REQUEST

This is a request for the approval of a tentative tract map for a 4-story, 6-unit residential condominium with 15 subterranean parking spaces, on an approximately 0.147 net acre (6,408 net square feet) site, zoned [Q] R3-1-O and designated for Medium Residential uses in the Wilshire Community Plan. The subject site address is 907-909 South Shenandoah Street.

SITE ADDRESS

907 – 909 South Shenandoah Street Los Angeles, CA 90035

APPLICANT/REPRESENTATIVE

Applicant: 907 Shenandoah Investment LLC.
560 S. Los Angeles St. #4, Los Angeles, CA 90013 (213) 817-4000

Representative: DHS & Associates LLC.
275 Centennial Way, St. #205, Tustin, CA 92780 (714) 665 - 6569

RELEVANT CASES

ON-SITE:

CPC-1989-146-ZC:
On April 18, 1991, the City Planning Commission (CPC) approved a zone change to permit development in the R-3 zone with density at one dwelling unit for each 1,200 square feet of lot area for area generally bounded by the City of Beverly Hills on the north, Robertson Boulevard on the west, Pico Boulevard on the south, and La Cienega Boulevard on the east.

ORDINANCE NO.167336:
On October 2, 1991, the City Council adopted Ordinance No. 167336 with conditions set forth permitting residential uses at a density not to exceed one dwelling unit per 1,200 square feet of lot area for residential area generally bounded by City of Beverly Hills on the north, Robertson Boulevard on the west, Pico Boulevard on the south, and La Cienega Boulevard on the east. (Condition No. 9)

OFF-SITE:

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

Comments were received in regards to environmental issues due to the location of the project in a methane zone, liquefaction zone, and an oil drilling district. On August 22, 2012, the Department of Building and Safety, Grading Division, stamped the tentative map and did not require a geological and soils report. The environmental assessment ENV-2014-2723-MND requires compliance with the Mitigation Monitoring Program and all Regulatory Mitigation Measures, one of which is Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone), as well as other regulatory compliance measures. For a project that is situated within a methane zone, prior to the issuance of a building permit, the site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the project applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate site design level which will prevent or retard potential methane gas seepage into the building. The applicant shall implement the engineer’s design recommendations subject to DOGGR, LADBS, and LAFD plan review and approval.

One comment was received from the general public in regards to high level of construction noises that take place from Monday to Saturday beginning at 7 am at the subject property. Demolition permits were issued on May 8, 2014 for previously existing apartment building and detached garage. New building permit for a 4-story 6-unit apartment building with basement garage was issued on June 16, 2014. At the writing of the staff report, construction is currently underway and previous structures have been demolished. The applicant is advised to respond about construction related noise impacts during current construction activities at the public hearing.

GENERAL COMMENTS

The project site is located on a level, rectangular-shaped lot having a frontage of 50 feet on the north side facing South Shenandoah Street, a designated local street dedicated to a width of 60 feet. The subject lot has a uniform depth of 128 feet to the east and west. Existing topography for the site is relatively flat. The site is designated Medium Residential in the Wilshire Community Plan and is zoned [Q] R3-1-O.

The subject site was previously developed with a two-story apartment building and one detached 3-car garage. Demolition permits were issued on May 8, 2014 for both the apartment building and detached garage. New building permit for a 4-story 6-unit apartment building with basement garage was issued on June 16, 2014. At the writing of the staff report, construction for the new 6-units apartment building is currently underway. Previously existing unprotected lemon tree has been removed from site.

To the north and south of the property are existing 2-story multi-family buildings. In the west is an existing 4-story apartment building. To the east side across Shenandoah Street is an existing 2-story multi-family dwelling. Surrounding properties are primarily improved with multi-family residential dwellings and zoned [Q] R4-1-O, [Q] R3-1-O and [Q] C2-1-O.
Approximately 4,000 cubic yards of dirt were exported from the site through construction and demolition activities. The subject site is located in a liquefaction zone, a methane zone, and is approximately 1.69 kilometers from the Newport Inglewood Fault Zone. The property is located within an "O" oil drilling district.

