

VESTING TENTATIVE TRACT MAP NO. 82366-CN (stamped map-dated October 4, 2018)

HEARING DATE: February 19, 2019

LOCATION: Marvin Braude Building, First Floor Conference Room, 6262 Van Nuys Boulevard, Van Nuys, CA 91401

## **PLANNING DEPARTMENT STAFF REPORT**

PURSUANT TO ORDINANCE NO. 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**

Case No. ENV-2016-1052-MND-REC1 – The Advisory Agency shall consider, based on the whole of the administrative record, that the project was assessed in Mitigated Negative Declaration No. ENV-2016-1052-MND, adopted on September 22, 2016 by the South Valley Area Planning Commission, effective November 14, 2016, and adopted by the Los Angeles City Council on February 24, 2017; and pursuant to CEQA Guidelines 15162 and 15164, as supported by the Addendum dated February 13, 2019, no major revisions are required to the Mitigated Declaration; and no subsequent EIR or negative declaration is required for approval of the project; and,

Vesting Tentative Tract Map No. 82366-CN - Pursuant to Los Angeles Municipal Code (L.A.M.C.) Section 17.03, a Vesting Tentative Tract Map for the merging of two (2) lots into one (1) lot and the subsequent subdivision of one (1) lot into a new maximum 13-unit residential condominium building.

### **SITE ADDRESS**

18535 West Burbank Boulevard

### **APPLICANT/REPRESENTATIVE**

Applicant: JV Burbank, LLC  
14320 Ventura Boulevard, #610  
Sherman Oaks, CA 91311

Representative: Jody Wood, JW Expedite  
4872 Topanga Canyon Boulevard, #241  
Woodland Hills, CA 91364  
(818) 337-9781

### **RELEVANT CASES**

ON-SITE:

Building Permit No. 16010-20000-00551 – Issued on August 23, 2017, for a new 58'-0" x 122'-0" irregular three-story (13 units) apartment building – Type VA – over one level of open parking garage basement – Type IA per APCSV-2016-1051-ZC-ZAA-BL. Fire sprinkler NFPA13 – See comments.

Case No. APCSV-2016-1051-ZC-ZAA-BL – At its meeting on September 22, 2016, the South

Valley Area Planning Commission took the following actions related to the following project: Removal of an existing surface parking lot and the construction of a new 4-story, 14-unit multi-family apartment structure, 43 feet in height with 20 parking spaces on an approximate 10,729 square-foot lot. On February 24, 2017, the Los Angeles City Council approved Ordinance Nos. 184,780 and 184,781, which removed the existing Building Line and established the Zone Change, respectively.

Case No. ENV-2016-1052-MND – Adopted on September 22, 2016, and effective on November 14, 2016, by the South Valley Area Planning Commission, for the removal of the existing surface parking lot and the construction of a new 14-unit multi-family apartment structure with 20 parking spaces on an approximate 10,729 square-foot lot in the R1-1 Zone in the Encino-Tarzana Community Plan Area. Vehicular and primary pedestrian entry to the project site will be served from Burbank Boulevard. On February 24, 2017, the Los Angeles City Council adopted ENV-2016-1052-MND. The (Q) Condition associated with Ordinance No. 184,781 limited the development to nine (9) residential units.

#### OFF-SITE:

Case No. ZA-2013-0166-ZV – On June 19, 2013, the Zoning Administrator approved a Variance from Section 12.21-A,4(a) granting reduced parking of zero space in lieu of the one parking space otherwise required per dwelling unit with less than three habitable rooms, in conjunction with the proposed conversion of an existing recreation room into a 304 square-foot, 29<sup>th</sup> dwelling unit, located within an existing 28-unit apartment building in the R3-1 Zone Classification, located at 18536-18540 Burbank Boulevard.

Case No. APCSV-2003-6588-ZC-ZV – At its meeting on April 2, 2004, the South Valley Area Planning Commission approved a change of zone from R1 to R3 to allow a 2-story over parking, 10-unit apartment building and a Zone Variance to allow an early start for construction, located at 18525 West Clark Street.

