant: Joseph Nguyen of St. Joan of Arc Church; and
Neighbors from Colby and Butler Avenues

At its meeting of **July 27, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of the existing commercial structures and surface parking lots, and the construction, use and maintenance of a new, five-story 129-unit multi-family building, including 15 dwelling units set aside for Very Low Income Households, over a two-level subterranean garage providing 154 automobile parking spaces and 146 bicycle parking spaces.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2015-4087-MND, adopted on July 6, 2017; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project;
2. **Denied** the appeal and **sustained** the Deputy Advisory Agency's decision, pursuant to Section 17.06 of the Los Angeles Municipal Code (LAMC), to **approve** a one-lot subdivision, including the merger and vacation of a public alley right-of-way to create 129 residential condominiums;
3. **Adopted** the attached Conditions of Approval as modified by the Commission; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Ambroz
Second: Perlman
Ayes: Choe, Katz, Millman, Mitchell, Padilla-Campos
Absent: Mack, Dake Wilson

Vote: 7 - 0



James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is further appealable to the Los Angeles City Council within 10 days after the mailing date of this determination letter. Any appeal not filed within the 10-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: AUG 14 2017

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: Modified Conditions of Approval, Findings

c: Nicholas Hendricks, Senior City Planner
Heather Bleemers, City Planner
Oliver Netburn, City Planning Associate

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That the Department of Transportation issue a letter to the City Engineer stating that the proposed alley merger area is not necessary for present and future public use.
2. That suitable alley turnaround area be dedicated at the new terminus of the alley to provide an alley turning area.
3. That a 20-foot wide and variable width alley southeasterly of Gateway Boulevard adjoining the subdivision be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following be done and be administered by the City Engineer:
 - a. That reversionary rights to the alley being merged and waivers of any damages that may accrue as a result of such merger be obtained from all underlying property owners who might have certain rights in the area being merged.
 - b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.
 - c. That a certified survey map be submitted showing the dimensions and areas being merged with this map satisfactory to the City Engineer.
4. That any surcharge fee in conjunction with the street merger request be paid.
5. That the subdivider make a request to the West Los Angeles District Office of the Bureau of Engineering to determine the capacity of the existing sewer in the area.
6. That satisfactory arrangements be made with the Gas Company for the relocation of existing facilities in the proposed alley merger area.
7. That existing right-of-way of Butler Avenue be correctly shown on final map.
8. That any fee deficit under Work Order No. EXT000646 expediting this project be paid.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

9. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

10. 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. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.

- b. Provide a copy of DIR case DIR-2015-4086-DB-CDO-SPR. Show compliance with all the conditions/requirements of the DIR case as applicable.
- c. Show all street/alley dedication(s) as 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/alley dedication(s). Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication.
- d. Obtain Bureau of Engineering approval for the proposed alley merger.
- e. The submitted Map does not comply with the allowable maximum density (34,431/400=86 units in C2 Zone and 10,145/800=12 units in R3 Zone, maximum of 98 units allow) requirement of the [Q]C2-1VL-CDO/R3-1 Zone. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning. Approval of DIR-2015-4086-DB-CDO-SPR shall satisfy this condition.

Notes:

This property is located in the West Pico Boulevard Community Design Overlay.

The submitted Map may not comply with the number of parking spaces required by Section 12.21-A,4(a) based on number of habitable rooms in each unit. If there are insufficient numbers of parking spaces, obtain approval from the Department of City Planning.

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

Should the Map be implemented in conjunction with an approved Density Bonus project, the parking requirements, including the total number of parking spaces required and the number of guest parking spaces required, shall be governed by the provisions of L.A.M.C. Section 12.22-A,25 or California Government Code Sections 65915-65918.

Any proposed structures or uses on the site have not been checked for and shall comply with Building and Zoning Code requirements. Plan check will be required before any construction, occupancy or change of use.

DEPARTMENT OF TRANSPORTATION

11. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line or to the satisfaction of the Department of Transportation.
12. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
13. This project is subject to the West Los Angeles Transportation Improvement and Mitigation Specific Plan requirements. A parking area and driveway plan shall be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be

accomplished by submitting detailed site/driveway plans at a scale of 1"=40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Ave., Los Angeles, 90045. Please contact 213-485-1062 for an appointment.

FIRE DEPARTMENT

14. 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. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- b. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
- c. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

d. **Policy Exception:**

L.A.M.C. 57.09.03.B Exception:

- When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel and the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
 - It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - This policy does not apply to single-family dwellings or to non-residential buildings.
- e. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.
 - f. Entrance to the main lobby shall be located off the address side of the building.
 - g. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 feet visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
 - h. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

- i. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- j. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- k. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- l. Submit plot plans indicating access road and turning area for Fire Department approval.
- m. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- n. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- o. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- p. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- q. Site plans shall include all overhead utility lines adjacent to the site.
- r. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- s. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- t. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.
- u. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
- v. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- w. Electric gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- x. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.

- y. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

DEPARTMENT OF WATER AND POWER

15. 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).)

BUREAU OF SANITATION

16. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. 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).)

INFORMATION TECHNOLOGY AGENCY

17. To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of 3 people in case the applicant/owner has any additional questions.

