

VESTING TENTATIVE TRACT NO. 74454-CN (stamped map dated October 27, 2016)

HEARING DATE: MARCH 23, 2017

PLANNING DEPARTMENT STAFF REPORT

PURSUANT TO ORDINANCE 164,845, IF A CERTIFICATE OF POSTING HAS NOT BEEN SUBMITTED BEFORE THE DATE OF THE PUBLIC HEARING, IT MUST BE PRESENTED AT THE HEARING, OR THE CASE MUST BE CONTINUED.

REQUEST

The applicant requests a Vesting Tentative Tract Map of a one-lot subdivision for the construction of a five-story, 37,756-square-foot, mixed-use project consisting of 24 residential condominiums and a ground floor commercial condominium. A total of 60 vehicle parking spaces will be provided. The subdivision request is on a 0.48 net acre (21,004 net square feet) site, zoned C2-1 and designated for Neighborhood Office Commercial uses in the Wilshire Community Plan. The subject property is also located in Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan. The subject site address is 646-654 North Virgil Avenue and 3966-3976 West Melrose Avenue. The applicant requests a haul route approval as part of the Vesting Tentative Tract Map.

APPLICANT

Virgil Melrose LP

REPRESENTATIVE

Jeffrey Farrington

RELEVANT CASES

ON-SITE:

DIR-2015-4274-SPP – Pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.7 C, a Project Permit Compliance Review for the demolition of an existing one-story commercial building; and the construction, use and maintenance of a new five-story, mixed-use building that contains 24 dwelling units and 1,721 square feet of commercial/retail space, that will be 49 feet, 9 inches in height with a total floor area of 37,756 square feet within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan.

OFF-SITE:

There are no previous or existing cases relevant to this subdivision.

PUBLIC RESPONSES

No letters have been received from the public.

GENERAL COMMENTS

The subject property is an upsloping, rectangular-shaped, corner parcel of land, consisting of four contiguous lots fronting approximately 150 feet on the east side of Virgil Avenue and 140 feet on the south side of Melrose Avenue with a total lot area of 21,004 net square feet. Virgil Avenue is designated as an Avenue II by the Mobility Plan 2035, with a designated right-of-way width of 86 feet and roadway width of 56 feet. Melrose Avenue is designated as an Avenue III with a right-of-way width of 72 feet and roadway width of 46 feet.

The subject site is currently developed with a one-story commercial building that was constructed in 1932, and an associated parking lot. The site is not found to be a potential historic resource according to the City's HistoricPlacesLA or SurveyLA. A certified arborist report, prepared by Bardez Landscape Services, Inc. and dated August 20, 2016, confirmed that the site has two (2) non-protected trees – a Mexican fan palm tree and a pomegranate tree, both of which will be removed as part of the proposed project.

Properties to the north are zoned C2-1D and RD1.5-1 and improved with an office, surface parking lots, retail and commercial stores, and multi-family residential buildings. Properties to the east are zoned R3-1 and improved with multi-family residential uses. Properties to the south are zoned C2-1 and improved with single- and multi-family residential uses. Properties to the west are zoned C2-1 and improved with a smog station and an auto repair shop.

The applicant is requesting approval of a one-lot subdivision consisting of a 1,721-square-foot ground floor commercial condominium unit and 24 residential condominium units on levels two through five. A Project Permit Compliance was obtained under Case No. DIR-2015-4274-SPP for the demolition of an existing one-story commercial building; and the construction, use and maintenance of a new five-story, mixed-use building that contains 24 dwelling units and 1,721 square feet of commercial/retail space. The building height will be 49 feet, 9 inches with a total floor area of 37,756 square feet within Subarea B of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan.

The SNAP requires a minimum of one and one-half (1.5) and a maximum of two (2) automobile parking spaces per dwelling unit containing more than three habitable rooms; and a minimum of one-quarter (0.25) space and a maximum of one-half (0.5) guest parking spaces per dwelling unit. The SNAP also requires two (2) parking spaces for each 1,000 square feet of combined floor area of non-residential uses, which is to be shared with guest parking spaces for residential uses in mixed-use projects.