Case No. CPC-2016-2881-GPA-ZC-HD-DB-SPP-SPR – At its meeting of January 26, 2017, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project: The construction, use, and maintenance of a five-story, mixed-use building containing 170 residential dwelling units (including 20 units set aside for Very Low Income Households) and 6,000 square-feet of retail use/restaurant with one (1) at-grade and two (2) subterranean parking levels containing 317 automobile parking spaces.

#### **PUBLIC RESPONSES**

On February 7, 2019, a phone call was received from a nearby resident requesting more information regarding the affordable housing component of this project.

#### **GENERAL COMMENTS**

The subject property is a rectangular 10,729 square-foot parcel, consisting of two contiguously-owned lots, having a frontage of approximately 70 feet along the north side of Burbank Boulevard and a depth of approximately 153 feet. The site is currently developed with a surface-level parking lot with no existing residential, commercial, or industrial structures. According to SurveyLA, the site is not subject to Historic Preservation Review.

The subject property is zoned (T)(Q)R3-1 within the Encino - Tarzana Community Plan Area with a Medium Residential land use designation. The subject site has a maximum height limit of 45

feet and a maximum Floor Area Ratio (FAR) of three (3) to one (1). The R3 Zone permits a maximum residential density of one (1) dwelling unit per 800 square-feet of lot area. However, pursuant to Case No. APCS-2016-1051-ZC-ZAA-BL, the South Valley Area Planning Commission approved a Zoning Administrator's Adjustment to permit relief from the density requirements of the R3 Zone to allow a total of 14 units for the site. The (Q) Conditions were further modified by the Planning and Land Use Management Committee, restricting the number of allowable units on the site to nine (9) units, but does not preclude the use of State Density Bonus procedures. On August 23, 2017, Building Permit No. 16010-20000-00551 was issued to construct a new 58' x 122' three-story, 13-unit residential apartment structure. The Los Angeles Housing Department approved a 35% Density Bonus, restricting one (1) unit for Very Low Income Households, per L.A.M.C. 12.22-A,25. As such, a total of 13 dwelling units are proposed on the subject site.

<b>Decision Maker / Process</b>	South Valley Area Planning Commission	Los Angeles City Council Zone Change/ (Q) Condition	California State Density Bonus (BP 16010-20000-00551)
<b>Date</b>	September 22, 2016	February 24, 2017	August 23, 2017
<b>Units</b>	14	9	13

The applicant is requesting a Vesting Tentative Tract Map for the merging of two (2) lots into one (1) lot, and the subdivision of the single lot into a 13-unit residential condominium building. The proposed condominium building will be three (3) stories with a maximum height of 45 feet per the Los Angeles Municipal Code. The project will provide 20 automobile parking spaces on the basement level, and 13 long-term and 2 short-term bicycle parking spaces, as required per Los Angeles Municipal Code section 12.21-A,16.

Surrounding uses are within the R3-1, P-1L, C2-1, (Q)C1-1L, R1-1L, and (Q)P-1L Zones and are generally developed with multi-family and commercial structures, and surface-level parking. Properties abutting the subject site to the west are zoned R3-1 and are improved with a two-story multi-family structure. Properties abutting the subject site to the east are zoned P-1L and C2-1 and are improved with a surface-level parking lot, serving a mini-shopping center with lease tenants that include a Russian restaurant, pizza restaurant, gym, liquor store, and garden center. Abutting the subject site to the north is an off-ramp for Highway 101 zoned PF-1XL. Properties to the south of the subject site across Burbank Boulevard are zoned R3-1 and (Q)C1-1L and are improved with multi-family residential structures and a mini-shopping center location.

The applicant is requesting a Vesting Tentative Tract Map for the merger of two (2) lots into one (1) lot, and the subdivision of one (1) lot for a new 13-unit residential condominium building. The proposed condominium building will be three (3) stories with a maximum height of 45 feet. The project will provide twenty (20) within one (1) subterranean level.

### **STREETS, CIRCULATION, AND TRANSIT**

West Burbank Boulevard, abutting the subject property to the south, is a designated Avenue II dedicated to a roadway width of 56 feet and Right-of-Way width of 86 feet, and improved with a roadway, curb, gutter, and sidewalk.