The applicant is providing 15 subterranean parking spaces of which 12 will be used for tenants and 3 for guests. This conforms to the Advisory Agency’s parking policy that requires 2 resident parking spaces per unit, plus ¼ guest parking spaces per unit.

The project engineer has certified that the subject site is not located in a flood hazard, special hazard, hillside, or mud-prone area. The applicant provided a certified arborist report certifying that there are no protected trees on site.

A permanent "Q" qualified condition imposed on the property limits density to one dwelling unit per 1,200 square feet of lot area. The qualified condition for the parcel limits maximum density to 5 units per Ordinance No. 167336 adopted on October 2nd, 1991. Another Ordinance (No. 167335) was adopted the exact same day by the Los Angeles City Council under the same Council File No. 91-0813. Both ordinances were adopted on the same day; therefore, the most restrictive provisions affecting the subject site prevail.

The current construction of a 6-unit apartment building does not conform to the allowed density pursuant to Ordinance No. 167336, therefore the project is inconsistent with existing zone and land use regulations in the Wilshire Community Plan. It appears that City Agencies signed-off the building permit in error. Consequently, the applicant will be required to meet the allowed density or obtain approval for the 6th unit from the Department of City Planning.

REPORTS RECEIVED

BUREAU OF ENGINEERING: In a memo dated September 15, 2014, BOE reports that the Tract Map layout is satisfactory as submitted and recommends approval.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION: A clearance letter will be issued stating that no Building and Zoning Code violations exist on the subject site once the items identified in the memo dated June 22, 2015 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: No comments were available at the writing of the staff report.

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

BUREAU OF SANITATION: No comments were available at the writing of the staff report.

ENVIRONMENTAL CLEARANCE


The applicant must comply with the Mitigation Monitoring Program (MMP) prepared for approved ENV-2014-2723-MND prior to the issuance of the final Letter of Decision. The MMP includes the mitigation measure monitors and phases of the development (pre-construction, construction, pre-operation, operation).

The Project Applicant shall be responsible for implementing all mitigation measures, unless otherwise noted, and shall be obligated to provide documentation concerning implementation of the listed mitigation measures to the appropriate monitoring agency and the appropriate enforcement agency.

The MMP performance shall be monitored annually to determine the effectiveness of the measures implemented in any given year and reevaluate the mitigation needs for the upcoming year.

TENANTS

There are no existing tenants on site as construction is currently taking place.

STAFF RECOMMENDATIONS

The Planning Department staff recommends disapproval of Tentative Tract No. TT-71983-CN as filed. However, in the event the Advisory Agency approves the project, it will be subject to the standard conditions and the additional conditions as outlined in the Draft Letter of Decision.

Prepared by:
Iris Wan
Planning Assistant

Note: Recommendation does not constitute a decision. Changes may be made by the Advisory Agency at the time of the public hearing.
In accordance with provisions of Section 17.03 of the Los Angeles Municipal Code (LAMC), the Advisory Agency approved Mitigated Negative Declaration ENV-2014-2723-MND as the environmental clearance for the subject action, and approved Tentative Tract No. 71983-CN composed of one-lot, located at 907-909 South Shenandoah Street for a maximum of 6-unit residential condominium as shown on map stamp-dated July 22, 2014 in the Wilshire Community Plan. This unit density is based on the R3 Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applied to this particular property.) 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**

Note: No conditions were received from the Bureau of Engineering at the writing of the staff report. On a memo dated September 15, 2014, the Bureau of Engineering did not recommend any conditions of approval and reported that the tract map as submitted is satisfactory. The Bureau of Engineering recommends approval of the map, subject to standard conditions issued by the Department of City Planning.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

1. **That 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 prior to obtaining the Zoning clearance.

   b. Show compliance with the [Q] conditions as applicable or Department of
City Planning approval is required. The [Q] condition restricts the density on the site to 1,200 SF of lot area per dwelling unit.

c. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. “Area” requirements shall be re-checked as per net lot area after street dedication. Front yard requirements shall be required to comply with current code as measured from new property lines after dedication.