The applicant proposes 24 dwelling units with more than three habitable rooms each, which requires a minimum of 36 spaces for the dwelling units and six (6) guest parking spaces; and a maximum of 48 spaces for the dwelling units and 12 guest parking spaces. The applicant proposes a total of 48 parking spaces for the dwelling units and 12 shared spaces for guests and the commercial use, thereby satisfying the requirements set forth in the Specific Plan. The proposed building will have a two-level parking garage on first and second levels that is partially below grade due to the topography of the site. There will be an ingress/egress driveway into the first level of the garage along Virgil Avenue and an ingress/egress driveway into the second level of the garage along Melrose Avenue.

REPORTS RECEIVED

BUREAU OF ENGINEERING: Reports that the Tract Map layout is satisfactory as submitted and recommends approval subject to conditions pertaining to dedications and improvements along Virgil Avenue and Melrose Avenue in a memo dated February 15, 2017. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION: Tentatively approves subject to conditions stated in the memo dated April 19, 2016. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION: Will issued a clearance letter stating that no Building and Zoning Code violations exist on the subject site once the items identified in the memo dated November 7, 2016 have been satisfied. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

DEPARTMENT OF TRANSPORTATION: No comments were available at the writing of the staff report.

FIRE DEPARTMENT: Recommends that the plot plans be submitted for Fire Department review and approval prior to recordation of Tract Map Action. Recommends that the project be subject to conditions stated in the memo dated January 5, 2017. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

LOS ANGELES UNIFIED SCHOOL DISTRICT: No comments were available at the writing of the staff report.

DEPARTMENT OF WATER AND POWER: No comments were available at the writing of the staff report.

BUREAU OF STREET LIGHTING: Recommends that the project be subject to conditions stated in the memo dated November 30, 2016. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

BUREAU OF SANITATION: Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structures or potential maintenance problem, as stated in the memo dated November 8, 2016.

DEPARTMENT OF RECREATION AND PARKS: No comments were available at the writing of the staff report.

ENVIRONMENTAL CLEARANCE

The proposed project was issued Categorical Exemption No. ENV-2016-3410-CE on October 28, 2016.

STAFF RECOMMENDATIONS

The Planning Department staff recommends approval of Vesting Tentative Tract No. 74454-CN in conjunction with the approval of Case No. DIR-2015-4274-SPP.

Prepared by:



Nuri Cho
City Planning Associate

Note: Recommendation does not constitute a decision. Changes may be made by the Advisory Agency at the time of the public hearing.

DRAFT TENTATIVE TRACT REPORT WITH CONDITIONS

In accordance with provisions of Section 17.03 of the Los Angeles Municipal Code (LAMC), the Advisory Agency approved Vesting Tentative Tract No. 74454-CN composed of one (1) lot located at 646-654 North Virgil Avenue and 3966-3976 West Melrose Avenue for a maximum of 24 residential condominiums and one ground floor commercial condominium as shown on map stamp-dated October 27, 2016 in the Wilshire Community Plan and Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan. This unit density is based on the Subarea B designation within the SNAP, which allows residential uses permitted in the R3 Zone and commercial uses permitted in the C1.5 Zone. The Advisory Agency also approves a haul route for the export of approximately 3,808 cubic yards of earth materials. 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

1. A six-foot and variable width strip of land shall be dedicated Melrose Avenue adjoining the tract to complete 36-foot wide half right-of-way in accordance with Avenue III of LA Mobility Plan. In addition, a 20-foot radius property line return or a 15-foot by 15-foot property line cut corner be dedicated at the intersection with Virgil Avenue.
2. A three-foot wide strip of land shall be dedicated along Virgil Avenue adjoining the tract to complete a 43-foot wide half right-of-way in accordance with Avenue II of the LA Mobility Plan.
3. The Subdivider shall make a request to the Central District Office of the Bureau of Engineering to determine the capacity of the existing sewer in the area.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

4. 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, with all the requirements and conditions contained in Geology and Soils Report Approval Letter dated April 19, 2016 Log No. 91341-01 and attached to the case file for Tract No. 74454.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

5. 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. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots

without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.

