



## DEPARTMENT OF CITY PLANNING

### APPEAL RECOMMENDATION REPORT

#### Central Los Angeles Area Planning Commission

**Date:** March 12, 2019  
**Time:** After 4:30 PM\*  
**Place:** Los Angeles City Hall  
200 North Spring Street, Room 1070  
Los Angeles, CA 90012

**Case No.:** VTT-74129-CN-1A  
**CEQA No.:** ENV-2018-2721-CE  
**Incidental Cases:** N/A  
**Related Cases:** DIR-2018-2720-WDI; DIR-2014-4762-DB-1A

**Council No.:** 5 – Koretz  
**Plan Area:** Hollywood  
**Specific Plan:** N/A  
**Certified NC:** Mid City West  
**GPLU:** Medium Residential  
**Zone:** [Q]R3-1  
**Applicant:** Carl Steinberg, ETCO  
Homes  
**Appellant:** Keith Nakata

**Public Hearing:** November 7, 2018  
**Appeal Status:** Further Appealable to City Council  
**Expiration Date:** March 13, 2018  
**Multiple Approval:** No

**PROJECT LOCATION:** 714 – 718 North Sweetzer Avenue


**PROPOSED PROJECT:** The proposed project is for the merger and re-subdivision of two lots into one ground lot and 26 condominium units for the construction of a 26-unit multi-family residential building on a 14,612 square-foot site in the [Q]R3-1 Zone.

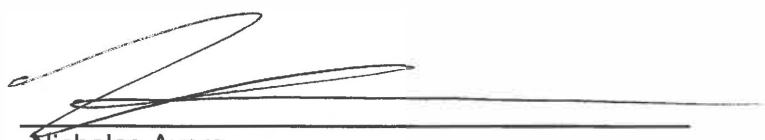
**APPEAL:** Pursuant to Los Angeles Municipal Code (LAMC) Section 17.06-A,3, a partial appeal of the January 11, 2019, Deputy Advisory Agency's determination that approved, pursuant to Section 17.03, of the Los Angeles Municipal Code, a Vesting Tentative Tract for the merger and re-subdivision of two lots into one lot and a 26-unit residential condominium building. The appellant is appealing Condition Nos. S-1(d), (i) and (j); S-2(d) related to easement dedications for sewer, street drainage, street lighting and one-foot future street dedication, and CEQA Finding (a).

#### RECOMMENDED ACTIONS:

1. **Deny** the appeal;
2. **Sustain** the decision of the Deputy Advisory Agency to approve VTT-74129-CN;
3. **Adopt** the existing conditions of approval;
4. **Adopt** the Deputy Advisory Agency's findings; and
5. **Affirm** that the project is Categorically Exempt (ENV-2018-2721-CE) from environmental review pursuant to City CEQA Guidelines, Class 32, Article III, Section 1, State CEQA Guidelines (Sections 15300-15333).

VINCENT P. BERTONI, AICP  
Director of Planning

  
Jordann Turner  
Deputy Advisory Agency

  
Nicholas Ayars  
City Planning Associate

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1134.

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E – Environmental Clearance, ENV-2018-2721-CE  
F – Public Correspondence  
G – DIR-2014-4762-DB-1A  
H – Ordinance No. 178,884

## PROJECT ANALYSIS

### **Project Summary**

The proposed project is the merger of two lots, consisting of approximately 14,612 square feet of lot area, into one lot for the subdivision and construction of a 26-unit condominium building located at 714 - 718 North Sweetzer Avenue in accordance with Los Angeles Municipal Code (LAMC) Sections 17.03 and 17.15. The project is providing a total of 44 automobile parking spaces.

### **Appeal Scope**

The appeal challenges part of the Advisory Agency's determination to conditionally approve Vesting Tentative Tract Map No. 74129-CN for the merger and re-subdivision of two lots into one lot and 26 condominium units, in conjunction with the development of a 26-unit multi-family residential building, pursuant to LAMC Sections 17.03 and 17.15; and of Categorical Exemption ENV-2018-2721-CE, as the environmental clearance for the project.

