

FINDINGS

As Amended by the City Planning Commission on June 28, 2018

FINDINGS OF FACT (CEQA)

The proposed Project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impacts, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. A Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program (ENV-2012-3536-MND and recirculated as ENV-2012-3536-MND-REC1), was prepared for the proposed project in compliance with CEQA. The MND identified several mitigation measures that are regulations or ordinances that projects must adhere to as Regulatory Compliance Measures (RCM). Those mitigation measures, now RCMs, are not included as Environmental Conditions:

Mitigation Measure	Regulatory Compliance Measure (RCM)
Cultural Resources V-20, 30, 40	RC-CR-2, 3, 4
Geology and Soils VI-10, 70	RC-GEO-1, 4
Hazards and Hazardous Materials VIII-20	RC-HAZ-2, 3
Hydrology and Water Quality IX-10, 20, 120	RC-WQ-2, 3, 4, 6
Public Services XIV-10, 60	RC-PS-1, 2
Recreation XV-10	RC-PS-2
Utilities and Service Systems XVII-10, 20, 30, 40, 90, 100	RC-WS-1, 2, 3, 4

A complete list of Regulatory Compliance Measures are provided in the Mitigation Monitoring Program (MMP) for the project.

ENV-2012-3536-MND-REC1 received several comments from the public during the publication period of the MND, prior to the public hearing (held December 10, 2014) and up to March 13, 2014. The comments addressed the following environmental issues: potential impact of dewatering related to the Project, cumulative impacts of multiple projects, parking, traffic, visual character and preservation of views, the applicability of local and regional land use plans, stormwater and flooding, and vapor intrusion. The complete Response to Comments and supporting documentation and technical studies (appendices) are included as part of Case No. ENV-2012-3536-MND-REC1. The following provides a brief discussion of the major environmental issues identified by public comment, the responses provided in the Response to Comments, technical reports and assessments, and explanation provided in MND and Initial Study:

Dewatering. Several comments raised the issue of dewatering at the Project Site and potential impact of the groundwater contaminant plume associated with the former Del Rey Cleaners site (310 Culver) as well as the impact on the Ballona Wetlands. A Dewatering Report (prepared by Citadel Environmental Services, Inc., March 10, 2015) reported current groundwater conditions to determine the presence of volatile organic compounds (VOCs); the soil borings showed no VOCs were reported by the laboratory above the method detection limit. The findings further recommended a reduction in the dewatering volume and a subsurface vertical barrier around the Project site to treat migrating contaminants. In addition, TerraCosta Consulting Group provided a supplemental investigation of the potential impact of dewatering on the Ballona Wetlands. Based

on a hydrogeological model reflecting the cross section of the vicinity, TerraCosta determined the groundwater conditions within the wetlands and the Ballona and Silverado aquifers are not significantly interconnected and are a separate system; the supplemental study determined that dewatering related to the Project would have no impact on the groundwater table at the wetlands. As discussed in the MND and Response to Comments, the Project is subject to Local, County, Regional, and Federal requirements regarding water quality.

Cumulative Impact. Several comments state that the applicant owns three properties in the general area (200 Culver, 220 Culver, and the Project Site), and as such, any Environmental Analysis should consider the development of all three sites. As indicated by the Applicant's representative, no development project has been proposed for 200 and 220 Culver.

Parking. The comments addressed the potential shortage of parking due, however, the Project provides a total of 123 vehicle parking spaces. The Project complies with LAMC Section 12.22 A.25 (d), Affordable Housing Incentive - Density Bonus, which allows for reduced parking for the residential dwelling units.

Traffic. Several comments addressed the potential traffic impacts associated with the Project as well as the traffic study prepared for the Project. A traffic impact analysis was prepared by Hirsch Green Transportation Consulting, Inc., which was review by LADOT and as part of the Environmental Analysis. As stated in the MND, LADOT has determined that although the Project will result in an increase in new trips, the Project will not have significant impacts and are subject to LADOT requirements.