- b. Provide a copy of DIR case DIR-2015-4274-SPP. Show compliance with all the conditions/requirements of the DIR case(s) as applicable.
- c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be rechecked 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:

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.

Backup space for parking space with less than 26 feet, 8 inches shall provide sufficient parking stall width and garage door opening width to comply with the current Zoning Code requirement.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Eric Wong at (213) 482-6876 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

- 6. The project shall be subject to any recommendations from the Department of Transportation.

FIRE DEPARTMENT

- 7. 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. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
- b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- c. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- d. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- e. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the 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. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; 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.
- f. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- g. Site plans shall include all overhead utility lines adjacent to the site.
- h. Any roof elevation changes in excess of three feet may require the installation of ships ladders.
- i. 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) 482-6909. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF WATER AND POWER

8. 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 No. S-1.(c).)

BUREAU OF SANITATION

9. 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).).

INFORMATION TECHNOLOGY AGENCY

10. To assure that cable television facilities will be installed in the same manner as other required improvements, the applicant shall email cabletv.ita@lacity.org, which 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.

DEPARTMENT OF RECREATION AND PARKS

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

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

12. 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. Limit the proposed development to a maximum of 24 residential condominium units and one (1) commercial condominium unit.
 - b. Vehicle parking for the residential condominium units shall be provided consistent with Section 8.E of the Vermont/Western Station Neighborhood Area Plan. Based on 24 residential condominium units and a commercial condominium unit proposed, the applicant shall provide a minimum of 42 automobile parking spaces, of which 36 spaces shall be designated for residential uses and six (6) spaces shall be shared between residential guest parking and commercial uses. In no event shall the automobile parking spaces exceed a maximum of 60 spaces, of which 48 spaces shall be designated for residential uses and 12 spaces shall be shared between residential guest parking and commercial uses.

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.

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.

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 N. Figueroa Street, 4th Floor).

- c. **Note to City Zoning Engineer and Plan Check.** The Advisory Agency has approved the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site.

Not Applicable

- d. That prior to issuance of a certificate of occupancy, a minimum 6-foot-high decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
- e. The applicant shall install an air filtration system(s) to reduce the effects of diminished air quality on occupants of the project.
- e. A solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- f. The subdivider shall 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.
- g. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
- h. 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 \$25,000. 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.

13. Prior to the issuance of the building permit or the recordation of the final map, a copy of the Director's Determination Letter for Case No. DIR-2015-4274-SPP shall be submitted to the satisfaction of the Advisory Agency.

14. Prior to the issuance of a building permit, grading permit and the recordation of the final tract map, the subdivider shall record and execute a Covenant and Agreement to comply with the Vermont/Western Station Neighborhood Area Plan Specific Plan.
15. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:
 - a. Streets to be used are limited to Melrose Avenue and Vermont Avenue.
 - b. Hours of operation shall be from 7:00 a.m. to 3:00 p.m.
 - c. Days of the week shall be Monday through Friday.
 - d. Total truck trips per day shall be 30.
 - e. Duration of hauling shall be nine days.
 - f. Trucks shall be restricted to 10-wheel dump trucks or smaller for streets with a width of 25 feet or less. Eighteen-wheel dump trucks are permitted on streets with a width greater than 25 feet. **There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets.**
 - g. The Emergency Operations Division, Specialized Enforcement Section of the Los Angeles Police Department shall be notified prior to the start of hauling (213) 486-0777.
 - h. Streets shall be cleaned of spilled materials at the termination of each work day.
 - i. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
 - j. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - k. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
 - l. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - m. All trucks are to be watered at the job site to prevent excessive blowing dirt.
 - n. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
 - o. The applicant shall be in conformance with the State of California,

Department of Transportation, policy regarding movements of reducible loads.

- p. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
- q. A Truck Crossing warning sign shall be placed 300 feet in advance of the exit in each direction.
- r. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of Work Area Traffic Control Handbook.
- s. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified 72 hours prior to beginning operations in order to have temporary No Parking signs posted along the route.
- t. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting Street Services Investigation and Enforcement Division at (213) 847-6000 before the change takes place.
- u. The permittee shall notify Street Services Investigation and Enforcement Division, (213) 847-6000, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.
- v. A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central Los Angeles District Engineering Office, 201 N. Figueroa Street, Land Development Section, Suite 1150, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling (213) 202-3495.