### **Background**

The subject property is a relatively flat, rectangular-shaped interior parcel of land comprised of two contiguous lots consisting of approximately 14,612 square feet of lot area having a frontage of 85 feet along the east side of North Sweetzer Avenue and a frontage of 170 feet along the north side of an alley. The subject property is zoned [Q]R3-1 within the Hollywood Community Plan Area with a Medium Residential land use designation. The subject site has a Height District 1 designation that establishes a height limit of 45 feet and restricts any the floor area ratio of the development to a maximum of three to one. The subject property is also located within the Transit Priority Area in the City of Los Angeles (ZI-2452) and the Melrose Zone Change Permanent [Q] Conditions (ZI-2381).

The subject property is currently under construction, but was previously occupied by multi-family residential apartment buildings that were demolished in 2017. The applicant is requesting a Vesting Tentative Tract Map No. 74129-CN the merger and resubdivision of two (2) lots into one (1) lot in conjunction with the construction, use, and maintenance of a proposed five-story multi-family residential building a maximum height of 56 feet containing 26 residential condominium units. The project will include 44 residential automobile parking spaces located on two subterranean levels. The project also includes 26 long-term and three (3) short-term bicycle parking spaces. In addition to the request for a Vesting Tentative Tract Map, the applicant also requested a Waiver of Dedication and Improvements to waive a three (3) –foot highway dedication along Sweetzer Avenue, a two (2) –foot street widening along Swetzer Avenue, and a two and one-half (2.5) –foot alley widening. This request was dismissed without prejudice by the Deputy Advisory Agency at the public hearing on November 7, 2018 as the Deputy Advisory Agency is granted the authority to waive improvements and dedications.

The zoning and land use designation of the project site permits a maximum residential density of one dwelling unit per 800 square feet of lot area in areas designated for Medium Residential Land Uses. As such, a maximum of 19 residential units would be allowed on the project site. However, the building that is currently under construction was approved for a Density Bonus pursuant to Case No. DIR-2014-4762-DB to allow for a maximum density of 26 units along with a maximum building height of 56 feet and a Floor Area Ratio (FAR) of 3.971:1.

Surrounding uses are within the [Q]R3-1, R2-1XL, and C4-1XL Zones and are generally developed with single-family residences, multi-family residential buildings, and commercial buildings. The property abutting the subject property to the north is zoned [Q]R3-1 and is



developed a single- a two-story multi-family residential apartment building. Properties abutting the subject property to the east are zoned R2-1XL and developed with duplexes. The property abutting the subject property to the south, across the alley, is zoned C4-1XL and developed with a three-story commercial building. Properties to the west, across Sweetzer Avenue, are zoned [Q]R3-1 and developed with a three-story multi-family residential buildings.

### **Environmental Clearance**

The Department of City Planning, on November 6, 2018, issued ENV-2018-2721-CE, and determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act designates the subject project as categorically exempt under Article III, Section 1, Class 32.

### **Public Correspondence**

On August 2, 2018, the Mid City West Neighborhood Council submitted a letter opposing the tentative map due to the loss of character defining historic, Rent Stabilized Ordinance housing, abuse of the Early Start apartment program with conversion to condominium, and inconsistencies with the Hollywood Community Plan. The letter also asserted that the property was an Ellis Act-evicted property and an apartment building would allow the tenants to return.

On August 18, 2018, an email was received from Mr. Keith Nakata inquiring about the hearing date and asking to be added to the interested parties list.

On November 13, 2018, an email was received from Mr. Keith Nakata containing an attached letter which expanded on the testimony he gave opposing the project in person at the November 7, 2018 public hearing.

### **Public Hearing and Decision**

On November 7, 2018, the Deputy Advisory Agency held a public hearing for the project. The applicant and his representative were in attendance. At the public hearing, the applicant and his representative provided an overview of the proposed project, explaining that the construction of the building on the project site is approved through a previous density bonus case. They clarified the development of the building is not the subject of the subdivision request; rather, the applicant seeks permission to subdivide the approved building into for-sale condominium buildings through the approval of the vesting tentative tract map. The proposed development, which will provide restricted affordable units as a condition of the previous density bonus approval, will alleviate housing demand for affordable and market rate units alike. The project will comply with all conditions of the density bonus approval as well as the Q Conditions pertaining to the site.