Visual Character and Views. Several comments have stated that the proposed height and massing of the Project would result in potential visual impacts. The Project would develop a four-story mixed-use structure on a vacant lot. Although the zone and Density Bonus Incentive for height allows for a maximum height of 56 feet, portions of the structure fronting Trolley Place (Pacific Avenue) are limited to a maximum height of 25 feet (within 50 feet of the R1-zoned lot). As discussed in the MND and Initial Study, the project would not substantially obstruct public ocean views (Figure IV-1) nor will it have a specific adverse impact upon public health and safety or the physical environment. As conditioned, the Project is limited to a maximum height of 48 feet.

Local and Regional Plans. Multiple comments addressed the applicability of the Los Angeles Regional Interpretative Guidelines and the Del Rey Lagoon Specific Plan, specifically the height limits identified in each of the plans. Both documents are considered in the review of the project, neither document supersedes or further restricts the height determined by the [Q]C4-1VL zone. The Regional Interpretative Guidelines (October 14, 1980) are guidelines that assist but "in no case supersede the provisions of the Coastal Act nor enlarge or diminish the powers or authority of the Commission or other public agencies." The Del Rey Lagoon Specific Plan was adopted in concept by the City Council on March 16, 1982; the document is not an adopted Specific Plan Ordinance, but a policy document. The [Q]C4-1VL zone was established by Ordinance 175,981 as part of the Westchester-Playa del Rey Community Plan Update (2004); the Project Site is within Subarea 130 which does not impose separate restrictions on height. During the update of the Community Plan, the height limits called out in the proposed Del Rey Lagoon Specific Plan were not captured or included as [Q] Conditions in the zone change ordinance. However, in addition to the local and regional plans, the Project is also subject to the policies of Chapter 3 of the Coastal Act. New development should be visually compatible with the existing area. As conditioned and discussed in this Determination, the Project is determined to comply with the local and regional plans as well as the policies of the Coastal Act.

Stormwater and Flooding. The comments addressed the increased potential for flooding in the Project area and the proposed subterranean parking levels. The Preliminary Stormwater Analysis (prepared by Kimley Horn and Associates, Inc, December 9, 2014) indicates that the finished floor of the proposed structure, accessways and driveways would be elevated approximately 15 inches above the curb and gutter flow line. As such potential flooding due to the 50 year storm event was found to be negligible; the project is located outside of the 100 year storm event flood zone. In addition the Preliminary Assessment found that incorporating a rain water harvesting system satisfies the City's LID requirement and reduces potential for flooding in the area.

Vapor Intrusion. The comments addressed the potential for contaminated soil beneath the former De Rey Cleaners Site (310 Culver) to impact the project site. However, based on the Soil-Vapor Survey Report (prepared by Environmental Engineering and Contracting, November 11, 2011), testing of soil borings on multiple locations of the site showed that volatile organic compounds (VOCs) were not present in levels above laboratory detection limits and therefore, there would be no significant impact.

In addition to the Master Responses, the record for ENV-2012-3536-MND-REC1 also includes responses to each of the comment letters received for the project. As discussed above, all of these issues have been sufficiently addressed by the MND and the Response to Comments included in the Record and are subject to the standards, requirements, and mitigation measures outlined in each category of the MND. Therefore, there is no substantial evidence that the proposed Project will have a specific adverse impact on the physical environment, on public health and safety, and on property listed in the California Register of Historic Resources.

Pursuant to CEQA Guideline 15074.1, the new mitigation measure (adopted as a technical modification) will avoid or reduce impact to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than the original measure circulated for comment because Mitigation Measure IX-10 has been revised to clarify that a permanent dewatering system is not required for the project and dewatering activity is limited to the excavation and construction phase of the project. The mitigation measure further reflects the clarification and explanation provided in the dewatering report (Citadel Environmental Services Inc, 2015) and response to comments received for the MND. As discussed in the dewatering report, a reduction in the dewatering volume and the installation of an engineered barrier during dewatering activity will have a less than significant impact on groundwater conditions.