OR

A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Valley District Engineering Office, 6262 Van Nuys Blvd, Suite 251, Van Nuys CA, 91401. Further information regarding the bond may be obtained by calling (818) 374-5082.

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:

1. 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.
 2. 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, the following statement shall appear on the plan and be recorded as a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:
- a. The planting and irrigation system shall be completed by the developer/builder prior to the close of escrow of 50 percent of the units of the project or phase.
 - b. Sixty days after landscape and irrigation installation, the landscape professional shall submit to the homeowners/property owners association a Certificate of Substantial Completion (Sec. 12.40 G LAMC.)
 - c. The developer/builder shall maintain the landscaping and irrigation for 60 days after completion of the landscape and irrigation installation.
 - d. The developer/builder shall guarantee all trees and irrigation for a period of six months and all other plants for a period of 60 days after landscape and irrigation installation.
- C-4 In order to expedite the development, the applicant may apply for a building permit for an apartment/commercial building. However, prior to issuance of a building permit for apartments/commercial 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. (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 Los Angeles Municipal Code (LAMC).
- (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 one-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 one-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 one-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 1990.
- 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 S-3 (i) on Street C. Otherwise relocate and upgrade two lights on Melrose Avenue and one light on Virgil Avenue.

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 Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a. Improve Melrose Avenue being dedicated and adjoining the Subdivision by the construction of a full-width concrete sidewalk with tree wells or a five-foot concrete sidewalk and landscaping of the parkway including any necessary removal and reconstruction of existing improvements.
 - b. Improve Virgil Avenue being dedicated and adjoining the tract by construction of an additional concrete sidewalk within the newly dedicated area to complete a full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.

NOTES:

The Advisory Agency approval is for the maximum number of units permitted under the tract action. However, the existing or proposed zoning may not permit this number of units.

This vesting map does not constitute approval of any variations from the Los Angeles Municipal Code (LAMC), 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 LAMC.

The final map must be recorded 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)

DETERMINED based on the whole of the administrative record the Project is exempt from CEQA pursuant to CEQA Statutes and Guidelines Article III, 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.

There are six (6) exceptions to the Class 32 Urban Infill Categorical Exemption which must be considered in order to find a project exempt under CEQA:

- (a) LOCATION. CLASSES 3, 4, 5, 6, AND 11 ARE QUALIFIED BY CONSIDERATION OF WHERE THE PROJECT IS TO BE LOCATED – A PROJECT THAT IS ORDINARILY INSIGNIFICANT IN ITS IMPACT ON THE ENVIRONMENT MAY IN A PARTICULARLY SENSITIVE ENVIRONMENT BE SIGNIFICANT. THEREFORE, THESE CLASSES ARE CONSIDERED TO APPLY ALL INSTANCES, EXCEPT WHERE THE PROJECT MAY IMPACT ON AN ENVIRONMENTAL RESOURCE OF HAZARDOUS OR CRITICAL CONCERN WHERE DESIGNATED, PRECISELY MAPPED, AND OFFICIALLY ADOPTED PURSUANT TO LAW BY FEDERAL, STATE, OR LOCAL AGENCIES.

The proposed project is exempt per Class 32 of the CEQA Guidelines and therefore is not subject to this exception.

- b) CUMULATIVE IMPACT. ALL EXEMPTIONS FOR THESE CLASSES ARE INAPPLICABLE WHEN THE CUMULATIVE IMPACT OF SUCCESSIVE PROJECTS OF THE SAME TYPE IN THE SAME PLACE, OVER TIME IS SIGNIFICANT.

The immediate surrounding properties are not expected to have multiple successive projects of similar scale and type as the proposed project. Furthermore, the project site is located within the Wilshire Community Plan, which was adopted with the vision and framework by which the City's physical and economic resources are to be managed and utilized over time. The Community Plan further refines the General Plan and is intended to promote an arrangement of land uses, streets and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community. The proposed project is consistent with the Wilshire Community Plan and its zoning and land use designation. Thus, the project is not anticipated to result in a significant cumulative impact for successive projects of the same type in the same place over time.