Notes:

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

Any proposed structures or uses on the site have not been checked for and shall comply with Building and Zoning Code requirements. Plan check will be required to show compliance with all codes before any construction, occupancy or change of use.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

2 That the project be subject to any recommendations from the Department of Transportation.

FIRE DEPARTMENT

3 That 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.

DEPARTMENT OF WATER AND POWER

4 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.
BUREAU OF SANITATION

5 Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. 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.

DEPARTMENT OF RECREATION AND PARKS

6 That the Quimby fee be based on the R3 Zone.

INFORMATION TECHNOLOGY AGENCY

7 That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the Los Angeles Municipal Code Section 17.05N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 N. Main Street, Room 1255, Los Angeles, CA 90012, (213) 978-0856.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

8 Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated tree expert as designated by LAMC Ordinance No. 177,404, for approval by the City Planning Department and the Urban Forestry Division of the Bureau of Street Services.

A minimum of two trees (a minimum of 48 inch box in size if available) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 177,404, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the Advisory Agency. Note: All protected tree removals must be approved by the Board of Public Works. Contact: Urban Forestry Division at: 213-847-3077.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

9 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 5 residential condominium units.

OR
Obtain approval from the Department of City Planning to allow 6 condominium units on the subject site.

b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus ¼ guest parking spaces per dwelling. 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 of the site.

Not Applicable

d. The applicant shall install an air filtration system(s) to reduce the effects of diminished air quality on occupants of the project.

e. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

f. That the subdivider 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. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
10 That the subdivider shall record and execute a Covenant and Agreement to comply with [Q] Condition(s) per Ordinance No. 167336 adopted on October 2, 1991.

**Note:** The applicant shall obtain approval from the Department of City Planning to allow the 6th condominium unit.

**DEPARTMENT OF CITY PLANNING - ENVIRONMENTAL MITIGATION MEASURES**

11 That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 12 and 13 of the Tract’s approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction and maintenance) to ensure continued implementation of the above mentioned mitigation items.

12 Prior to the recordation of the final map, the subdivider will 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:

**MM-1.** All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect in accordance with LAMC Sections 12.40 and 12.41. The final landscape plan shall be reviewed and approved by the City of Los Angeles Department of City Planning during the building permit process.

**MM-2.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.

**MM-3.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

**MM-4.** Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.

**MM-5.** All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-
protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

MM-6. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.

MM-7. Construction of a 6-unit condominium building does not conform to the allowed density per the Qualified Condition imposed on the subject property per Ordinance No. 167336 adopted on October 2nd, 1991. The applicant will be required to meet the allowed density or obtain approval from the Department of City Planning.

13 **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or 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:

**Air Quality**

CM-1 All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

CM-2 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.

CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

CM-5 All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

CM-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
Noise

CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

CM-8 Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.

CM-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-11 The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

Grading

CM-12 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.

CM-13 Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These shall shield and bind the soil.

CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

General Construction

CM-15 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
CM-16  Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These shall shield and bind the soil.

CM-17  Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

CM-18  Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

CM-19  Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

CM-20  Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

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 Division of Land 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, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

C-4 In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, 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.

NOTES:

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

A Mitigated Negative Declaration No. ENV-2014-2723-MND was prepared to analyze the potential environmental effects that could result from the construction and operation of the project. The MND identified mitigation measures, monitoring measures when necessary, which would mitigate the negative environmental effects of the project. The mitigation measures are incorporated in the Conditions of Approval for the Tentative Tract Map.

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV2014-2723-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition Nos. 12 and 13 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

Public comments were received in regards to environmental issues due to the location of the project in a methane zone, liquefaction zone, and an oil drilling district. Comments were received in regards to environmental issues due to the location of the project in a methane zone, liquefaction zone, and an oil drilling district. On August 22, 2012, the Department of Building and Safety, Grading Division, did not require a geological and soils report. The environmental assessment requires compliance with the Mitigation Monitoring Program and all Regulatory Mitigation Measures, one of which is Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone).

