

REVISED SUBSTITUTE FINDINGS

Council File 19-0342

Case No. VTT-74129-CN-2A

714-718 North Sweetzer Ave

In support of appeal by Keith Nakata

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REVISED SUBSTITUTE FINDING RE RSO HOUSING:

**DEPUTY ADVISORY AGENCY/CAPC FINDINGS OF FACT (SUBDIVISION MAP ACT),
Finding (a) (at pg. 20 of Letter of Determination):**

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

~~Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant and site address information as required by the Los Angeles Municipal Code ("LAMC"). The Vesting Tentative Tract Map has been filed for the purposes of the merger and resubdivision of two (2) lots into one (1) lot in conjunction with the construction, use, and maintenance of a proposed five-story, 26-unit residential condominium building.~~

~~The Los Angeles Municipal Code (LAMC) implements the goals, objectives, and policies of the Community Plan through adopted zoning regulations. The Zoning Code regulates, but is not limited to, the maximum permitted density, height, and the subdivision of land. The adopted Wilshire Community Plan does not address subdivision explicitly, however, the plan does provide for land designations with corresponding zones. The subject property is designated for Medium Residential land uses corresponding to the R3 Zone. The project site is zoned [Q]R3-1, consistent with the zone under the site's land use designation. The construction of 26 dwelling units on the project site would be consistent with the land use designation of the site and the applicable zoning of the site. The Community Plan's designation of the site for medium residential density and uses was completed in anticipation of environmental impacts based on the maximum allowable density for the project site and the surrounding area. The proposed project is not requesting any deviations from what is otherwise permitted by the underlying zoning of the site or what was previously granted under Case No. DIR-2014-4763-DB.~~

~~The Vesting Tract Map for the proposed development of a residential condominium building is allowable under the current adopted zone and the land use designation, consistent with the General and Community Plans and the request is consistent with Article 7 (Division of Land Regulations) of the Los Angeles Municipal Code. The project site is not governed by a specific plan.~~

SUBSTITUTE FINDINGS OF FACT (SUBDIVISION MAP ACT), Finding (a):

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

Under the Ellis Act and the City’s implementing ordinance, all 26 rental units in the presently permitted apartment building are subject to the Rent Stabilization Ordinance (RSO) and thus their conversion to condominiums would result in a net loss of 26 RSO units. The Ellis Act provides that if units are withdrawn from the rental market under the Ellis Act and the building is demolished, and then new rental units are constructed on the same property, the provisions of the RSO shall apply to the newly constructed rental units. (LAMC sec. 151.28(A).) The conversion of these 26 apartment units into condominiums by way of this tract map would forever preclude the construction of 26 new rental units, and therefore would permanently remove 26 units of RSO rental housing, which would be subject to restrictions on rent increases, eviction protections, and other provisions of the RSO.

The loss of these RSO units is part of a severe cumulative impact in this neighborhood and citywide. In 2018, the City lost 2,007 units of RSO housing to demolition. According to the Coalition of Economic Survival, between the years 2001 and 2018, 24,903 units of RSO housing were lost. This applicant alone has demolished more than 70 units of RSO housing within 3 blocks of the project site.

Because it removes RSO rental housing from the Hollywood community, the project is incompatible with the adopted Hollywood Community Plan, which provides:

Objective 3. To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

Because it removes RSO rental housing from the Hollywood community, the project is also incompatible with the City’s General Plan Framework Element, Housing Element, which provides:

GOAL 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.2: Preserve quality rental and ownership housing for households of all income levels and special needs.

Policy 1.2.2: Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City’s stock of decent, safe, healthy or affordable housing.

**REVISED SUBSTITUTE FINDING RE CLASS 32 CEQA
EXEMPTION:**

DEPUTY ADVISORY AGENCY/CAPC FINDINGS OF FACT (CEQA), Finding (a) (at pp. 15-16 of Letter of Determination):

- ~~(a) — THE PROJECT IS CONSISTENT WITH THE APPLICABLE GENERAL PLAN DESIGNATION AND ALL APPLICABLE GENERAL PLAN POLICIES AS WELL AS WITH APPLICABLE ZONING DESIGNATION AND REGULATIONS.~~

~~The project site is located within the adopted Hollywood Community Plan area, and is designated for Medium Residential land uses corresponding to the R3 Zone. The property is zoned [Q]R3-1. This permits a maximum residential density of one dwelling unit per 800 square feet of lot area in areas designated for Medium Residential Land Uses and the overall required minimum lot size is 5,000 square feet. The proposed density of 26 dwelling units on an approximately 14,612 square-foot lot is greater than what is allowed under the [Q]R3-1 Zone, however the building that is currently under construction was approved for a Density Bonus pursuant to Case No. DIR-2014-4762-DB to allow for a maximum density of 26 units along with a maximum building height of 56 feet and a Floor Area Ratio (FAR) of 3.971:1. As proposed, the project would comply with all other applicable regulations of the Zoning Code.~~

~~Consistent with the Community Plan, the proposed 26-unit condominium development would add new, multi-family housing to Los Angeles' housing supply, in a neighborhood which is conveniently located to a variety of community services.~~

SUBSTITUTE FINDINGS OF FACT (CEQA), Finding (a):

- (a) THE PROJECT IS INCONSISTENT WITH APPLICABLE GENERAL PLAN POLICIES AS WELL AS WITH APPLICABLE ZONING REGULATIONS.