Transit is available in proximity to the subject site. Two Metro local bus lines serve the intersection of Burbank Boulevard and Reseda Boulevard. The Metro Orange Rapid Bus Line is approximately ½ mile from the subject site.

**REPORTS RECEIVED**

BUREAU OF ENGINEERING: Reports that the Vesting Tentative Tract Map layout is satisfactory as submitted and recommends approval subject to conditions pertaining to dedications and improvements along Burbank Boulevard in a memo dated November 27, 2018. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION: Recommends that the project be subject to the conditions in the memo dated January 12, 2016. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION: A clearance letter will be issued stating that no Building or Zoning Code violations exist relating to the subdivision on the subject site once the items identified in the memo dated October 23, 2018 have been satisfied. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

DEPARTMENT OF RECREATION AND PARKS: Recommends that the project be subject to conditions stated in the memo dated November 7, 2018. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

DEPARTMENT OF TRANSPORTATION: The Department of Transportation issued a letter for the project, dated November 26, 2018, regarding driveway and parking access. See recommended conditions in the **Draft Tentative Tract Report with Conditions** under department.

FIRE DEPARTMENT: Recommends that the project be subject to conditions stated in the memo dated October 21, 2018. 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: Recommends that the project be subject to the conditions stated in the memo dated November 19, 2018, and that the project may be supplied water through the Water Services Organization (WSO). See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

BUREAU OF STREET LIGHTING: The Bureau of Street Lighting issued a letter for the project, dated October 25, 2018. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

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

BUREAU OF SANITATION: Standard conditions of approval have been included in the **Draft Tentative Tract Report with Conditions** under department.

URBAN FORESTRY: Recommends that the project be subject to the conditions stated in the memo dated October 28, 2018. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

**ENVIRONMENTAL CLEARANCE**

The South Valley Area Planning Commission adopted ENV-2016-1052-MND on September 22, 2016, effective November 14, 2016, in conjunction with the approval of Case No. APCSV-2016-1051-ZC-ZAA-BL, which granted the initial entitlement for a project on the subject site. On February 24, 2017, the Los Angeles City Council approved Ordinance Nos. 184,780 and 184,781, which removed the existing Building Line and established the Zone Change, respectively, and adopted ENV-2016-1052-MND. The (Q) Condition associated with Ordinance No. 184,781 limited the development to nine (9) residential condominium units; however, it did not preclude the use of State Density Bonus provisions. The project as proposed was granted a 35% Density Bonus for 13 units, by reserving one (1) unit for Extremely Low Income households.

On February 13, 2019, the Department of City Planning issued an Addendum, ENV-2016-1052-MND-REC1, for the revised project and the request herein. The previous Mitigated Negative Declaration identified potential impacts regarding Aesthetics, Air Quality, Geology and Soils, Public Services, Transportation/Traffic, and Mandatory Findings of Significance. Conditions were imposed that would mitigate all potential impacts to less than significant levels. The Addendum upholds the previously adopted Mitigated Negative Declaration and finds that, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration No. ENV-2016-1052-MND, adopted by the City Council on February 24, 2017; and pursuant to CEQA Guidelines Section 15162 and 15164, no subsequent EIR, Negative Declaration, or Addendum is required for approval of the project.


**TENANTS**

The subject site is currently improved with a surface-level parking lot; no tenant spaces are currently present.

**STAFF RECOMMENDATIONS**

Department of City Planning staff recommends that Vesting Tentative Tract Map No. 82366-CN be approved subject to the standard conditions and additional conditions in the Draft Tentative Tract Map Report with Conditions.