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 12.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Tentative Tract No. 71983-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 adopted General Plan Land Use Element is made up of 35 Community Plans. The subject project is within the Wilshire Community Plan area. The Wilshire Community Plan Land Use Designation for the subject property is Medium Residential, with the corresponding zone of R-3. This requires at least 800 square
feet of lot area per dwelling unit. On April 18th, 1991, the City Planning Commission approved a zone change to permit development at the R-3 density at one dwelling unit for each 1,200 square feet of lot area for area generally bounded by the City of Beverly Hills on the north, Robertson Boulevard on the west, Pico Boulevard on the south, and La Cienega Boulevard on the east.

On October 2nd, 1991, the City Council adopted Ordinance No. 167336, imposing limitations with permanent "Q" Qualified classification for residential uses in zone [Q] R-3-1-O not to exceed one dwelling unit per 1,200 square feet of lot area. The subject 6,408 net square foot parcel is zoned [Q] R-3-1-O which corresponds with Medium Residential. Based on the square footage of the subject parcel, the maximum density allowed by right is 5 dwelling units. The project as currently developed is not consistent with the permanent "Q" Condition regarding density allowed per dwelling unit. However, as conditioned, the subject action is consistent with the General Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE NOT CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

According to the Bureau of Engineering letter dated September 15, 2014, there is an existing sewer available in the street adjoining the subject property. This tract will connect to the public sewer system and will not result in violation of the California Water Code. The Bureau of Engineering recommends approval subject to standard conditions issued by the Department of City Planning.

The site is level and is located in a liquefaction zone, a methane zone, and an "O" oil drilling district.

The subject property is located in the [Q] R-3-1-O zone, which limits residential uses to one dwelling unit for each 1,200 square feet of lot area. The subject property has a net square footage of 6,408 and the allowed density is 5 dwelling units. Proposed tract map and construction currently taking place for a 6-unit condominium exceeds the density allowed for the subject property.

Therefore, as conditioned, the proposed tract map is not consistent with the intent and purpose of the applicable General and Specific Plans.

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

The lot is 50 feet wide, which meets the 50 foot width required for new lots. It has a net square footage of 6,408 which exceeds the 5,000 square feet required for new lots. There subject site is located on a relatively flat parcel and is located in a liquefaction zone a methane zone, and an "O" oil drilling district.

The Grading Division of the Department of Building and Safety has reviewed the
tentative tract map for the proposed project and deemed the map satisfactory and recommended approval, subject to all requirements and conditions issued by the Department of City Planning. Therefore, as conditioned the site is physically suitable for the proposed type of development.

(d) **THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.**

The subject property was previously developed with a two story apartment building which has already been demolished. Adjacent land uses include a mix of single-family and multiple family dwellings.

The site is zoned [Q] R-3-1-O. This requires at least 1,200 square feet of lot area per dwelling unit. The subject site is approximately 6,408 square feet. Based on the square footage of the subject site, the maximum density allowed by right is 5 dwelling units. The construction of a 6-unit condominium exceeds the density allowed for the subject property. Therefore, the lot is insufficient in size to allow a density of 6 dwelling units.

(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 Initial Study prepared for the project identifies potential adverse impacts on aesthetics, air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation/traffic, utilities and service systems. Mitigation measures are required as part of this approval which will mitigate the above mentioned impacts to a less than significant level.

Any demolition, grading, and construction will be conducted per the requirements of the Los Angeles Municipal Code and any associated permits needed to perform such work. These permits also restrict work hours to mitigate noise pollution.

Furthermore, the project site as well as the surrounding area is presently developed with residential structures 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 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. 71983-CN.

Michael J. LoGrande
Advisory Agency
JOSE CARLOS ROMERO-NAVARRO  
Deputy Advisory Agency  
MJL::JCR:IW:th

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       Marvin Braude San Fernando
201 North Figueroa Street       Valley Constituent Service Center
4th Floor       6262 Van Nuys Boulevard, Room 251
Los Angeles, CA  90012       Van Nuys, CA  91401
(213) 482-7077       (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.