

FINDINGS OF FACT (CEQA)

On April 27, 2017, 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 1, Category 10, and Class 32, Log No. ENV-2016-2050-CE. The project is a Vesting Tentative Tract Map for the condominium conversion of 2 apartment buildings with 9 units that is a City of Los Angeles Historic Cultural Monument into an 8-unit condominium. As a residential condominium conversion, and a project which is characterized as in-fill development, the project qualifies for the Class 1, Category 10 and Class 32 Categorical Exemptions.

Article III, Section 1 of the City CEQA Guidelines states the following (emphasis added):

The Secretary for Resources has provided a list of classes of projects which he has determined do not have a significant effect on the environment and which are therefore exempt from the provisions of CEQA. The following specific categorical exemptions within such classes are set forth for use by Lead City Agencies, provided such categorical exemptions are not used for projects where it can be readily perceived that such projects may have a significant effect on the environment.

The proposed project, a Vesting Tentative Tract Map for the conversion of 2 apartment buildings with 9 units into an 8-unit condominium, does not have any readily perceived significant effects on the environment as stated below.

Class 1 pertains to Existing Facilities, which consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing. Category 10 specifically identifies projects that involve the division of existing multiple family rental units into condominiums or stock cooperatives as exempted.

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

- (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.

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 [Q]R3-1-O and has a General Plan Land Use Designation of Medium Residential.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The development consists of 8 units on a lot that is 18,565 gross square feet in size. The subject site is wholly within the City of Los Angeles, on a site that is

approximately 0.43 acres. Lots adjacent to the subject site are developed with the following urban uses: three to four unit residential structures abutting the subject property to the north, south, and east, and 8 unit residential structures abutting the site to the west, as well as one to two story commercial uses to the north along Beverly Boulevard.

- (c) The project site has no value as habitat for endangered, rare or threatened species.

The site is not, and has no value as, a habitat for endangered, rare or threatened species. The site is previously disturbed and surrounded by development, and no new construction is proposed as the project is a condominium conversion. No protected trees will be removed. Eight non-protected trees are currently on the site and will remain. As mentioned, 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.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The project is beneath the threshold criteria established by LADOT for preparing a traffic study, as no new units are being constructed. Therefore, the project will not have any significant impacts to traffic. The project will not result in significant impacts related to air quality because the project is a vesting tract map for the condominium conversion of 2 apartment buildings with 9 units that is a City of Los Angeles Historic Cultural Monument into an 8-unit condominium. No new construction is involved. As mentioned, 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.

- (e) The site can be adequately served by all required utilities and public services.

The project site is and will be adequately served by all public utilities and services given that the conversion from apartment to residential condominium will be on a site with an existing building 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 Categorical Exemption

There are five (5) Exceptions which must be considered in order to find a project exempt under CEQA Guidelines Section 15301 (Class 1) and CEQA Guidelines Section 15332 (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 proposed is a vesting tract map for the condominium conversion of 2 apartment buildings with 9 units that is a City of Los Angeles Historic Cultural Monument into an 8-unit condominium, in an area zoned and designated for such development. All adjacent lots are developed with the following urban uses: three to four unit residential structures abutting the subject property to the north, south, and east, and 8 unit residential structures abutting the site to the west, as well as one to two story commercial uses to the north along Beverly Boulevard, and the subject site is of a similar size and slope to nearby properties. The project proposes no changes to the Floor Area Ratio (FAR) and the existing improvements are consistent in size, bulk, and massing to other developments in the vicinity. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

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 site is City of Los Angeles Historic Cultural Monument No. LA-1096 (Mendel and Mable Meyer Courtyard Apartment), as established by the Los Angeles Cultural Heritage Commission in November 2015. However, the LA Office of Historic Resources has found that the project, a Vesting Tentative Tract Map for the conversion of 2 apartment buildings with 9 units into an 8-unit condominium, will comply with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. 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

In connection with the approval of Vesting Tentative Tract No. 74328-CC-1A, the Central Los Angeles Area Planning Commission, 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 adopted Wilshire Plan designates the subject property for Medium Residential land use with the corresponding zone of R3. The property contains approximately 0.35 net acres (15,086 net square feet) and is presently zoned [Q]R3-1-O.

In accordance with LAMC 12.95.2 F, there are no applicable general or specific plans that contain a definite statement of policies and objectives applicable to condominium conversion projects in the Wilshire Community Plan.