Prepared by:

  
JAMES R. HOWE  
City Planning Associate  
(213) 978-1492

**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 Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency approves Vesting Tentative Tract Map No. 82366-CN (map date-stamped October 4, 2018) located at 18535 West Burbank Boulevard for the merger of two (2) lots into one (1) lot, and **subdivision of one (1) lot into thirteen (13) residential condominium units**, in the Encino - Tarzana Community Plan. This unit density is based on the (T)(Q)R3-1 Zone and ministerial Density Bonus provisions. (The subdivider is hereby advised that the LAMC may not permit his maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2598. The Advisory Agency's consideration of the request is subject to the following conditions:

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

*Any questions regarding these conditions should be directed to Mr. Georgic Avanesian of the Land Development Section, located at 201 North Figueroa Street, Suite 200, or by calling (213) 202-3484.*

1. That a minimum standard alley turnaround be dedicated at the terminus of the alley adjoining the tract and within the tract area on an alignment satisfactory to the City Engineer.
2. That any fee deficit under Work Order No. EXT00809 expediting this project be paid.
3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. Improve Burbank Boulevard adjoining the subdivision by the construction of a new concrete curb, a new concrete gutter, and a new 5-foot concrete sidewalk and landscaping of the parkway or a full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements all satisfactory to the City Engineer.
  - b. Improve the alley and adjoining the tract and the alley turnaround being dedicated with suitable surfacing satisfactory to the City Engineer. In addition, improve the alley from the adjoining the tract off-site to the intersection with Burbank Boulevard being used as the main vehicular access for this tract with suitable improvements satisfactory to the City Engineer including the reconstruction of the alley intersection with Burbank Boulevard, all satisfactory to the City Engineer.

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

*Grading Division approvals are conducted at 221 North Figueroa Street, 12<sup>th</sup> Floor. The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits.*

4. Comply with any requirement with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

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

*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.*

5. 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.

## Notes:

The Department of Building and Safety Zoning Section has reviewed the above Subdivision Map, date stamped on October 4, 2018 by the Department of City Planning. The site is designated as being in a **(T)(Q)R3-1 Zone**. A clearance letter will be issued stating that no Building or Zoning Code violations exist relating to the subdivision on the subject site once the following items have been satisfied.

The 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.

**DEPARTMENT OF RECREATION AND PARKS**

*Please contact RAP, Melinda Gejer at (213) 202-2657 for any questions regarding the following:*

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

**DEPARTMENT OF TRANSPORTATION**

*Please contact DOT, Taimour Tanavoli, at (213) 482-7024 for any questions regarding the following:*

7. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line.
8. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
9. A parking area and driveway plan be submitted to the Valley Development Review Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. DOT's Valley Development Review Section is located at 6262 Van Nuys Boulevard, 3<sup>rd</sup> floor, Van Nuys, CA 91401. For an appointment, call (818) 374-4699.

**FIRE DEPARTMENT**

*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 (818) 374-4351. You should advise any consultant representing you of this requirement as well.*

10. Access for Fire Department apparatus and personnel to and into all structures shall be required.
11. One or more Knox Boxes will be required to be installed for LAFD access to the project location and number to be determined by the LAFD Field Inspector. (Refer to FPB Req #75).
12. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
13. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
14. 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.
15. 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.

2014 City of Los Angeles Fire Code, Section 503.1.4 (Exception):

- When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
  - It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
  - This policy does not apply to single-family dwellings or to non-residential buildings.
16. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; but, in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street, or Fire Lane. This stairwell shall extend onto the roof.
  17. Entrance to the main lobby shall be located off the address side of the building.



18. Any required Fire Annunciator panel or Fire Control Room shall be located within 20 feet visual line of the site of the main entrance stairwell or to the satisfaction of the Fire Department.
19. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
20. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
21. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
22. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
23. Submit plot plans indicating access road and turning area for Fire Department approval.
24. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
25. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
26. Site plans shall include all overhead utility lines adjacent to the site.
27. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
28. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
29. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
30. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
31. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
32. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

#### **LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)**

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

#### **DEPARTMENT OF WATER AND POWER**

*Questions regarding WSO clearance should be directed to the Los Angeles Department of Water and Power, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, CA 90051-5700 or (213) 367-1275.*

This tract can be supplied with water from the municipal system subject to the Los Angeles Department of Water and Power's (LADWP) Water System Rules and requirements set forth in the enclosed report.

33. Satisfactory arrangement 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 STREET LIGHTING**

34. Improvement Condition: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street light; one (1) on Burbank Boulevard.

#### **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 conditions, 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.

#### **BUREAU OF STREET SERVICES, URBAN FORESTRY DIVISION**

35. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

#### **NOTE:**

Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. All protected tree removals must be approved by the Board of Public Works. Contact Urban Forestry Division at 213-847-3077 for permit information. CEQA document must address parkway tree removals.