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval herein), there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Tentative Tract No. 70786-REV, 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 project site is located in the Westchester – Playa del Rey Community Plan area. The General Plan designates the subject site as General Commercial, which allows for retail, service stations, office uses, restaurants, auto repair uses and multiple-family residential uses; the project site is zoned [Q]C4-1VL. The General Plan designation of General Commercial corresponds to the C4 zone, which also allows for R4 uses. The subject site, comprised of eight lots, is currently vacant and has a gross lot area of 50,327 square feet (1.16 acres) and net area of 41,223 square feet (0.95 acres). The subject site is located in proximity to an R1-1 zoned lot; the residential lot is one of two lots in the right-of-way (Trolley Place, aka Pacific Avenue) that is owned by the City of Los Angeles. Although they are technically lots, they have been developed as part of the roadway. Based on the square footage of the subject parcel, the maximum density allowed by right is 103 dwelling units.

The proposed tentative tract map for the Reversion to Acreage does not involve a zone change. The Applicant is proposing to develop a 72-unit mixed-use building with 7,507 square feet of commercial floor area for a total project size of approximately 79,493 square feet. The Applicant is also requesting for the vacation and merger of portions of right-of-way along Culver Boulevard, Trolley Place, Vista Del Mar, and Vista Del Mar Lane (alley). Per revised tentative tract map stamp-dated April 17, 2017, the applicant proposes to merge 10 feet of public street right-of-way along Culver Boulevard, approximately 5 feet along Vista Del Mar, and the entire Vista Del Mar Lane within the tract boundary. Merger of a portion of Trolley Place has been revised to include only a variable width portion near the corner with Vista Del Mar in excess of a 20-foot right-of-way. The proposed Reversion to Acreage will result in the total of one lot and no further subdivision.

The Westchester – Playa del Rey Community Plan does not contain a definite statement of policies and objectives explicitly applicable to Reversion to Acreage. The proposed Reversion to Acreage will be in conformance with the Los Angeles Mobility Plan 2035, an Element of the Los Angeles General Plan, in that proposed sidewalk and roadway will observe the street standards outlined in the Mobility Plan. Therefore, as conditioned, the proposed tentative tract map is consistent with the intent and purpose of the applicable General Plan.

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

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 and 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 adopted Westchester – Playa del Rey Community Plan designates the subject property for General Commercial land use with the corresponding zones of CR, C1.5, C2, C4, and P. The property contains approximately 41,223 net square feet after dedications

and is presently zoned [Q]C4-1VL. The proposed Reversion to Acreage for the mixed-use development and vacation of excess right-of-way is allowed under the current adopted zone and the land use designation.

The Bureau of Engineering has reviewed the proposed Reversion to Acreage and determined that there are existing sewers available in the streets adjoining the subdivision. The tract will connect to the public sewer system and will not result in violation of the California Water Code. Per conditions of approval, the subdivider is required to make dedications and improvements on Culver Boulevard, Trolley Place, and Vista Del Mar in order to meet current street standards. Therefore, as conditioned, the proposed tentative tract map is consistent with the intent and purpose of the applicable General Plan.

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

The General Plan designates the subject site as General Commercial, which allows for retail, service stations, office uses, restaurants, auto repair uses and multiple-family residential uses; the project site is zoned [Q]C4-1VL. The General Plan designation of General Commercial corresponds to the C4 zone, which also allows for R4 uses. The subject site, comprised of eight lots, is currently vacant and has a gross lot area of 50,327 square feet and net area of 41,223 square feet. The subject property is located in the Liquefaction zone, Methane zone, Special Grading Area, and Tsunami Inundation zone.

The proposed Reversion to Acreage will revert eight existing vacant parcels into one lot, for the development of a 72-unit mix-used building with 7,507 square feet of commercial floor area (Case No. DIR-2012-3537-CDP-DB-SPR-MEL). The project has been conditioned so that prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division (Log #98104). The tract map was circulated to various City departments and agencies for their review and recommendations. Their comments are incorporated into the project's conditions of approval. Therefore as conditioned, the site is physically suitable for the proposed Reversion to Acreage.

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

The subject site is zoned [Q]C4-1VL which allows a maximum of 103 units on the 41,223 square-foot site (this represents the net lot area). The applicant has requested for concurrent entitlement (DIR-2012-3537-CDP-DB-SPR-MEL) to allow the construction, use, and maintenance of a 4-story mixed-use building with 7,507 square feet of commercial floor area. The proposed structure will not utilize the maximum density allowed on the site and will provide a total of 72 dwelling units. Therefore, as conditioned, the site is physically suitable for the proposed density.

