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INFORMATION
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Decision Date: March 3, 2016

Appeal End Date: March 18, 2016

Roger Lowenstein (A)(O)
2670 Griffin Educational Center, Inc.
2670 Griffin Avenue
Los Angeles, CA 90031

Ronald Cargill (R)
Cargill Planning & Pre-Development
Services
1481 Paradise Island Drive
Banning, CA 92220

RE: Parcel Map No. AA-2015-1428-PMLA
410 East Avenue 28 and 2670 North
Griffin Avenue
Northeast Los Angeles Planning Area
Zone : RD3-1-HPOZ
D.M. : 141A223
C.D. : 1
CEQA : ENV-2015-1429-CE
Legal Description: Subdivision No. 2 of
Part of Mrs. Hall's Tract, Lots Fr. 33,
34, 35, 36, 37, 38, and 39; Wm. Duce
Tract, Lots 1, 2, and 3

In accordance with provisions of Section 17.53 of the Los Angeles Municipal Code (LAMC), the Advisory Agency approved Parcel Map AA-2015-1428-PMLA, for a maximum of two lots, as shown on map stamp-dated April 16, 2015 in the Northeast Los Angeles Community Plan. This unit density is based on the RD3 Zone. The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which shall legally interpret the Zoning Code as it applies to this particular property. The Advisory Agency's approval is subject to the following conditions:

NOTE on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review. 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 Department of Building and Safety for purposes of having a building permit issued.

BUREAU OF ENGINEERING

Bureau of Engineering approvals are conducted at the Land Development Group, located 201 N. Figueroa Street, Suite 200. Any questions regarding these conditions should be directed to Mr. Ray Saidi by calling (213) 977-7097.

1. That a request for verification of the capacity of existing sewer systems in the vicinity of the project be submitted to the Central Engineering District Office for approval, prior to the recordation of the final map.
2. That the following improvements be either constructed prior to recordation of the final map, or that the construction be suitably guaranteed:
 - a. Improve Griffin Avenue adjoining the subdivision by the reconstruction of a minimum 13-foot wide concrete sidewalk, including a 15-foot radius property line return with Avenue 28 and proper joining; repair and replace any broken or off-grade curb and gutter; plant street trees with tree well and cover as required.
 - b. Improve Avenue 28 adjoining the subdivision by repairing and replacing any broken or off-grade curb, gutter, sidewalk, and roadway pavement; close any unused driveways along the project; plant trees and landscape the parkway area.
 - c. Construct the necessary house connections to serve each parcel and evaluate the efficiency of the existing house connections, or any other arrangement acceptable to the Central Engineering District Office.
3. That the following street lighting facilities to serve the parcel map as required by the Bureau of Street Lighting be either constructed prior to recordation of the final map or that the construction be suitably guaranteed.

No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights: two (2) on Griffin Avenue.

NOTES: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection. Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition(s) above, requiring an improvement that will change the geometrics of the public roadway may require additional or the reconstruction of street lighting improvements as part of that condition.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

*Building and Safety approvals are conducted by appointment only- contact **Laura Duong at (213) 482-0434** to schedule an appointment. Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. Plan*

check may be required before any construction, occupancy or change of use. Unless filed concurrently and included as part of the hearing notice with this subdivision, any additional deviations from the Los Angeles Municipal Code required by the Department of Building and Safety Office of the Zoning Engineer preliminary to the Zoning Engineer clearing the items on the report to the Advisory Agency, shall be separately filed through the City Planning Department Office of the Zoning Administrator.

4. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Provide a copy of building records, plot plan, and certificate of occupancy of the existing structure on Proposed Parcel B to verify the last legal use, the approved number of dwelling units, and the number of parking spaces required on the site.
 - b. Provide a copy of affidavit AFF-10-0417757-COC. Show compliance with all the conditions/requirements of the above affidavit as applicable.
 - c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be rechecked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
 - d. The submitted Map does not comply with minimum lot width (60 ft.) and lot area (6,000 s.f.) requirement of the **RD3-1-HPOZ Zone**. Revise the Map to show compliance with the above requirements or obtain approval from the Department of City Planning.
 - e. Clarify the number of dwelling(s) is/are on Proposed Parcel B. Comply with minimum 3,000 SF of lot area per dwelling unit.
 - f. A minimum 5 ft. side yard setback along Griffin Avenue is required to be maintained after the required dedication is taken. Existing non-conforming front yard setback along Avenue 28 is required to be maintained as is or obtain approval from the Department of City Planning.
 - g. Provide building plans to show compliance with current Los Angeles City Building Code (Chapter 6 and 7) concerning exterior wall/opening protection requirements with respect to the new property lines for Proposed Parcel A. Provide the percentage of the wall openings and fire resistance rating of the existing wall along the proposed property lines. All noncompliance issues shall be corrected, required permits shall be obtained, and the final work inspected prior to a clearance letter being issued.
 - h. Required parking spaces are required to remain for the remaining structure on the site (for Proposed Parcel B if required). Provide the

required parking spaces of the dwelling unit(s) required by the permit. Show location of all parking spaces and access driveways. Provide copies of permits and final inspection cards, for any new garages or carports.

Notes:

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.

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

DEPARTMENT OF TRANSPORTATION

Transportation approvals are conducted at 201 N. Figueroa Street, 4th Floor, Station 3. Please contact DOT at (213) 482-7024 for any questions regarding the following.

5. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety.

FIRE DEPARTMENT

Fire Department approvals and review are conducted at 201 North Figueroa Street, 3rd floor. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. 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 please call (213) 482-6543. You should advise any consultant representing you of this requirement as well.

6. Submit plot plans for Fire Department review and approval prior to recordation of this Parcel Map Action. Access for Fire Department apparatus and personnel to and into all structures shall be required. In addition, the following items shall be satisfied:
 - a. All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code.

- b. 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.
- c. 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.
- d. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
- e. All structures should be fully sprinklered.
- f. Adequate public and private fire hydrants shall be required.
- g. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
- h. All "Small Lot" Subdivisions are required to have automatic Fire Sprinklers installed as part of any new or future construction.
- i. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

Note: The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. 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 please call (213) 482-6509. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF RECREATION AND PARKS

Park fees are paid at 1200 West 7th Street, Suite 700, Los Angeles

- 7. That the Quimby fee be based on the RD3 Zone.

DEPARTMENT OF CITY PLANNING - SITE SPECIFIC CONDITIONS

Approvals conducted at 201 North Figueroa Street, 4th Floor, unless otherwise indicated.

8. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
 - a. Limit the proposed development to a maximum of two (2) lots.
 - b. The number of parking spaces shall be maintained as per issued Certificate of Occupancy or building permit on the subject parcels.
 - c. **Note to City Zoning Engineer and Plan Check.** The Advisory Agency has approved, pursuant to LAMC Section 17.53-J, the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site.
 - 1). A Zoning Administrator Adjustment from Section 12.09.1-B.4 to allow a reduced lot area of 4,800 square feet in lieu of the required 6,000 square feet (Parcel B).
 - 2). A Zoning Administrator Adjustment from Section 12.09.1-B.4 to allow a reduced lot width of 55 feet in lieu of the required 60 feet (Parcel B).
 - 3). A Zoning Administrator Adjustment from Section 12.09.1-B.2,(b) to allow a reduced east side yard setback of 4.4 feet in lieu of the required 5.5 feet (Parcel B).
 - d. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.** Applicant shall do all of the following:
 - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any

judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims,

or lawsuits. Action includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS OF FACT (CEQA)