Under the Ellis Act and the City's implementing ordinance, all 26 rental units in the presently permitted apartment building are subject to the Rent Stabilization Ordinance (RSO) and thus their conversion to condominiums would result in a net loss of 26 RSO units. The Ellis Act provides that if units are withdrawn from the rental market under the Ellis Act and the building is demolished, and then new rental units are constructed on the same property, the provisions of the RSO shall apply to the newly constructed rental units. (LAMC sec. 151.28(A).) The conversion of these 26 apartment units into condominiums by way of this tract map would forever preclude the construction of 26 new rental units, and therefore would permanently remove 26 units of RSO rental housing, which would be subject to restrictions on rent increases, eviction protections, and other provisions of the RSO.

The loss of these RSO units is part of a severe cumulative impact in this neighborhood and citywide. In 2018, the City lost 2,007 units of RSO housing to demolition. According to the Coalition of Economic Survival, between the years 2001 and 2018, 24,903 units of RSO housing were lost. This applicant alone has demolished more than 70 units of RSO housing within 3 blocks of the project site.

Because it removes RSO rental housing from the Hollywood community, the project is incompatible with the adopted Hollywood Community Plan, which provides:

Objective 3. To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

Because it removes RSO rental housing from the Hollywood community, the project is also incompatible with the City's General Plan Framework Element, Housing Element, which provides:

GOAL 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.2: Preserve quality rental and ownership housing for households of all income levels and special needs.

Policy 1.2.2: Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.

The design and improvements of the proposed subdivision are also inconsistent with the applicable General and Specific Plans and with the zoning ordinance because the tract map does not provide the dedication necessary for a 10-foot wide half alley. Section 17.05 of the Los Angeles Municipal Code (LAMC) enumerates design standards for subdivisions and requires that each subdivision map be designed in conformance with the zoning and the General Plan. Section 17.05-E provides that alleys shall be not less than 20 feet in width. The Bureau of Engineering requested the inclusion of a condition of approval requiring that a 2.5-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley. This dedication is necessary to accommodate existing and future traffic on the alley, and emergency access. The Vesting Tract Map does not contain this 2.5-foot dedication.

The alley between Sweetzer and Harper avenues is 315 feet long. The subject property alone accounts for 180 feet, or about 60%, of that distance. The subject property is located at the corner of Sweetzer Avenue and the alley, rather than mid-block, so any widening would widen the entrance to the alley. Directly to the south across the alley are two commercial properties. The property at 8275 Melrose Avenue is developed with a three-story commercial building built in 1963, and the property at 8271 Melrose Avenue is developed with a two-story commercial building built in 1957. The dedication of 2.5 feet along the southern edge of the subject project would allow the alley to be widened to 17.5 feet for a linear distance of 180 feet, beginning at Sweetzer Avenue and continuing for 180 continuous feet. This would immediately improve access for through traffic on more than half of the 315-foot long alley, as well as for backing and other maneuvers in and out of the project site and in and out of the properties at 8271 and 8275 Melrose Avenue.

In addition, the current zoning of 8271 and 8275 Melrose Avenue (C4-1XL) allows for far larger buildings to be built on those sites. If future projects at those sites are required to widen the south side of the alley, the combination of those future widenings and the widening by the subject project would result in a 20-foot alley for the full 180 feet. The remaining portion of the alley is occupied by several one- and two-story commercial and residential buildings, all constructed before 1950. If these properties are redeveloped in the future those projects would also likely require alley dedications, making the alley 20 feet wide for its full 315-foot length.

**REVISED SUBSTITUTE FINDING RE 2.5 FOOT ALLEY
DEDICATION:**

DEPUTY ADVISORY AGENCY/CAPC FINDINGS OF FACT, (SUBDIVISION MAP ACT)
Finding (b) (at pp. 20-21 of Letter of Determination):

~~(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 Vesting Tentative Tract Map. The project site is not located in a flood zone, very high fire hazard severity zone, liquefaction or a landslide area.~~

~~The design and layout of the Vesting Tract 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 map and found the subdivision design satisfactory. These agencies have imposed improvement requirements and/or conditions of approval. Therefore, as conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General and Specific Plans.~~

SUBSTITUTE FINDINGS OF FACT (SUBDIVISION MAP ACT), Finding (b):

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE INCONSISTENT 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.

The design and improvements of the proposed subdivision are inconsistent with the applicable General and Specific Plans and with the zoning ordinance because the tract map does not provide the dedication necessary for a 10-foot wide half alley. Section 17.05 of the Los Angeles Municipal Code (LAMC) enumerates design standards for subdivisions and requires that each subdivision map be designed in conformance with the zoning and the General Plan. Section 17.05-E provides that alleys shall be not less than 20 feet in width. The Bureau of Engineering requested the inclusion of a condition of approval requiring that a 2.5-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley. This dedication is necessary to accommodate existing and future traffic on the alley, and emergency access. The Vesting Tract Map does not contain this 2.5-foot dedication.

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