(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 Mitigated Negative Declaration (ENV-2012-3536-MND-REC1) prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as plant life or animal life are concerned. According to a Biological Resources Assessment prepared by Cooper Ecological Monitoring INC, dated September 17, 2012, wildlife activity was observed to be very low and did not exhibit features of any special status habitats. Two sensitive plant communities are listed for the Venice quadrangle (USGS) by CNDDDB, Southern Dune Scrub and Southern Coastal Salt Marsh, however, the habitat at the project site itself is reported as being highly disturbed and not recognizable as a plant community. The project site itself contains little suitable habitat for wildlife, and the perimeter of the Site is largely occupied by residential and commercial urban development. No sensitive plant or wildlife species would be expected to occur on the project site. Furthermore, the subject property is currently vacant 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 are no apparent health problems that might be caused by the proposed Reversion to Acreage to revert existing vacant lots into one lot. The proposed Reversion to Acreage and subsequent improvements are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements, as mandated by law, would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Bureau of Engineering has reported that there are existing sanitary sewers available in the streets adjoining the subdivision. This development is required to be connected to the City's sewer system where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet State-wide ocean discharge standards. The Bureau of Engineering has reported that the proposed Reversion to Acreage 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.

Several easements exist on the property. During plan check the Department of Building and Safety will review the plans to ensure that the proposed improvements will not encroach on the easements and right-of-way, and thereby cause no conflict.

(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)

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.

- 2) 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.
- 3) The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.
- 4) The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.
- 5) 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.

(i) **DEDICATIONS OR OFFERS OF DEDICATION TO BE VACATED OR ABANDONED BY THE REVERSION TO ACREAGE ARE UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC PURPOSES. (Section 66499.16)**

Proposed Reversion to Acreage includes reverting eight existing vacant parcels and vacation of excess right-of-ways. The Applicant proposes to dedicate approximately 83 square feet of land at the intersection of Culver Boulevard and Trolley Place. Approximately 11,329 square-foot of land are proposed to be vacated along Culver Boulevard, Vista Del Mar, and Vista Del Mar Lane (alley westerly of Vista Del Mar).

The revised tentative tract map stamp dated April 17, 2017 is proposing to merge 10 feet of public street right-of-way along Culver Boulevard (Local Street), approximately 5 feet along Vista Del Mar (Modified Avenue III), and the entire Vista Del Mar Lane (alley westerly of Vista Del Mar) within the tract boundary. Merger of a portion of Trolley Place (alley) has been revised to include only a variable width portion near the corner with Vista Del Mar in excess of a 20-foot right-of-way.

The Bureau of Engineering has examined the revised tentative tract map and determined that most of the requested merger areas along Culver Boulevard and Trolley Place appear to be excess right-of-way, however portions of the excess right-of-way are being used for public sidewalk purposes. Per conditions of approval, the applicant is required to reconstruct new curbs, gutters and sidewalks to provide for new concrete sidewalks within the new right-of-way limits based on City Street Standards, which will result in a narrowing of the existing roadways. The Department of Transportation in its letter to the Department of City Planning dated August 10, 2017(DOT Case CTC 08-058) recommended narrowing the existing roadways along Culver Boulevard and Trolley Place, and provided recommendations to reflect new street standards based on Mobility 2035. Therefore, the Bureau of Engineering does not object to these mergers.

Mobility 2035 created a modified standard for Vista Del Mar, which calls for no dedication and did not set a new right-of-way or roadway width. The Bureau of Engineering recommends that the proposed merger of 5-feet along Vista Del Mar as shown on the Tentative Tract Map stamp dated April 17, 2017 be denied.

The Advisory Agency hereby finds that the dedications to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.

(j) ALL OWNERS OF AN INTEREST IN THE REAL PROPERTY WITHIN THE SUBDIVISION HAVE CONSENTED TO REVERSION. (Section 66499.16)

The owner of the subject property is the tentative tract map applicant for the purpose of Reversion to Acreage.