#### **BUREAU OF SANITATION**

36. 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. (This condition shall be deemed cleared at the time the City Engineers clears Condition No. S-1(d).).

### **INFORMATION TECHNOLOGY AGENCY**

37. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [cabletv.ita@lacity.org](mailto:cabletv.ita@lacity.org) that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of 3 people in case the applicant/owner has any additional questions.

### **DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS**

38. 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. A Certificate of Occupancy (temporary or final) for the building(s) in Vesting Tentative Tract Map No. VTT-82366-CN shall not be issued until after the final map has been recorded.
- b. Limit the proposed development to a maximum of thirteen (13) residential condominium units.
- c. Pursuant to Los Angeles Municipal Code Section 12.22-A,25 and California Government Code Sections 65915-65918, the Applicant shall reserve a minimum of one (1) unit as affordable to, and occupied by, Extremely Low Income Households, as those income ranges are defined by the United States Department of Housing and Urban Development (HUD) or any successor agency, as verified by the Housing & Community Investment Department (HCIDLA).
- d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- e. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

39. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

### **40. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. 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.
- b. 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.
  - c. 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 \$50,000. 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 (b).
  - d. 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. (b)
  - e. If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions 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.

#### **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 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

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.

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 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 complies 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 percent.
  - (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 Transportation 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) No Street Lighting required.
  - (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry 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 (213-485-5675) 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 Burbank Boulevard adjoining the subdivision by the construction of a new concrete curb, a new concrete gutter, and a new 5-foot concrete sidewalk and landscaping of the parkway or a full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements all satisfactory to the City Engineer.
    - b. Improve the alley and adjoining the tract and the alley turnaround being dedicated with suitable surfacing satisfactory to the City Engineer. In addition, improve the alley from the adjoining the tract off-site to the intersection with Burbank Boulevard being used as the main vehicular access for this tract with suitable improvements satisfactory to the City Engineer including the reconstruction of the alley intersection with Burbank Boulevard, all satisfactory to the City Engineer.

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.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

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 LAMC Section 17.05-N.

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)**

At its meeting on September 22, 2016, the South Valley Area Planning Commission adopted Mitigated Negative Declaration ENV-2016-1052-MND in conjunction with Case No. APCSV-2016-1051-ZC-ZAA-BL, which granted the initial entitlements for the subject project. Based on the new project revised and described herein, an Addendum, ENV-2016-4052-MND-REC1, was prepared dated February 13, 2019, from the Department of City Planning. The previous Mitigated Negative Declaration identified potential impacts regarding Aesthetics, Air Quality, Geology and Soils, Public Services, Transportation/Traffic, and Mandatory Findings of Significance. Conditions were imposed that would mitigate all potential impacts to less than significant levels. The Addendum upholds the previously-adopted Mitigated Negative Declaration, No. ENV-2016-1052-MND, adopted on September 22, 2016 by the South Valley Area Planning Commission and adopted on February 24, 2017 by the Los Angeles City Council; and, pursuant to CEQA Guidelines Sections 15162 and 15164, no subsequent EIR, Negative Declaration, or Addendum is required for approval of the project.

The Department of City Planning has determined that the additional request *does not* require additional mitigation measures, nor does it create any new potentially significant impacts or constitute significant new information.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Vesting Tentative Tract Map No. 82366-CN the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.



The subject property is a rectangular 10,729 square-foot parcel, consisting of two contiguously-owned lots, having a frontage of approximately 70 feet along the north side of Burbank Boulevard and a depth of approximately 153 feet. The project site is located within the Encino – Tarzana Community Plan with a land use designation of Medium Residential, corresponding to the R3 Zone. The property is zoned (T)(Q)R3-1 and is thus consistent with the existing land use designation.