The project is compatible with the Wilshire Community Plan which encourages projects that:

Objective 1-1: Provide for the preservation of existing quality housing, and for

the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

Policy 1-1.2: Promote neighborhood preservation in all stable residential neighborhoods.

Program: With the implementation of the Wilshire Community Plan, all discretionary actions, Specific Plans, and any community and neighborhood residential projects must be consistent with Wilshire Community Plan recommendations.

The project will provide much needed new home ownership opportunities in the Wilshire Community Plan area in the form of existing quality housing. Therefore, as conditioned, the proposed subdivision map is substantially consistent with the applicable general and specific plans.

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

The project site was designated as a historic-cultural monument (HCM) on November 25, 2015 by the Los Angeles City Council. The existing complex has eight (8) legal units and one (1) unpermitted unit found ineligible in area requirements for conversion into a legal unit. The proposed tentative tract map, an 8-unit condominium conversion, is allowable under the current zone and the land use designation.

The existing buildings, built in 1937 and 1940 and designated as a historic-cultural monument (HCM), encroach into a 10-foot building line established by Ordinance No. 76753. However, per LAMC Section 12.22 C.26, the HCM is exempt from the building line requirements and the yards required shall be the same as the yards observed by the existing structures on the site.

The project provides 12 resident parking spaces. In accordance with LAMC Section 12.21 A.4(x)(2) for historic-cultural monuments (HCM), the project does not require additional parking beyond existing parking, as shown on the certified parking plan dated June 6, 2016. In order to maintain the integrity of the HCM, the Deputy Advisory Agency therefore waives all applicable Advisory Agency Parking Policies pertaining to condominium conversions. Vehicular access will be provided from the adjacent alley.

The Bureau of Engineering has reviewed the proposed subdivision and found the subdivision layout generally satisfactory.

Therefore, as conditioned, the design and improvement of the proposed subdivision are consistent with applicable general and specific plans.

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

The site is not located in hillside, a slope stability study area, high erosion hazard area, or a fault-rupture study zone. The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas).

The proposed project is a residential condominium conversion and will preserve the existing structures on the site without any major modifications.

The Bureau of Engineering has reviewed the proposed subdivision and found the subdivision layout generally satisfactory. According to the Bureau of Engineering letter dated November 30, 2016, there is an existing sewer available in the street adjoining the subject property.

Therefore, the site is physically suitable for the proposed residential condominium conversion.

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

The [Q] Condition of Ordinance No. 165,331 Subarea 670 would limit density to 1,200 square feet of lot area per dwelling unit, thus allowing 12 units on the 15,086-square foot project site. The proposed tentative tract map, an 8-unit condominium conversion, is allowable under the current zone and the land use designation.

Therefore, the site is physically suitable for the proposed density of 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.**

On April 27, 2017, 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 Categorical Exempt under Article III, Section 1, Class 1, Category 10, and Class 32, Log No. ENV-2016-2050-CE. The project is a Vesting Tentative Tract Map for the condominium conversion of 2 apartment buildings with 9 units that is a City of Los Angeles Historic Cultural Monument into an 8-unit condominium. As a residential condominium conversion, and a project which is characterized as in-fill development, the project qualifies for the Class 1, Category 10 (Division of existing multiple family rental units into condominiums or stock cooperatives) and Class 32 (Infill) Categorical Exemptions.

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 proposed is a vesting tract map for the condominium conversion of 2 apartment buildings with 9 units that is a City of Los Angeles Historic Cultural Monument into an 8-unit condominium, in an area zoned and designated for such development. All adjacent lots are developed with the following urban uses: three to four unit residential structures abutting the subject property to the north, south, and east, and 8 unit residential

structures abutting the site to the west, as well as one to two story commercial uses to the north along Beverly Boulevard, and the subject site is of a similar size and slope to nearby properties. The project proposes no changes to the Floor Area Ratio (FAR) and the existing improvements are consistent in size, bulk, and massing to other developments in the vicinity. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

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 site is City of Los Angeles Historic Cultural Monument No. LA-1096 (Mendel and Mable Meyer Courtyard Apartment), as established by the Los Angeles Cultural Heritage Commission in November 2015. However, the LA Office of Historic Resources has found that the project, a Vesting Tentative Tract Map for the conversion of 2 apartment buildings with 9 units into an 8-unit condominium, will comply with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. 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.

Therefore, the condominium conversion is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(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 condominium conversion. The development is required to remain connected to the City's sanitary sewer system, where the sewage is 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 is 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.**

The proposed project is a condominium conversion of an existing building with minimal exterior alterations.