- c) SIGNIFICANT EFFECT. A CATEGORICAL EXEMPTION SHALL NOT BE USED FOR AN ACTIVITY WHERE THERE IS A REASONABLE POSSIBILITY THAT THE ACTIVITY WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT DUE TO UNUSUAL CIRCUMSTANCES.

The project proposes to construct a mixed-use building in an area zoned and designated for such development. All neighboring properties are developed with commercial and residential developments, and the proposed project is not unusual for the vicinity of the subject site. Furthermore, as discussed in the justification section for the Class 32 Categorical Exemption below, the applicant submitted a Phase I Environmental Site Assessment and an Air Quality Analysis, which both identified that the project site would not have a significant impact on the environment. Furthermore, the site is not located in any hazardous areas such as an Alquist-Priolo Fault, Landslide, Liquefaction, Flood, or Methane Zones. Thus, this exception does not apply to the project.

- d) SCENIC HIGHWAYS. A CATEGORICAL EXEMPTION SHALL NOT BE USED FOR A PROJECT WHICH MAY RESULT IN DAMAGE TO SCENIC RESOURCES, INCLUDING BUT NOT LIMITED TO, TREES, HISTORIC BUILDINGS, ROCK OUTCROPPINGS, OR SIMILAR RESOURCES, WITHIN A HIGHWAY OFFICIALLY DESIGNATED AS A STATE SCENIC HIGHWAY. THIS DOES NOT APPLY TO IMPROVEMENTS WHICH ARE REQUIRED AS MITIGATION BY AN ADOPTED NEGATIVE DECLARATION OR CERTIFIED EIR.

This exception applies when the project may affect a State Scenic Highway, not a local scenic highway. There are no designated State Scenic Highways within the City of Los Angeles. Therefore, this exception does not apply.

- e) **HAZARDOUS WASTE SITES.** A CATEGORICAL EXEMPTION SHALL NOT BE USED FOR A PROJECT LOCATED ON A SITE WHICH IS INCLUDED ON ANY LIST COMPILED PURSUANT TO SECTION 65962.5 OF THE GOVERNMENT CODE.

A Phase I Environmental Site Assessment (ESA) was prepared for the subject property by A/E West Consultants Inc. on October 20, 2015. Based on site observations, interviews, and review of available documents and database records search, including local, state, and federal database records, regarding the subject property and surrounding properties, A/E West concluded that no Historical Recognized Environmental Conditions (HRECs), Recognized Environmental Conditions (RECs), or Controlled Recognized Environmental Conditions (CRECs) were identified at the subject site. However, two Business Environmental Risks (BERs) were identified. A/E West recommends that an Asbestos Operations and Maintenance (O&M) Program be developed for and implemented at the subject property and that prior to any demolition of the property, asbestos containing materials (ACMs) and lead-based paint be identified, as well as appropriate disposal methods, prior to removal from the site. No additional investigation was warranted at the time of the ESA.

The project is required to comply with the City of Los Angeles Building Code and Fire Code for the asbestos abatement and obtain a building permit and a fire permit. Furthermore, pursuant to California Health and Safety Code Section 19827.5, a demolition permit cannot be issued by the City or the Department of Building and Safety, which is authorized to issue demolition permits, except upon the receipt of an evidence of asbestos notification to the Environmental Protection Agency or its designee. Any evidence of notification of asbestos removal or disturbance to the South Coast Air Quality Management District (SCAQMD) is considered to be in compliance with the Health and Safety Code. Therefore, the project site is not considered as a hazardous waste site and therefore, this exception does not apply to this project.

- f) **HISTORICAL RESOURCES.** A CATEGORICAL EXEMPTION SHALL NOT BE USED FOR A PROJECT WHICH MAY CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE.

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. In addition, the site was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA. Thus, this exception does not apply.

