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Decision Date: July 16, 2018

Appeal Date: July 26, 2018

Genesis Apparel (O)(A)  
1416 9th Street  
Manhattan Beach, CA 90266

Taik Y. Kim (R)  
2500 Wilshire Boulevard #1122  
Los Angeles, CA 90057

Re: Tentative Tract Map No. 73678-CN  
Related Case: N/A  
Address: 901-909 South Gramercy Drive  
Wilshire Community Planning Area  
Zone: R3-1  
District Map: 132B193  
Council District: 4 - Ryu  
CEQA No.: ENV-2015-3070-CE  
Legal Description: Lots 1 and 2, Block 8, Country  
Club Park Tract

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency determined that based on the whole of the administrative record, that the project (ENV-2015-3070-CE) is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies, and approved Tentative Tract Map No. TT-73678-CN composed of two (2) lots located at 901-909 South Gramercy Drive for a maximum **21-unit condominium development** as shown on map stamp-dated August 17, 2015 in the Wilshire Community Plan. This unit density is based on the R3-1 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 for the legal interpretation of 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.

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

*Bureau of Engineering approvals are conducted at the Land Development and GIS Division, located 201 N. Figueroa Street, Suite 200. Any questions regarding these conditions should be directed to Mr. Georgic Avenesian by calling (213) 202-3484.*

1. That a 10-foot by 10-foot or a 15-foot radius property line be dedicated at the intersection of 9th Street and Gramercy Drive adjoining the tract.
2. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
3. That a Covenant and Agreement be recorded stating that all construction plans be reviewed and approved by the City Engineer (B-permit Section) regarding any construction over the existing public sewer and storm drain easement within the tract property prior to the issuance of the building permits in accordance with B-permit No. BR003739.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

4. Comply 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**

*Building and Safety approvals are conducted by appointment only - **contact Eric Wong at (213) 482-6876 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.*

5. 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. Show all street 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 dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

**Notes:**

There is a 15 ft. Building Line along Gramercy Drive on this Subdivision.

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.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in

effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

#### **BUREAU OF SANITATION**

6. 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).)

#### **DEPARTMENT OF TRANSPORTATION**

*Transportation approvals are conducted at 201 N. Figueroa Street Suite 550, Station 3. Please contact DOT at (818) 374-4699 for any questions.*

7. That the project be subject to any recommendations from the Department of Transportation.

#### **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) 482-6509. You should advise any consultant representing you of this requirement as well.*

8. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
  - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - b. 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 and shall include the following minimum design features:
    - i. Fire lanes, where required, shall be a minimum of 20 feet in width.
    - ii. 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.

#### **DEPARTMENT OF WATER AND POWER**

*Questions regarding WSO clearance should be directed to the Los Angeles Department of Water and Power, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, CA 90051-5700 or (213)367-1120.*

9. 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 S-1(c).)

#### **BUREAU OF STREET LIGHTING**

10. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **DEPARTMENT OF RECREATION AND PARKS**

*Park fees are paid at 221 North Figueroa Street, Suite 400, Los Angeles. Please contact Park Fees staff at (213) 202-2657 for any questions or comments.*

11. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

#### **INFORMATION TECHNOLOGY AGENCY**

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

#### **URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING**

13. Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated 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.
  - a. A minimum of two trees (a minimum of 48 inch box in size if available) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 177,404, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the Advisory Agency.
  - b. A minimum of two 24-inch box trees shall be planted on-site at a 2:1 ratio to replace the two street trees demolished during construction activities along 9th Street.

**Note:** All protected tree and street tree removals must be approved by the Board of Public Works. Contact: Urban Forestry Division at: 213-847-3077.

#### **DEPARTMENT OF CITY PLANNING - SITE SPECIFIC CONDITIONS**

*Approvals are conducted at the Metro, West Los Angeles or Valley Development Services Centers, unless otherwise indicated.*

14. 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. **Use.** Limit the proposed development to a maximum of 21 dwelling units.
  - b. **Automobile Parking.** Provide a minimum of 2 covered parking spaces per dwelling unit

and a minimum of one guest parking space.