The Vesting Tentative Tract Map describes and illustrates a land use consistent with the existing General Plan Land Use Designation of Medium Residential and R3 zoning of the site. The proposed use is permitted in the R3 Zone. The subject site has a Height District 1 designation that establishes a maximum height limit of 45 feet (45') and restricts the Floor Area Ratio (FAR) of the development to a maximum of three (3) to one (1). The R3 Zone permits a maximum residential density of one (1) dwelling unit per 800 square feet of lot area; however, the (Q) Condition on the site restricts the maximum number of units on the site to nine (9) units. The (Q) condition does not preclude the development from utilizing the State Density Bonus law provisions. On June 16, 2017, the Los Angeles Housing Department issued a ministerial clearance for a 35% Density Bonus, requiring one (1) unit to be restricted to Very Low Income households per Los Angeles Municipal Code Section 12.22-A.25. As such, a maximum of thirteen (13) residential units would be allowed on the 10,729 square-foot project site.

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant and site address information as required by the Los Angeles Municipal Code ("LAMC"). The Vesting Tentative Tract Map has been filed for the merger of two (2) lots into one (1) lot and the subdivision of one (1) lot into a new maximum thirteen-unit residential condominium complex.

The Los Angeles Municipal Code (LAMC) implements the goals, objectives, and policies of the Community Plan through adopted zoning regulations. The Zoning Code regulates, but is not limited to, the maximum permitted density, height, and the subdivision of land. The adopted Encino – Tarzana Community Plan does not explicitly address the role of subdivisions, however, the plan does provide for land designations with corresponding zones and other applicable objectives and policies. For example:

- *Goal 1:* *A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the plan area.*
- *Objective 1-1:* *To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and project population of the Plan area to the year 2010.*
- *Policy 1-1.1:* *Designate specific lands to provide for adequate multi-family residential development.*
- *Policy 1-1.4:* *Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design.*

The subject project site is designated for Medium Residential land uses corresponding to

the R3 Zone. The project site is zoned (T)(Q)R3-1, consistent with the zone under the site's land use designation. The construction of thirteen (13) dwelling units on the project site would be consistent with the land use designation of the site, the applicable zoning of the site, and provisions of the State Density Bonus and Other Incentives provisions of the California Government Code.

The Vesting Tract Map for the proposed development of a residential condominium building is allowable under the current adopted zone and the land use designation, consistent with the General and Community Plans and the request is consistent with Article 7 (Division of Land Regulations) of the Los Angeles Municipal Code. The project site is not governed by a specific plan.

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

Pursuant to Section 66418 of the Subdivision Map Act, "design" of a map refers to street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and other such specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. In addition, Section 66427 of the Subdivision Map Act expressly states that the "design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

Section 17.05-C of the LAMC enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05-C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). The requested map meets the required components of a Vesting Tentative Tract Map. The project site is not located in a flood zone, very high fire hazard severity zone, or landslide area. The site is, however, located within a liquefaction zone.

The design and layout of the Vesting Tract Map are consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including Department of Building and Safety and Bureau of Engineering) have reviewed the map and found the subdivision design satisfactory. These agencies have imposed improvement requirements and/or conditions of approval. Therefore, as conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General and Specific Plans.

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

The subject property is a rectangular 10,729 square-foot parcel, consisting of two contiguously-owned lots, having a frontage of approximately 70 feet along the north side of Burbank Boulevard and a depth of approximately 153 feet. The project site is located within the Encino – Tarzana Community Plan with a land use designation of Medium Residential, corresponding to the R3 Zone. Vehicular access to the project site will occur from a driveway on the alley to the rear of the property.

After reviewing the request, the Department of City Planning issued an addendum to Mitigated Negative Declaration ENV-2016-1052-MND-REC1, which considered the physical characteristics of the site and the surrounding area and recommended mitigation measures for the previously-proposed project. The development of the proposed project is consistent with existing development and urban character of the surrounding community. Surrounding uses are within the R3-1, P-1L, C2-1, (Q)C1-1L, R1-1L, and (Q)P-1L Zones and are generally developed with multi-family and commercial structures, and surface-level parking. Properties abutting the subject site to the west are zoned R3-1 and are improved with a two-story multi-family structure. Properties abutting the subject site to the east are zoned P-1L and C2-1 and are improved with a surface-level parking lot, serving a mini-shopping center with lease tenants that include a Russian restaurant, pizza restaurant, gym, liquor store, and garden center. Abutting the subject site to the north is an off-ramp for Highway 101 zoned PF-1XL. Properties to the south of the subject site across Burbank Boulevard are zoned R3-1 and (Q)C1-1L and are improved with multi-family residential structures and a mini-shopping center location. Therefore, the construction, use, and maintenance of a three-story residential condominium building would be a compatible use.