The proposed project is an in-fill development that meets the following conditions:

- 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 subject property is zoned C2-1 and designated for Neighborhood Office Commercial land uses by the Wilshire Community Plan. The project site is located within Subarea B of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan, which permits uses in the R3 Zone and limits commercial uses to those permitted in the C1.5 Zone. The R3 zone permits 800 square feet of lot area per dwelling unit, permitting up to 26 dwelling units on a 21,004-square-foot site. The proposed mixed-use project containing 24 residential condominium units and a 1,721-square-foot ground floor condominium unit is within the density permitted by the Specific Plan.

- b) THE PROPOSED DEVELOPMENT OCCURS WITHIN CITY LIMITS ON A PROJECT SITE OF NO MORE THAN FIVE ACRES SUBSTANTIALLY SURROUNDED BY URBAN USES:

The subject property is located in a highly urbanized and developed neighborhood, approximately 2.5 miles to the northwest of Downtown Los Angeles and 1.3 miles to the north of Wilshire Regional Center. The subject property consists of four contiguous parcels containing approximately 21,004 square feet of net lot area, which is well below the five-acre threshold. The site is substantially surrounded by urban uses: properties to the north are zoned C1-1D and RD1.5-1XL and developed with commercial and multi-family residential buildings; properties to the east are zoned R3-1 and developed with multi-family residential buildings; properties to the west are zoned C2-1 and developed with a gas station and auto repair shop; and properties to the south are zoned C2-1, R3-1, and R2-1 and developed with single- and multi-family residential buildings. As such, the proposed project is located on a less than five acre site within the City of Los Angeles, surrounded by urban uses.

- c) THE PROJECT SITE HAS NO VALUE AS HABITAT FOR ENDANGERED, RARE OR THREATENED SPECIES:

The project site is located within a highly urbanized and developed neighborhood of the Wilshire Community Plan area. This area has a range of low- to medium-density residential and commercial developments along major transportation corridors, including Melrose Avenue which is designated as an Avenue III with a right-of-way width of 72 feet and Virgil Avenue which is designated as an Avenue II with a right-of-way width of 86 feet per the Mobility Plan. Furthermore, the project site is currently improved with a one-story building that is occupied by a restaurant and a surface parking lot. As such, the project site does not have any 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:

Traffic

The project site is currently developed with a restaurant and an associated parking lot. The proposed project would result in a net increase of 24 residential condominium units on the site and 1,721 square feet of commercial condominium unit. Based upon the existing mobility and circulation networks in direct proximity to

the project site, the introduction of the proposed project to the community will not result in traffic impacts. The project will generate well under 500 daily trips, which is the established CEQA threshold per the Los Angeles CEQA Thresholds Guide 2006.

Furthermore, the project site is located in a Transit Priority Area, which is defined as an area within one-half mile of a major transit stop that is existing or planned. Section 21064.3 of the Public Resources Code (PRC) defines a “major transit stop” as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. For purposes of Section 21099 of the PRC, a transit priority area also includes major transit stops in the City of Los Angeles that are scheduled to be completed within the planning horizon of the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS). As such, the location of the site in close proximity to a major transit stop would help in reducing any potential impacts related to traffic.

Noise

The proposed project is required to comply with the adopted City of Los Angeles Noise Ordinance No. 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. This Ordinance covers both operational noise levels post construction and any construction noise impacts. In addition, pursuant to LAMC Section 41.40, construction activities which make loud noises to the disturbances of persons occupying sleeping quarters in any dwelling, hotel, or apartment or other places of residences are not allowed between the hours of 9 p.m. and 7 a.m. LAMC Section 41.40(c) also prohibits construction activities, except for emergency repairs, within 500 feet of land occupied with residential buildings between 6 p.m. and 8 a.m. on Saturday or any national holiday, or at any time on Sunday. As a result of the mandatory compliance with the City's noise regulations, the proposed project is not expected to result in any significant noise impacts.

Air Quality

An Air Quality Analysis was prepared for the proposed development by Terry A. Hayes Associates Inc. on March 30, 2016. Construction emissions would be generated by heavy-duty construction equipment and through vehicle trips generated by hauling trucks and construction works traveling to and from the project site. In addition, fugitive dust emissions would primarily result from site preparation, demolition, and excavation activities. It is mandatory for all construction projects in the South Coast Air Basin area to comply with South Coast Air Quality Management District (SCAQMD) Rule 403 for Fugitive Dust. Rule 403 control requirements include measures to prevent the generation of visible dust plumes. Measures include, but are not limited to, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system or other control measures to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas.