- i. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.
  - ii. If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.
  - iii. In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (201 North Figueroa Street, 4th Floor).
- c. **Bicycle Parking.**
- i. Bicycle parking shall be provided pursuant to LAMC Section 12.21 A, 4 and 16.
  - ii. In addition to the bicycle parking required by LAMC Section 12,21 A,4 and 16, four additional short term bicycle parking spaces shall be provided within or adjacent to the public right-of-way.
- d. **Fence.** That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences west and south of the subject property, if no such wall already exists.
- e. **Energy Conservation.** That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- f. **Air Filtration.** The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 8 in order to reduce the effects of diminished air quality on the occupants of the project.
- g. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- h. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

## 15. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any

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

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Action includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

#### **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:

- a. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Development Services 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.
  - b. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code 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 Section 17.12 of the Los Angeles Municipal Code and to be paid and deposited in the trust accounts of the Park and Recreation Fund.
- C-3 That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any permit. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

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 building, 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. That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) That the sewerage facilities charge be deposited prior to recordation of the final map

over all of the tract in conformance with Section 64.11.2 of the Municipal Code.

- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract comply 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 2010.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
- (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.



- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
  - a. No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; one (1) on 9<sup>th</sup> Street and one (1) on Gramercy Drive.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-3(i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213) 847-3077) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design.

- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. Improve Gramercy Drive and 9th Street including the newly dedicated cut corner area with construction of new 10-foot wide concrete sidewalks with tree wells or 5-foot concrete sidewalks and landscaping of the parkways including any necessary removal and reconstruction of existing improvements.

**NOTES:**

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units. This map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

Any removal of the existing street trees shall require Board of Public Works approval.

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.

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)**

DETERMINE that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

**Justification for Class 32 Categorical Exemption Case No. ENV-2015-3070-CE**

On February 20, 2018, the Planning Department determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject project as Categorically Exempt under Article III, Section 1, Class 32, Case No. ENV-2015-3070-CE.

The subject property is a level, rectangular-shaped corner parcel with an approximate 125-foot frontage along the south side of 9th Street and an approximate 120-foot frontage along the west side of Gramercy Drive. The site is located at the southwest intersection of 9th Street Gramercy Drive. The project site abuts one- to five-story multi-family residential developments located within the R3-1 Zone. The project is located in a Transit Priority Area (ZI-2452), Los Angeles State Enterprise Zone (ZI-2374), Urban Agriculture Incentive Zone and Central City Revitalization Zone.

Further, the site is within 1.038 kilometers from the Puente Hills Blind Thrust and subject to a 15-foot building line along the west side of Gramercy Drive. The project is characterized as in-fill development and qualifies for the Class 32 Categorical Exemption.

The proposed project involves a Tentative Tract Map to permit a maximum of 21 residential condominium units. The project would involve the construction, use and maintenance of a new four-story 45-foot in height, 47,122 square-foot multi-family residential condominium development consisting of 21 units on a 17,121 net square-foot (0.393 net acre) lot. The unit mix includes 12 three-bedroom units and 9 two-bedroom units with a total of 3,928 square feet of open space area comprised of private balconies, rear yard open space and a rooftop deck. The project will provide a total of 43 vehicle parking spaces and 24 bicycle parking spaces within one street-level garage. The site is located above an existing 24-foot storm drain and sanitary sewer easement, and is currently under construction of the proposed structure. The request is solely to merge two lots into one lot for residential condominium purposes only.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

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

The project meets all of the Criteria for the Class 32 exemption. As shown in the case file, the project is consistent with the applicable Wilshire Community Plan designation and policies and all applicable zoning designations and regulations. The site is zoned R3-1 and has a General Plan Land Use Designation of Medium Residential. The 17,121 net square-foot lot would permit a maximum of 21 dwelling units. As the project proposes 21 dwelling units, the project would be consistent with the zoning and land use designation.

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.393 acres. All adjacent properties are developed with one- to five-story single and multi-family structures in the zoned R3-1. The site is not, and has no value as, a habitat for endangered, rare or threatened species. On January 19, 2018, the Bureau of Engineering issued an approval of a B-Permit for the existing storm drain and sanitary sewer easement. The site is currently in the construction phase of the proposed structure, in an area that is surrounded by similar development. There are no protected trees on the site. During the demolition process, the applicant removed two street trees along 9th Street.