The applicant then requested to withdraw the related case (DIR-2018-2720-WDI) filed pursuant to LAMC Section 12.37-1,3, for a Waiver of Dedication and Improvements to waive a three (3) – foot highway dedication along Sweetzer Avenue, a two (2) –foot street widening along Sweetzer Avenue, and a two and one-half (2.5) –foot alley widening as this request was not necessary as the Deputy Advisory Agency is granted the authority to waive improvements and dedications. The Deputy Advisory Agency dismissed Case No. DIR-2018-2720-WDI without prejudice.

The applicant and their representative then stated that they no longer wished to waive the highway dedication and improvement along Sweetzer Avenue. They then reiterated their request to waive the dedication and improvements required along the adjoining 15-foot alley. A representative from the Bureau of Engineering explained that, while the alley was substandard, requiring dedication/improvement along the project's alley frontage would not result in the full

length of the alley no longer being substandard as the other buildings along the alley had been constructed “by-right” and were not subject to dedication and improvement conditions. Furthermore, as the subject property was already under construction with the building previously approved by Case No. DIR-2014-4762-DB, requiring dedication and improvement would not be feasible and could pose a hardship.

Mr. Keith Nakata, the appellant, was in attendance and spoke in opposition to the project stating that, in conjunction with the previous density bonus case, the request for a subdivision would result in the loss of several units that were subject to the Rent Stabilization Ordinance (RSO). He further stated that he felt that the project’s Categorical Exemption did not sufficiently analyze the impacts the project would have on affordable housing supply in the community. The Deputy Advisory Agency responded by asking Mr. Nakata to further submit his concerns in the form of a letter and that the Case File would be held open so that a letter could be submitted and entered into the record. The Deputy Advisory Agency closed the public hearing and explained that he was inclined to approve the requested subdivision.

On January 11, 2019, the Vesting Tentative Tract Map was conditionally approved with an appeal period ending on January 22, 2019. However, due to a typographical error, the determination was reissued on January 25, 2019 with an appeal period ending on February 4, 2019. During the appeal period, one appeal was filed on the project.

## APPEAL ANALYSIS

Staff recommends that the Central Los Angeles Area Planning Commission deny the submitted appeal and sustain the Advisory Agency's approval of Vesting Tentative Tract Map No. 74129-CN to permit a 26-unit condominium building.

The following statements are summarized from the appeal submitted by the appellant. The appeal in its entirety is attached for reference (see Exhibit B).

### **Summary of Appeal**

1. ***The Advisory Agency failed to adequately address the CEQA Categorical Exemption under Article III, Section 1, and Class 32 because of inconsistencies with the General Plan:***
  - a. ***The Applicant is demolishing a substantial amount of protected RSO affordable housing in the neighborhood and replacing it with luxury condominiums and failing to conform to condominium requirements for easements in the alley as required by the Bureau of Engineering.***

#### **STAFF RESPONSE:**

The approval of the Vesting Tentative Tract Map does not authorize the construction of the proposed building or the demolition of the previously existing buildings on site. Rather, the map permits the creation and sale of condominium units within a previously entitled 26-unit multi-family residential building. The development of the project site with 26 dwelling units is consistent with the previously approved Density Bonus case (Case No. DIR-2014-4762-DB) and through the zone and land use designation of the site, as designated by the Hollywood Community Plan. With the exception of the Density Bonus incentives utilized, the proposed building is subject to all applicable regulations and entitlements required by the Municipal Code, and the subject tract map grants no exceptions from such.