The proposed residential development is an allowable use under the R3 Zone and the building will be consistent with the regulations of the underlying zone with regard to floor area, height, and density. In addition, the site is not located in a very high fire hazard severity zone, flood zone, slope stability study area, methane hazard zone, or Alquist-Priolo Fault Zone. The site is, however, located within a liquefaction zone. The Department of Building and Safety, Grading Division will require that the project satisfy the requirement of the City's Grading Regulations as enumerated in Section 91.3000 of the Los Angeles Municipal Code. Therefore, material evidence supports that the site will be physically suitable for the proposed type of development.

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

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning applying to the sites throughout the city are allocated based on the type of land use, physical suitability and future population growth expected to occur. The subject property is zoned (T)(Q)R3-1, corresponding to the Medium Residential land use designation. While the land use designation allows a maximum residential density of one (1) dwelling unit per 800 square-feet of lot area, the (Q) Condition restricts the maximum number of units to nine (9) units. On June 16, 2017, the Los Angeles Housing Department issued an administrative clearance approving a 35% Density Bonus, allowing thirteen (13) units to be developed on the site with one (1) unit reserved for Very Low Income tenants. As such, the proposed density of thirteen (13) dwelling units is consistent with the general provisions and area requirements of the Planning and Zoning Code.

Surrounding uses are within the R3-1, P-1L, C2-1, (Q)C1-1L, R1-1L, and (Q)P-1L Zones and are generally developed with multi-family and commercial structures, and surface-level parking. Properties abutting the subject site to the west are zoned R3-1 and are improved with a two-story multi-family structure. Properties abutting the subject site to the east are zoned P-1L and C2-1 and are improved with a surface-level parking lot, serving a mini-shopping center with lease tenants that include a Russian restaurant, pizza restaurant, gym, liquor store, and garden center. Abutting the subject site to the north is an off-ramp for Highway 101 zoned PF-1XL. Properties to the south of the subject site

across Burbank Boulevard are zoned R3-1 and (Q)C1-1L and are improved with multi-family residential structures and a mini-shopping center location.

Based on the density calculation and land uses in the vicinity, this subdivision involves a density consistent with the General Plan and Zoning affecting the site. There are no known physical impediments or hazards that would be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located as a result of the project's proposed density. Therefore, the site is physically suitable for the proposed density of development.

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

Both the project site and the surrounding area are highly urbanized, have been developed and improved with structures or supporting uses, and do not provide a natural habitat for either fish or wildlife. Additionally, a Mitigated Negative Declaration (ENV-2016-1052-MND) was adopted as a part of a previous case on the subject site (APCSV-2016-1051-ZC-ZAA-BL) which identified potential impacts to biological resources but imposed conditions to sufficiently mitigate any potential impacts. An Addendum for the request herein was issued by the Department of City Planning on February 13, 2019, which upholds the previously adopted Mitigated Negative Declaration and finds that the revised project would not result in any additional environmental impacts. As such, the project will not cause substantial environmental damage or injury to wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision, and subsequent improvements, are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements, as mandated by law, would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The project is not located on a hazardous materials site, flood hazard area, nor is it located on a site having unsuitable soil conditions. The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances.

The area surrounding the property is fully developed with similar uses indicating that sewers and other services are available. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

- (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.

There are no recorded instruments identifying easements encumbering the project site for the purpose of providing public access. The project site contains legally recorded lots identified by the Assessor Parcel Record and Assessor Parcel Map: 2160-003-004. The site is surrounded by private properties that adjoin improved public streets and sidewalks designed and improved to the specific requirements of the Los Angeles Municipal Code

for providing public access throughout the area. The project site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. Needed public access for roads and utilities will be acquired by the City prior to the recordation of the proposed tract map. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at-large for access through or use of the property within the proposed subdivision.

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

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 parcels to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 82366-CN.