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water. The project is beneath the threshold criteria established by LADOT for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. The project will not result in significant impacts related

to air quality because it falls below interim air threshold established by DCP staff. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of a multi-family condominium structure containing 21 units will be on a site which has been previously developed, and is consistent with the general plan. Therefore, based on the facts herein, it can be found that the project meets the qualifications of the Class 32 Exemption.

#### Exceptions Narrative for Class 32 Categorical Exemption

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes the development of a four-story, 47,122 square-foot, 21-unit multi-family condominium structure on a 17,121 net square-foot lot in an area zoned and designated for medium residential scaled multi-family developments. All adjacent lots are developed with one- to five-story multi-family developments, and the subject site is of a similar size to nearby properties. The project proposes a Floor Area Ratio (FAR) of 3:1 on a site that is permitted for a maximum 3:1 FAR. The construction of a 4-story 21-unit multi-family condominium development is not unusual for the vicinity of the subject site, and is similar in scope to other existing multi-family structures in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

There are no state designated scenic highways in the City of Los Angeles, and therefore the subject site is not designated as a state scenic highway, nor are there any designated state scenic highways located near the project site. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Tentative Tract Map No. 73678-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The project site is located within the Wilshire Community Plan, which establishes goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented

through the Los Angeles Municipal Code (LAMC). The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the project site. The Wilshire Community Plan, designates the site with a Medium Residential land use designation. The land use designation lists the R3 Zone as the corresponding zone. The Project Site is zoned R3-1, which is consistent with the land use designation. The project site has approximately 17,121 net square feet of lot area, which would permit a maximum of 21 dwelling units. As shown on the tract map, the Project proposes to subdivide the project site into a maximum of 21 residential condominium units, which is consistent with the density permitted by the zone. The site is not located within a specific plan area or other overlay.

In addition to LAMC Section 17.05 C, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. The tract map was prepared by Taik Y. Kim, L.S. No. 5462 and contains information regarding the boundaries of the project site, as well as the abutting public rights-of-way, existing and proposed dedication, and improvements of the tract map. The tract map indicates the tract number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. Therefore, the proposed map demonstrates compliance with LAMC Sections 17.05 C, 17.06 B, and is consistent with the applicable General Plan.

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

“Design” is defined under Section 66418 of the State Subdivision Map Act and LAMC Section 17.02 to mean (1) street alignment grades and width; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and fire breakers; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Improvements refers to the construction and installation of the infrastructure facilities serving the subdivision, as well as the improvement of the street work necessary to be installed to access the site.

LAMC Section 17.05 enumerates the design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. As noted above in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the project site. As the project site is zoned R3-1, the zone would permit a maximum of 21 dwelling units on the approximately 17,121 square-foot site. As the map is proposed for a 21 residential condominium subdivision, it is consistent with the density permitted by the zone.

The tract map was distributed to and reviewed by the various city agencies of the Subdivision Committee that have the authority to make dedication, and/or improvement recommendations. The Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards. The project site fronts 9th Street to the north and Gramercy Drive to the east. 9th Street is designated as a Collector Street, dedicated to a right-of-

way width of 66 feet, a roadway width of 40 feet and is improved with asphalt roadway, concrete curb, gutter and pedestrian sidewalk. Gramercy Drive is designated as a Local Standard Street, dedicated to a right-of-way width of 60 feet and a roadway width of 36 feet, and is improved with asphalt roadway, concrete curb, gutter and pedestrian sidewalk.

In a memo dated February 5, 2018, the Bureau of Engineering reported there is an existing 24-foot wide sanitary sewer and drainage system within an existing public easement on the project site. The project site will connect to the public sewer system and will not result in violation of the California Water Code. BOE is requiring that a 10-foot by 10-foot or a 15-foot radius property line be dedicated at the intersection of 9th Street and Gramercy Drive adjoining the project site. Furthermore, BOE requires the project to improve Gramercy Drive and 9th Street including the newly dedicated cut corner area with construction of new 10-foot wide concrete sidewalks with tree wells or 5-foot concrete sidewalks and landscaping of the parkways including any necessary removal and reconstruction of existing improvements.

