

FINDINGS OF FACT

The Deputy Advisory Agency determined that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file under Case No. ENV-2019-4137-CE, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32, In-fill Development), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 82420-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 WILL BE/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 Community Plans establish 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 project site is located within the Wilshire Community Plan, which designates the site with a Medium Residential land use designation. The land use designation lists the R3 as the corresponding zones. The Project Site is zoned R3-1-O, which is consistent with the land use designation. The project site has approximately 35,055 net square feet of lot area, which would permit a maximum of 43 dwelling units. The revised tract map stamped-dated December 6, 2019 is for a maximum of 37 residential dwelling units, which is within the maximum permitted density for an approximately 35,055 net square-foot lot in the R3 Zone.

Pursuant to LAMC Section 17.06 B. A, a Vesting Tentative Tract Map must be prepared by or under the direction of a licensed land surveyor or registered civil engineer. The tract map was prepared by Mohammad Ali Ghiassi, Registered Professional Engineer with the State of California (No. 36479). The tract map contains information regarding the boundaries of the project site, as well as the abutting public rights-of-way, hillside contours for hillside properties, location of existing buildings, existing and proposed dedication, and improvements of the tract map. The Vesting Tentative Tract Map indicates the map 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.

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

For purposes of a subdivision, design and improvement is defined by Section 66418 and

66419 of the Subdivision Map Act and LAMC Section 17.02. Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to Section 66427(a) of the Subdivision Map Act, the location of the buildings is not considered as part of the approval or disapproval of the map by the Advisory Agency. Easements and/or access and "improvements" refers to the infrastructure facilities serving the subdivision. 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 indicated 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-O, the zone would permit a maximum of 43 dwellings on the approximately 35,055 net square-foot site. As the map is proposed for the merger of five lots into one lot and the re-subdivision for condominium purposes for a maximum of 37 condominium units, it is consistent with the density permitted by the zone.

During the public hearing, the representative requested the deletion or clarification of Condition No. 3.d under the Department of Building and Safety, Zoning Division. The condition requires that a 15-foot front yard setback be provided along Colgate Avenue as required in the R3-1-O Zone. As explained by the representative, Permit No. 18010-10000-02245 was issued by the Department of Building and Safety (LADBS) for the construction of a four-story apartment building with 37 dwelling units. The required yards were provided in accordance with the LADBS Zoning Manual, 4th Edition, Figure 39 relating to the discussion of Section 12.21 C.1(e) Front Yard, Original Frontage. At the close of the public hearing, the Advisory Agency held the case under advisement to investigate the representative's request related to this particular condition. Upon further review of the LADBS Zoning Manual, 4th Edition, discussion related to the Section 12.21 C.1(e), the Advisory Agency has determined that the discussion is only applicable in the instance that individual lots are tied together to be utilized as one building site. The discussion provides different scenarios for how lots can be combined and tied together through an affidavit and how the required yard setbacks should be provided. In each of the different scenarios, the setbacks that are required to be provided are consistent with those required by the underlying zone for the individual lots and would allow for a uniform alignment from the street with other lots located on the same street frontage.

As an apartment building which maintained the original five legal lots, the front and side yard setbacks were appropriately provided along Hamel Road and Colgate Avenue, respectively, consistent with Option 1 as shown in the LADBS Zoning Manual. However, the approved tract map would consolidate the five individual parcels into one lot once the map is recorded, thus eliminating the need for the consideration of the original yard designations of the individual lots. As one individual lot after the recordation of the final map, LADBS identified that a 15-foot front yard should be provided along Colgate Avenue based on the definition of a Front Lot Line pursuant to LAMC Section 12.03 or an approval should be obtained from the Department of City Planning. Section 12.03 provides the following definition, *emphasis added*:

Lot Line, Front. In the case of an interior lot, the line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, *except in those cases where the latest tract deed restrictions specify another line as the front lot line.*

As the narrowest street frontage would be along Colgate Avenue after the recordation of the map, the southern property line along Colgate Avenue would be designated as the

Front Lot Line and the eastern property line along Hamel Street would be designated as a Side Lot Line. The western and northern property lines would then be designated as a Side and Rear Lot Line, respectively. However, as noted in the definition, the tract may specify a different Front Lot Line through a tract deed restriction. In approving a tract map, the Advisory Agency must review the design of the map, which as defined under the Subdivision Map Act and LAMC Section 17.02 includes lot configuration. The configuration of a lot and the designation of lot lines greatly informs the built environment, buildable area, and uniformity along the street frontage. When taking into consideration the existing development along Hamel Road and Colgate Avenue, the Advisory Agency finds it is appropriate to maintain the easterly property line along Hamel Road as the Front Lot Line and Colgate Avenue as the Side Lot Line in order to maintain a uniform alignment along the two street frontages. The westerly and northerly property lines would remain designated as Side and Rear Lot Lines, respectively. In response to the recommended condition from LADBS, Condition No. 12.b under the Department of City Planning – Site Specific Conditions was added to specifically designate the easterly property line along Hamel Road as the Front Lot Line and the southern property line along Colgate Avenue as the Side Lot Line.