The Environmental Review Section of the Planning Department, on April 15, 2015, determined that the City of Los Angeles for the implementation of the California Environmental Quality Act of 1970 designates the subject project as categorically exempt under Article III, Section 1, Class 15, ENV-2015-1429-CE.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Parcel Map No. AA-2015-1428 -PMLA, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66474 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Northeast Los Angeles Community Plan designates the subject property for Low Medium I Residential land use with the corresponding zones of R2, RD3, RD4, RZ3, RZ4, and RU. The 1.99 net acre (86,716 net square feet) property is zoned RD3-1-HPOZ. The preliminary parcel map is a two-lot subdivision to separate an existing single-family dwelling from the middle school site in which it is located, resulting in a subdivision layout of Parcel A (middle school) and Parcel B (single-family dwelling). A request for a Zoning Administrator Adjustment for reduced lot area, lot width, and side yard is being processed concurrently with the parcel map case (see adjustment findings below). The adopted Plan and approved adjustment allow for the proposed subdivision. The proposed map is not located in a Specific Plan area. Therefore, as conditioned, the parcel map is consistent with the intent and purpose of the applicable General Plan.

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

The Bureau of Engineering has reviewed the proposed subdivision and found the subdivision layout generally satisfactory. There are existing sanitary sewers in Griffin Avenue and Avenue 28 adjoining the subdivision. The construction of additional house connection sewers will be required to serve each parcel. As a condition of approval, the Bureau of Engineering is requiring the subdivider to make improvements to sidewalks, curbs, gutters, plant trees and landscape as necessary, along Griffin Avenue and Avenue 28.

The proposed subdivision was also reviewed by the Department of Building and Safety and the Fire Department. Their recommendations for approval are incorporated into the parcel map's conditions of approval.

Therefore, as conditioned, the design and improvement of the proposed parcel map is consistent with the applicable General Plan.

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

The subject site is a level 1.99 acre parcel of land. The parcel map is to separate an existing single-family bungalow from a middle school site (Los Angeles Leadership Academy). The parcel map does not involve any new construction and all existing structures are to remain. As no physical changes will occur as a result of the subdivision, the site is therefore physically suitable for the proposed type of development.

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

The subject 1.99 net acre (86,716 net square feet) site is zoned RD3-1-HPOZ. The proposed parcel map is a two-lot subdivision to separate an existing single-family dwelling from the middle school site in which it is located. The parcel map does not involve any construction and all existing structures are to remain. A request for a Zoning Administrator Adjustment for reduced lot area, lot width, and side yard is being processed concurrently with the parcel map case (see adjustment findings below). Existing density will not be affected as the subdivision will not result in physical changes to the site.

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

This subdivision is part of a class of projects which the City Council has determined will not have a significant effect upon the environment and therefore a Categorical Exemption was issued.

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

There are no apparent health problems that might be caused by the design of the subdivision. The Bureau of Engineering has reported that an existing sanitary sewer is available under Griffin Avenue adjoining the subdivision. This development is required to be connected to the City's sewer system where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards.

- (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

No such easements are known to exist. However, needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed Parcel Map.

FINDINGS OF FACT (ADJUSTMENT):

- (i) THE GRANTING OF THE ADJUSTMENT WILL RESULT IN DEVELOPMENT THAT IS COMPATIBLE AND CONSISTENT WITH THE SURROUNDING USES, AND WILL CREATE NO ADVERSE IMPACTS OR ANY ADVERSE IMPACTS HAVE BEEN MITIGATED.

The granting of an adjustment to allow Parcel B to maintain a reduced lot area of 4,800 square feet, a reduced lot width of 55 feet, and a reduced side yard of 4.4 feet will result in development compatible and consistent with the surrounding residential neighborhood. The original bungalow parcel was 55 feet wide and had a lot area of 4,396 square feet. The original legal description for the bungalow parcel was the easterly 55 feet of Lots 38 and 39 of Subdivision No. 2 of part of Mrs. Hall's Tract.

The single-family bungalow parcel existed in this previous 4,396 square-foot configuration from at least 1927 until 2009, when the historic legal description of the single-family parcel was merged with the school parcel as part of a lot line adjustment to separate the existing charter school from an apartment building (Case No. AA-2009-1827-PMEX).