There are no recorded instruments identifying easements encumbering the project site for the purpose of providing public access. The project site contains legally recorded lots identified by the Assessor Parcel Record. The site is surrounded by

private and public properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The project site does not adjoin or provide access to a public resource, natural habitat, Public Park or any officially recognized public recreation area. Therefore, the proposed condominium conversion would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

The proposed project is a condominium conversion of an existing building with minimal exterior alterations. Thus, the project does not require any designs for passive or natural heating or cooling opportunities.

Furthermore, the Advisory Agency of the City of Los Angeles, pursuant to Section 12.95.2 of the Los Angeles Municipal Code, makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS SUBSTANTIALLY CONSISTENT WITH APPLICABLE DENSITY PROVISIONS OF THE GENERAL PLAN OR SPECIFIC PLANS IN EFFECT AT THE TIME THE ORIGINAL BUILDING PERMIT WAS ISSUED AND THE APPLICATION FOR MAP APPROVAL IS FILED FIVE YEARS OR MORE FROM THE DATE THE ORIGINAL CERTIFICATE OF OCCUPANCY FOR THE BUILDING WAS ISSUED.

The original building permits for the improvements on site were approved on 1937 and 1940. Therefore, per LAMC Section 12.95.2-F.2, the site is exempt from this provision.

- (b) THE PROPOSED MAP IS CONSISTENT WITH ANY APPLICABLE GENERAL PLAN OR SPECIFIC PLAN PROVISION WHICH CONTAINS A DEFINITE STATEMENT OF POLICIES AND OBJECTIVES EXPLICITLY APPLICABLE TO CONDOMINIUM CONVERSION PROJECTS.

The adopted Wilshire Plan designates the subject property for Medium Residential land use with the corresponding zones of R3. The property contains approximately 0.35 net acres (15,086 net square feet) and is presently zoned [Q]R3-1-O.

There are no applicable general or specific plans that contain a definite statement of policies and objectives applicable to condominium conversion projects like the proposed project.

The project is compatible with the Wilshire Community Plan which encourages projects that:

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

Policy 1-1.2: Promote neighborhood preservation in all stable residential neighborhoods.

Program: With the implementation of the Wilshire Community Plan, all discretionary actions, Specific Plans, and any community and neighborhood residential projects must be consistent with Wilshire Community Plan recommendations.

The project will provide much needed new home ownership opportunities in the Wilshire Community Plan area in the form of existing quality housing. Therefore, as conditioned, the proposed subdivision map is substantially consistent with the applicable general and specific plans.

- (c) THE PROPOSED CONDOMINIUM CONVERSION DOES NOT CONTAIN ANY VIOLATIONS OF CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE (LAMC) THAT HAVE NOT BEEN CORRECTED OR AN ADEQUATE PLAN TO CORRECT SUCH VIOLATIONS HAS BEEN DEVELOPED OR ACCOMPLISHED. FOR PURPOSES OF THIS PROVISION, CHAPTER IX OF THE LAMC MEANS THE CODE IN EFFECT WHEN THE BUILDING PERMIT WAS ISSUED AND OTHER SUBSEQUENTLY ENACTED REGULATIONS EXPLICITLY MADE APPLICABLE TO EXISTING STRUCTURES.

The existing complex contains one unpermitted unit found ineligible in area requirements for conversion into a legal unit. The unit – originally built as a guest room and later illegally converted into a separate unit – will be merged with the existing adjacent apartment as originally intended in the 1949 Certificate of Occupancy. This requirement is reflected in Condition CC-10.

Therefore, as conditioned, the subject property will correct all known violations of Chapter IX of the Los Angeles Municipal Code.

- (d) THE BUILDING PROPOSED FOR CONVERSION IS NOT OF UNREINFORCED MASONRY FOR WHICH THE BUILDING PERMIT WAS ISSUED PRIOR TO OCTOBER 1, 1933, NOR IS IT MORE THAN THREE STORIES IN HEIGHT WITHOUT AN ELEVATOR.

The building permit for the subject buildings was issued in 1936 and thus are not of unreinforced masonry. The structures are not more than three stories in height.

- (e) THE VACANCY RATE OF THE PLANNING AREA IN WHICH THE PROPERTY IS LOCATED IS GREATER THAN 5 PERCENT. AS CONDITIONED, THE PROPOSED CONVERSION PROJECT WILL NOT HAVE A SIGNIFICANT CUMULATIVE EFFECT ON THE RENTAL HOUSING MARKET IN THE PLANNING AREA IN WHICH THE PROPOSED PROJECT IS LOCATED.