DEPARTMENT OF RECREATION AND PARKS

18. That the Quimby fee be based separately on the number of dwelling units within the R3 and [Q]C2-1VL-CDO zone portions of the site.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

19. The applicant shall submit a tree report and a landscape plan prepared by a protected Tree Expert as designated by LAMC Ordinance No. 177,404, for approval by the City Planning Department and the Urban Forestry Division of the Bureau of Street Services. The Tree Report shall provide species, health, and condition of all trees with tree locations on a site survey. The plan shall contain the Tree Expert's recommendations for the preservation of as many desirable (eight inches diameter or greater) trees as possible. An on-site 1:1 tree replacement shall be required for the unavoidable loss of any desirable on-site trees.
20. 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 Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the sub divider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS
As modified by the City Planning Commission on July 27, 2017

21. 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 one-lot subdivision with a maximum of 129 residential condominiums
 - b. All parking shall be provided in compliance with the Los Angeles Municipal Code and as otherwise approved under DIR-2015-4086-DB-CDO-SPR.
 - c. Prior to issuance of a certificate of occupancy, a minimum six-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard. No such wall shall be required adjacent to the multi-family residential building to the south (along Colby Avenue) if the construction of said wall would conflict with fire access.
 - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - e. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
 - f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
 - g. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.
 - h. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the twenty percent EV Ready parking, five percent of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point. None of the required EV Ready parking shall apply to parking spaces used for dealership vehicle storage.
 - i. **Solar Roof.** A minimum of 15% of the rooftop area shall be equipped with solar photovoltaic panels to be connected to the building's electrical system.

22. The removal of two (2) California Sycamores (*Platanus racemosa*) shall be permitted. A minimum of two (2), 48-inch box trees shall be planted for each California Sycamore that is removed.
23. For the purposes of this subdivision, the Lot Lines along Gateway Boulevard and Colby Avenue shall be designated as Front Lot Lines and all other Lot Lines shall be designated as Side Lot Lines.
24. **Regulatory Compliance Measures:**
 - a. **Archaeological.** If archaeological resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2. Personnel of the proposed Modified Project shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Project site. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2.
 - i. Distinctive features, finishes and construction techniques or examples of skilled craftsmanship which characterize an historic property shall be preserved.
 - ii. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive historic feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - iii. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - iv. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - v. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - vi. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - b. **Human Remains.** If human remains are encountered unexpectedly during construction demolition and/or grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code (PRC) Section 5097.98. In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- Stop immediately and contact the County Coroner:

1104 N. Mission Road
Los Angeles, CA 90033
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)

If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).

The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.

- The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
 - If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.
25. Prior to the issuance of the building permit or the recordation of the final map, a copy of the DIR-2015-4086-DB-CDO-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that DIR-2015-4086-DB-CDO-SPR is not approved, the subdivider shall submit a tract modification.
26. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
27. **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. Actions 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.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

- 28. Prior to 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 requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 29 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
- 29. 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:

MM-1. **Biological Resources (Significant and Protected Tree Removal).** Removal or planting of trees in the public right-of-way and/or removal of all protected trees shall require approval by the Board of Public Works and the Advisory Agency in the course of reviewing and approving the Vesting Tentative Tract Map, and shall adhere to the following measures:

- Prior to the issuance of any permit, the required Tree Report and plot plan shall indicate the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way and shall be submitted for review and approval to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works.

Regarding the Significant Street Trees:

- All significant trees (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree.
- A Landscape Plan shall be prepared, indicating the location of all replacement trees, to the satisfaction of the decision-maker. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division of the Department of Public Works, Bureau of Street Services.

Regarding the Protected On-Site Trees:

- A minimum of two (2) trees (each with a minimum of 15 gallons measuring 1-inch in diameter and at least 7 feet in height measured from the base) of a protected species variety shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected trees removed and shall be to the satisfaction of the Advisory Agency and the Urban Forestry Division.
- The location of the trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required Landscape Plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.
- The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision-maker guaranteeing the survival of trees required to be maintained, replaced, or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three (3) years from the date that the bond is posted or from the date such trees are replaced

or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new protected tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's protected tree bond may be exonerated. The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the protected trees were properly replaced, the date of the replacement, and the survival of the replacement trees for a period of three (3) years.

MM-2. **Transportation/Traffic (Hazards).** The applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times. Specifically, this measure shall include the following:

- Temporary pedestrian facilities shall be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. 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 Division of Land Section of 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 LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

- C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

- C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

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 LAMC.
- 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 Transportation 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. No street lighting improvement if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; one (1) Colby Avenue and one (1) on Gateway Boulevard.
 - d. Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.

- e. 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 Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.
- 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.
- i. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a) After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, construction of drainage facilities within suitable easement may be required in a manner that runoff will not flow into the merged alley area.
 - b) Improve the newly dedicated alley turning area satisfactory to the City Engineer.
 - c) Improve Colby Avenue adjoining the subdivision by the construction of the following:
 - i. Repair and replace concrete curb, and concrete gutter.
 - ii. Construct new 6-foot concrete sidewalk abutting the property frontage.
 - iii. Any necessary removal and reconstruction of existing improvements.
 - d) Improve Butler Avenue adjoining the subdivision by the construction of the following:
 - i. Reconstruct alley intersection with the proposed alley merger to provide a V-cross section.
 - ii. Repair and or replace all broken, off-grade asphalt pavement and longitudinal concrete gutter along the alley frontage.
 - iii. Any necessary removal and reconstruction of existing improvements.
 - iv. The necessary transitions to join the existing improvement.
 - e) Remove any encroachment into the alley area.

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 density.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

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 LAMC Section 17.05-N.

The final map must record 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)

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.