The subject property originally consisted of several lots, which over the years had been tied together as a Salvation Army hospital property. There were three uses on the site, the hospital, the multi-family apartment building, and the single-family bungalow. In order to open the proposed charter school, which had been converted from the previous hospital, it was necessary to separate the apartment building through a lot line adjustment. Subsequently, the Deputy Advisory Agency determined that the school site was now a single parcel and that to separate the single-family bungalow a parcel map would be required. No adverse impacts will be created as the adjustment will not result in any new development or physical changes to the site.

- (j) THE GRANTING OF THE ADJUSTMENT IS IN CONFORMANCE WITH THE INTENT AND PURPOSE OF THE GENERAL PLAN, AND WITH THE SPIRIT AND INTENT OF THE PLANNING AND ZONING CODE OF THE CITY.

Granting this adjustment will be in conformance with the intent and purpose of the General Plan. The Northeast Los Angeles Community Plan states that one of the issues affecting this plan area is to encourage the preservation and

enhancement of the positive characteristics of residential neighborhoods. The proposed adjustments are consistent with the following Community Plan policies:

1.1.2 Promote neighborhood preservation, particularly in existing single-family neighborhoods, as well as in areas with existing multiple-family residences.

1-4.2 Protect and encourage reuse of historic resources in a manner that maintains and enhances the historic appearance of structures and neighborhoods.

Granting the adjustments to allow a reduced lot area of 4,800 square feet, a reduced lot width of 55 feet, and a reduced side yard of 4.4 feet will allow the existing single-family dwelling to remain and thus help to preserve the City's housing stock.

The purpose of the zoning regulations is to provide balanced uses based on the needs of the community. Approval of the requested adjustments would be consistent with the spirit and intent of the zoning regulations, which is to encourage the most appropriate use of land, conserve and stabilize property values.

- (k) THAT THE SITE AND/OR EXISTING IMPROVEMENTS MAKE STRICT ADHERENCE TO ZONING REGULATIONS IMPRACTICAL OR INFEASIBLE.

The subject parcel is developed with a structure that has existed for more than eighty years on the site. Strict adherence to the zoning regulations would require that the single-family dwelling and the middle school building both be moved to meet the lot, area, and yard requirements of the RD3 Zone. The existing improvements therefore make strict adherence to the zoning regulations impractical and infeasible.

THE FOLLOWING NOTES ARE FOR INFORMATIONAL PURPOSES AND ARE NOT CONDITIONS OF APPROVAL OF THIS PARCEL MAP:

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the Los Angeles Municipal Code.

As part of the construction of your project, you may wish to make arrangements, with the Telecommunications Bureau, located at 200 N. Main Street Room 1255, regarding the cable television franchise holder for this area, or by calling (213) 978-0856.

The above action shall become effective upon the decision date noted at the top of this letter unless an appeal has been submitted to the Northeast Los Angeles Area Planning Commission within 15 calendar days of the decision date. If you wish to appeal, a Master Appeal Form No. CP-7769, must be submitted, accepted as complete, and

appeal fees paid by 5:00 PM on March 18, 2016* at one of the City Planning Department Public Counters, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
(818) 374-5050

*Please note the cashiers at the public counters close at 3:30 PM.

Appeal forms are available on-line at www.planning.lacity.org

There is no longer a second level of appeal to the City Council for Parcel Map actions of the Advisory Agency.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final, including all appeals, if any.

No sale of separate parcels is permitted prior to recordation of the final parcel map. The owner is advised that the above action must record within 36 months of the date of approval, unless an extension of time has been requested in person before 5:00 p.m. March 3, 2019.

No requests for time extensions or appeals received by mail shall be accepted.

If you have any questions, please call Parcel Maps staff at (213) 978-1364.

These findings shall apply to both the preliminary and final maps for Parcel Map AA-2015-1428-PMLA.

Vincent P. Bertoni, AICP
Advisory Agency



KEVIN S. GOLDEN
Deputy Advisory Agency

VPB:KSG:JV:th