Section 12.95.2-F,6 of the LAMC reads in pertinent part: “After considering the following criteria, the Advisory Agency may approve a tentative map or preliminary parcel map for a residential conversion project, unless it makes both of the following findings: (1) the vacancy rate of the planning area in which the property is located is five percent or less, and (2) the cumulative effect on the rental housing

market in the planning area of successive residential... conversion projects (past, present and future) is significant.” In determining whether there is a significant cumulative effect, the section requires the Advisory Agency to consider the following criteria: (a) the number of tenants who are willing and able to purchase a unit in the building; (b) the number of units in the existing building prior to conversion; (c) the number of units which will be eliminated in case conversion occurred in order to satisfy Municipal Code parking requirements; (d) the adequacy of the relocation assistance plan proposed by the subdivider; and (e) any other factors pertinent to the determination.

Consistent with the requirements of Los Angeles Municipal Code (LAMC) Section 12.95.2-F,6, the Advisory Agency considered the criteria enumerated in this subsection.

The Department of City Planning reports that the multi-family vacancy rate of the Wilshire Community Plan is 6.0%, greater than 5%. The vacancy rate was calculated using November 2015 data, less than one year old for the application filed on June 9, 2016.

The project does not have a significant cumulative effect on the rental housing market. No other recent condominium conversions have occurred within a 500-foot radius of the project site. The existing apartments were designated as a historic-cultural monument (HCM) on November 25, 2015, after the applicant legally complied with the Ellis Act demolition requirements for tenant eviction and relocation. A tenant information chart and tenant list were submitted for 9 units at the time of filing, all of which are vacant. Consequently, the project does not contain qualified tenants who are willing and able to purchase a unit.

The apartment complex has eight (8) legal units and one (1) unpermitted unit found ineligible in area requirements for conversion into a legal unit, thus the number of units in the existing building has not been reduced by Municipal Code parking requirements in the condominium conversion process. In accordance with LAMC Section 12.21 A.4(x)(2), the project does not require additional parking beyond existing parking, as shown on the certified parking plan dated June 6, 2016. The unpermitted unit – originally built as a guest room and later illegally converted into a separate unit – will be merged with the existing adjacent apartment as originally intended in the 1949 Certificate of Occupancy.

The Housing and Community Investment Department (HCIDLA) issued two letters on June 13, 2016 stating that all units are exempt from the Rent Stabilization Ordinance effective for 2016. The exemption is based upon the Notice of Intent to Withdraw Units from Rental Housing Use filed with HCIDLA on February 5, 2015. The application for Vesting Tentative Tract No. 74328 was filed on June 9, 2016. Thus, the 60-Day Notice of Condominium Conversion mailing was not performed by the applicant due to all units being vacant 60 days before filing. Therefore, the project is in conformance with the written notice requirements stipulated in Section 66452.18 of the Subdivision Map Act and Los Angeles Municipal Code Section 12.95.5 D.3.

Therefore, as conditioned, the proposed conversion will not have a significant cumulative effect on the rental housing market in the Wilshire Community Plan area. The Advisory Agency has determined that it cannot make the findings set forth in Section 12.95.2-F,6, and therefore, the condominium conversion may be approved.

- (f) **THE OFF-STREET RESIDENT PARKING SPACES AND GUEST PARKING SPACES REQUIRED FOR THE PROPOSED CONDOMINIUM CONVERSION ARE REASONABLE AND FEASIBLE AND SUBSTANTIALLY CONSISTENT WITH THE PURPOSES OF THE LAMC.**

The two existing apartment buildings, cumulatively containing 8 units and 1 unpermitted dwelling unit, were designated as a historic-cultural monument (HCM) on November 25, 2015. Due to the physical limitation of the lot and the existing building, the number of parking spaces cannot be increased without major physical modification of the project, thus compromising the integrity of the HCM. In consideration of the HCM on the project site, the Advisory Agency policy requiring 2 parking spaces per unit was waived by the Deputy Advisory Agency. Pursuant to LAMC 12.21 A.4(x)(2), the 12 existing parking spaces – which have standard dimensions – for the structure shall be maintained as shown on certified parking plan dated June 6, 2016. The project does not require additional automobile or bicycle parking spaces. Therefore, as conditioned, the proposed condominium conversion is consistent with the intent and purposes of the LAMC.