According to the Air Quality Analysis, compliance with Rule 403 would reduce regional PM_{2.5} and PM₁₀ emissions associated with construction activities by approximately 61 percent. Furthermore, the analysis of construction emissions was performed in accordance with guidance established by the SCAQMD for assessing regional and localized air quality impacts. Regional emissions include on-site (e.g., equipment exhaust and fugitive dust) and off-site (e.g., haul truck emissions) sources while localized emissions only include on-site sources of emissions. According to the Air Quality Analysis, both regional and localized emissions would not exceed the SCAQMD significance thresholds, and therefore, the proposed project is expected to result in a less than significant impact related to construction emissions.

Water Quality

Three general sources of potential short-term construction-related stormwater pollution associated with the proposed project are: 1) the handling, storage, and disposal of construction materials containing pollutants; 2) the maintenance and operation of construction equipment; and 3) earth moving activities which, when not controlled, may generate soil erosion and transportation via storm runoff or mechanical equipment. Generally, routine safety precautions for handling and storing construction materials may effectively mitigate the potential pollution of stormwater by these materials.

Poorly maintained vehicles and heavy equipment leaking fuel, oil, antifreeze or other fluids on the construction site are also common sources of stormwater pollution and soil contamination. Vehicular activities associated with the proposed project could also have the potential to contribute metals, oil and grease, solvents, phosphates, hydrocarbons, and suspended solids to the storm drain system. However, the applicant is required to implement all applicable and mandatory Best Management Practices in accordance with the City's Low Impact Development (LID) Ordinance and Standard Urban Stormwater Mitigation Plan (SUSMP) and the City of Los Angeles Stormwater Management Program.

e) **THE SITE CAN BE ADEQUATELY SERVED BY ALL REQUIRED UTILITIES AND PUBLIC SERVICES:**

According to the Phase I Environmental Site Assessment prepared by A/E West Consultants Inc on October 20, 2015, storm drain and sanitary sewer services are provided by the City of Los Angeles. Water and electric services are provided by the Los Angeles Department of Water and Power (LADWP). Electric service is supplied via pole-mounted transformers installed along Melrose Avenue. Natural gas service is provided by the Southern California Gas Company, and trash disposal is provided by Republic Disposal Services, with a refuse area adjoining the parking lot. Surface drainage at the improved parcel is sloped to the adjoining street, ultimately draining to the municipal storm drain system.

The project site is also served by the Los Angeles Fire Department Station 6 of the Central Bureau, Los Angeles Police Department Rampart Division of the Central Bureau, Los Angeles Public Library, and Los Angeles Unified School District. As

such, the site is currently adequately served by all of the City's required utilities and public services, and the proposed project is not anticipated to create any impacts on existing utilities and public services.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 74454-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 Wilshire Community Plan designates the subject property for Neighborhood Office Commercial land use with corresponding zones of C1, C1.5, C2, C4, P, CR, RAS3, and RAS4. The subject has a net lot area of 0.48 acres (21,004 square feet) and is zoned C2-1. The applicant requests a Vesting Tentative Map for a one-lot subdivision with 24 residential condominium units and a ground floor commercial condominium unit, which is consistent with the Zoning classification and land use designation.

The subject property is approved for a Project Permit Compliance within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan area under Case No. DIR-2015-4274-SPP. The proposed vesting tentative map and development are consistent with all provisions contained in the Specific Plan, including use, height, floor area, open space, automobile and bicycle parking, yards, and development standards.