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 Bureau of Engineering has recommended a 15-foot radius or 10-foot by 10-foot property line cut corners be dedicated at the intersections of Hamel Road and Colgate Avenue adjoining the tract, consistent with the standards of the Mobility Element. In addition, the Bureau of Engineering has recommended the construction of the necessary on-site mainline sewers and all necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 1990. The Bureau of Street Lighting has not required any new street lights if there is no street widening per Bureau of Engineering improvement conditions. Otherwise, a relocation of and upgrade of one (1) street light is required on Hamel Road. As conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General Plan.

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

The project site consists of five contiguous lots totaling approximately 35,116 gross square feet (0.81 acres) in area. The site has approximately 292.9 feet of frontage along the westerly side of Hamel Road and approximately 130.06 feet of frontage along the northerly side of Colgate Avenue. The site was previously developed with five (5) separate two-story multi-family residential buildings which have been demolished for the construction of the project. The proposed project is currently under construction. The project site is located 2.17 km (1.34 miles) from the Hollywood Fault, but is not located within the Alquist-Priolo Fault Zone. The site is not located within a designated hillside area or within the BOE Special Grading Area. The site is not located within a Very High Fire Hazard Severity zone, flood zone, landslide, or tsunami inundation zone. The site is located within a Methane Zone and Liquefaction Zone and will be required to comply with all applicable regulations as it pertains to development within both zones. Prior to the issuance of any permits, the project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. The site is not identified as having hazardous waste or past remediation. The site is not subject to the Specific Plan for the Management of Flood Hazards.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. The subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Geology and Soils Report Approval dated April 24, 2018, Log No. 102826. Therefore, the site will be physically suitable for the proposed type of development.

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

The adjacent property to the north is zoned [Q]R4-1-O and is developed with a four-story multi-family residential apartment building. The adjacent properties to the east and west are zoned R3-1-O and developed with two to four-story multi-family residential apartment buildings. The adjacent property to the south across Colgate Avenue is zoned R1-1-O and developed with a one-story single-family dwelling to the south.

The project site has a land use designation of Medium Residential and is zoned R3-1-O. The project site, which comprises five contiguous lots, consists of approximately 35,116 gross square feet of lot area and is currently undergoing construction of the project. At the request of the Advisory Agency at the public hearing, the subdivider submitted the complete records related to the removal of rent stabilized units (RSO) from the market as approved by the Housing and Community Investment Department. The project proposes to construct two detached, four-story multi-family buildings with 37 condominium units at a maximum height of 45 feet on a 35,055 net square-foot site. As proposed, the density and height is consistent with the zone and land use designation, which would permit a maximum of 43 dwelling units and a height of 45 feet. Additionally, prior to the issuance of a demolition, grading, or building permit, the project would be required to comply with conditions herein and applicable requirements of the LAMC. As conditioned the proposed tract map is physically suitable for the proposed density of the development.

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

The surrounding area is presently developed with residential structures. Per the arborist report dated September 9, 2019, issued by Leonard Markowitz #WE 0342, PCA# 070070, five previously existing non-protected on-site trees were removed (one of each of the following trees: Carrotwood, Orchid, Laurel Fig, Sweet Gum, Yucca.) One Carob street tree located along Colgate Avenue had fallen on April 10, 2019 due to its poor health and wind occurrences. The street tree was cleared by Bureau of Street Services under Service Request # 1-1328709871 and will be replaced pursuant to Urban Forestry Division standards. Additionally, two existing street trees (one Carob and one Carrotwood) are located in the public right-of-way along Colgate Avenue and will be removed and replaced at a ratio of 2:1 pursuant to Urban Forestry Division standards. During the public hearing, members of the public provided comments related to the removal of the street trees. Removal of trees located within the public right-of-way requires the review and approval from the Bureau of Street Services, Urban Forestry Division. As discussed, the removal of street trees has been reviewed and approved by the Urban Forestry Division, including the situation related to the fallen tree. As conditioned herein, the subdivider is required to obtain the necessary permits from the Urban Forestry Division and the Board of Public Works and replace the removed street trees at a ratio of 2:1.

Neither the project site nor the surrounding area provides a natural habitat for fish or wildlife. Any demolition, grading, and construction will be conducted per the requirements of the Los Angeles Municipal Code and associated permits needed to perform such work. These permits restrict work hours and mitigate noise pollution.

- (f) THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS 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. The development is required to be connected 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 OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

As required by LAMC Section 12.03, the project site has a minimum of 20 feet of frontage along Hamel Road and Colgate Avenue, which are public streets. The project site consists of Lots No. 72 to 76 of Tract 7616 and is identified by the Assessor Parcel Nos. 4334-015-010 to -014. There are no known easements acquired by the public at large for access through or use of the property within the proposed subdivision, as identified on the tract map.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION SHALL 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 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 Vesting Tentative Tract No. 82420-CN.