The sewer has been inspected and deemed adequate in accommodating the proposed project's sewerage needs. The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements.

As conditioned, the design and improvement of the proposed subdivision are consistent with the General Plan.

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

The subject property is a generally level, rectangular-shaped parcel of land totaling 17,121 net square feet (0.393 net acres) of lot area at the intersection of 9<sup>th</sup> Street and Gramercy Drive. The site is not located within a Bureau of Engineering designated Special Grading Area or Hillside Area. The site is not located within an Alquist-Priolo Fault Zone. The nearest Fault (Puente Hill Blind Thrust) is located 1.03 kilometers (0.64 miles) from the project site. The site is not located within a designated liquefaction area. The site is not located within a high fire hazard zone, flood zone, methane hazard site, landslide, or tsunami inundation zone.

On September 9, 2015, the Department of Building and Safety issued permits for the demolition of two 2-story multi-family structures and two 1-story parking garages (Permit Nos. 15019-10000-01315 and 15019-10000-01316). An arborist report dated July 30, 2015, reports that there are no protected trees on-site. The public right-of-way adjacent to the project site was previously improved with two street trees along 9th Street and two street trees along Gramercy Drive. The two street trees along 9th Street were removed during the demolition process. The project is required to replace the removed street trees at a 2:1 ratio by planting two 24-inch box trees on-site. The project will retain the two (2) street trees along Gramercy Drive and propose to plant eight (8) new trees on-site.

The Department of Building and Safety, Grading Division, Department of Building and Safety Zoning Subdivision Section, Bureau of Engineering, Fire Department, and Department of Water and Power have found the subdivision satisfactory, and have imposed conditions of approval.

The development of this tract is an infill project of an otherwise mixed-density neighborhood. Conditions of approval for the physical improvement of the subdivision are required to be performed prior to the recordation of the final map, building permit, grading

permit, or certificate of occupancy. Therefore, the project site is physically suitable for the proposed type of development.

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

The subject site is a level, rectangular-shaped, corner property consisting of two recorded lots totaling approximately 17,121 net square feet (0.393 net acres) of lot area. The site is located at the southwest intersection of 9th Street and Gramercy Drive. The project is subject to a 15-foot Building Line setback along the west side of Gramercy Drive (Ordinance No. 119,298). The site is zoned R3-1 and designated for Medium Residential Land Uses within the Wilshire Community Plan area.

The proposed project includes a Tentative Tract Map for the merger and resubdivision of two existing lots into one lot for a four-story (45 feet) 21-unit residential condominium building. Based on the square footage of the subject site, the project complies with the maximum density of 21 units allowed by right per the R3-1 Zone. Therefore, as conditioned the subject site complies with zoning regulations and is physically suitable for the proposed 21-unit 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 Categorical Exemption ENV-2015-3070-CE as the environmental clearance for the subject property on February 20, 2018. Furthermore, the project site, as well as the surrounding area is presently developed with structures and does not provide a natural habitat for either fish or wildlife.

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

There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision. There is an existing 24-foot wide sanitary sewer and storm drain easement within the proposed tract. In a memo dated January 18, 2018, the Bureau of Engineering stated that their office has reviewed the project for conflicts with the City's sewer infrastructure and approved a B-Permit for the site. The tract will connect to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There is an existing 24-foot wide sanitary sewer and storm drain easement that runs along the middle of the site to a depth of approximately two (2) feet. In a memo dated February 5, 2018, the Bureau of Engineering recommends approval with conditions of the tract. The

design of the subdivision does not interfere with this easement, as the tract will connect to the public sewer system.

- (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 Tentative Tract No. 73678-CN.

VINCENT P. BERTONI, AICP  
Advisory Agency



May Sirttopwongsagon  
Deputy Advisory Agency



Christina Toy Lee  
Senior City Planner

MS:CTL:IW:JL

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the Central Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

**Figueroa Plaza**  
201 North Figueroa Street  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

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

**West Los Angeles**  
1828 Sawtelle Boulevard  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2901



**Forms are also available on-line at <http://planning.lacity.org/>**

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

If you have any questions, please call Project Planning staff at (213) 978-1340.