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

The Bureau of Engineering (BOE) has reviewed the proposed subdivision and found the subdivision layout generally satisfactory. As a condition of approval, BOE is requiring a six-foot and variable width strip of land be dedicated Melrose Avenue adjoining the tract to complete a 36-foot wide half right-of-way in accordance with Avenue III requirements of the Mobility Plan. In addition, BOE is requiring a 20-foot radius property line return or a 15-foot by 15-foot property line cut corner be dedicated at the intersection with Virgil Avenue, and a three-foot wide strip of land be dedicated along Virgil Avenue adjoining the tract to complete a 43-foot wide half right-of-way in accordance with Avenue II of the LA Mobility Plan. The applicant is also required to improve Melrose Avenue being dedicated and adjoining the Subdivision by the construction of a full-width concrete sidewalk with tree wells or a five-foot concrete sidewalk and landscaping of the parkway including any necessary removal and reconstruction of existing improvements; and improve Virgil Avenue being dedicated and adjoining the tract by construction of an additional concrete sidewalk within the newly dedicated area to complete a full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements. The proposed subdivision was also reviewed by the Department of Building and Safety. The applicant is required to comply with all of the conditions

contained in Geology and Soils Report Approval Letter dated April 19, 2016 Log No. 91341-01. Their recommendations for approval are incorporated into the tract map's conditions of approval. Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the applicable General Plan.

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

The site is not located in a slope stability area, high erosion hazard area, or a fault-rupture study area. 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 Grading Division of the Department of Building and Safety reviewed the proposed subdivision and approved the Vesting Tentative Tract Map for the construction of a five-story, mixed-use building with a two-level parking garage that is partly below grade, subject to all requirements and conditions contained in the Geology and Soils Report Approval Letter dated April 19, 2016 Log No. 91341-01 and attached to the case file for Tract No. 74454. The requirements and conditions listed in the Approval Letter are conditioned herein for the Vesting Tentative Tract Map approval. Therefore, as conditioned, the site is physically suitable for the proposed type of development as approved and conditioned by the Grading Division of the Department of Building and Safety.

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

The subject property is a slightly upsloping, rectangular-shaped, corner parcel of land, consisting of four contiguous lots fronting approximately 150 feet on the east side of Virgil Avenue and 140 feet on the south side of Melrose Avenue with a total lot area of 21,004 net square feet. Virgil Avenue is designated as an Avenue II by the Mobility Plan 2035 with a designated right-of-way width of 86 feet and roadway width of 56 feet. Melrose Avenue is designated as Avenue III with a right-of-way width of 72 feet and roadway width of 46 feet.

The subject site is zoned C2-1 and designated for Neighborhood Office Commercial land uses in the Wilshire Community Plan. The subject site is located within Subarea B (Mixed Use Boulevards) of the Vermont/Western SNAP, which allows the residential density permitted in the R3 Zone of 800 square feet of lot area per dwelling unit. The 21,004-square-foot property is permitted a maximum density of 26 dwelling units. The SNAP allows a maximum height of 50 feet and a 2:1 floor area ratio (FAR) for a mixed-use project, of which commercial uses are limited to a 1.5:1 FAR.

The proposed development is a five-story, mixed-use building containing 24 residential condominium units and a 1,721-square-foot ground floor commercial condominium unit. The proposed building will be 49 feet, 9 inches in height with a total floor area of 37,756 square feet and a FAR of 1.8:1.

Properties to the north are zoned C2-1D and RD1.5-1 and improved with an office, surface parking lots, retail and commercial stores, and multi-family residential buildings. Properties to the east are zoned R3-1 and improved with multi-family residential uses. Properties to the south are zoned C2-1 and improved with single- and multi-family residential uses. Properties to the east are zoned C2-1 and improved with a smog station and an auto repair shop.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone. The Department of Building and Safety, Grading Division, reviewed the soils report for the Vesting Tract Map and approved the map subject to requirements and conditions contained in the Geology and Soils Report Approval Letter dated April 19, 2016 Log No. 91341-01 and included as Conditions of Approval in this Determination Letter. Therefore, based on its location and size, the proposed 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.

The Deputy Advisory Agency finds that the project is exempt from CEQA pursuant to CEQA Statutes and Guidelines Article III, 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, as justified in the Findings of Fact (CEQA) Section.

- (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.

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 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.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.

- (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.

These findings shall apply to both the tentative and final maps for Tract No. 74454-CN.

VINCENT P. BERTONI, AICP
Advisory Agency

KEVIN GOLDEN
Deputy Advisory Agency

VPB:KG:NC

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 City 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

Forms are also available on-line at <http://cityplanning.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 90th day following the date on which the City's decision becomes final.