- b. ***Under CEQA and the Housing Element of the General Plan, the condominium conversions are removing by demolition substantial numbers of RSO affordable units in multiple projects in the neighborhood and have a cumulative impact on the adequate supply of rental housing that is affordable to people of all income levels and is not facilitating the maintenance of existing affordable housing as called for in the Housing Element.***

#### **STAFF RESPONSE:**

The construction, use, and maintenance of a 26-unit multi-family residential building was previously considered under Case No. DIR-2014-4762-DB and associated environmental Case No. ENV-2014-4763-CE. The project before the Commission is the merger and re-subdivision of two lots into one ground lot for the subdivision of 26 condominium units. The subdivision into condominiums will not result in any physical changes to the previously approved project. The proposed subdivision involves the creation of legally transferrable units within the building. As such, the subdivision of the previously approved structure into 26 condominium units has been determined to be categorically exempt from CEQA. The development of the project site with 26 dwelling units is consistent with the zone and land use designation of the site, as designated by the Hollywood Community Plan. In designating the site for multi-family densities, the Community Plan anticipated and analyzed environmental impacts based on the maximum allowable density for the project site and the surrounding area. The proposed

project is not requesting any deviations from what was previously considered under Case No. DIR-2014-4762-DB. Similarly, other by-right projects in the surrounding area would have been analyzed for their environmental impacts during the preparation of the Community Plan and are not subject to further CEQA review. Any project proposing to deviate from the Community Plan and underlying zone would require a CEQA clearance and impacts would be mitigated for the project individually.

The project site is currently under construction as a 26-unit multi-family residential building. Prior to the site being cleared for this construction, the subject property was developed with 14 dwelling units, all of which were subject to the Rent Stabilization Ordinance (RSO). As part of the proposed development, the project will include two units reserved for Very Low Income Households in exchange for the density bonus and development incentives granted under DIR-2014-4762-DB.

California State Assembly Bill 2222 went into effect January 1, 2015. It introduces rental dwelling unit replacement requirements, which pertain to cases filed (not issued) as of January 1, 2015. This determination letter does not reflect replacement requirements because the case application for Case No. DIR-2014-4762-DB was submitted to the Department of City Planning on December 19, 2014, prior to the effective date of the amended Law.

Projects seeking to demolish existing rental units or to remove a rental unit permanently from rental housing use are subject to the provisions of the Ellis Act, which requires that tenant relocation assistance be provided and a tenant relocation program be established for eligible tenants. Condition of Approval Nos. 31 and 32 of the Vesting Tentative Tract Map approval require the applicant to conform to the provisions of the Ellis Act. The project received an Ellis Act letter from the Los Angeles Housing + Community Investment Department stating that the department has reviewed and approved the Notice of Intent to Withdraw Units.

The provisions of the Rent Stabilization Ordinance and Ellis Act would apply to all nearby developments seeking to remove rent-stabilized units from the rental market. As such, the proposed project would not violate any laws relating to the removal of rental units from the housing market.

- c. ***The applicant is not conforming to required condominium standards for easements along the alley.***

**STAFF RESPONSE:**

Pursuant to LAMC Section 17.03-A, the Deputy Advisory Agency is authorized to include or omit in whole or in part the reports or recommendations of other concerned officials or City Departments excepting any mandatory requirements related to public health or safety by such other officials or departments in the exercise of their duties prescribed by law. Before approving the omission of any report or recommendation made by such officials or departments the Advisory Agency shall submit the matter to the members of the Subdivision Committee for consideration at a regular meeting.

A recommendation report prepared by the Bureau of Engineering for VTT-74129-CN stated that the tract layout is not satisfactory and requested the inclusion of a condition of approval requiring that a 2.5-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley. The report also requested an improvement condition requiring the applicant to "Improve the alley adjoining the subdivision by construction of a suitable surfacing to complete a 10-foot wide half alley

with 2-foot wide longitudinal concrete cutter including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.” Based on the applicant’s request to omit these conditions, the Deputy Advisory Agency submitted the matter to the members of the subdivision committee, specifically the representative of the Bureau of Engineering, at the public hearing on November 6, 2018. As the building was currently under construction as the previous Density Bonus approval was not subject alley dedication and improvements and that the existing buildings along the alley had not been subject to any dedications or improvements, the representative of the Bureau of Engineering stated that they would find the omission of the recommended conditions acceptable. The Deputy Advisory Agency concurred and omitted the conditions related to the alley widening from the Letter of Determination. Therefore, the applicant is not deviating from any required standards for easements along the alley.

- d. ***The decision-maker failed to consider substantial cumulative impacts to the affordable housing stock of the neighborhood as required to make CEQA findings and removed Bureau of Engineering requirements for condominiums for easements without consulting the Bureau of Engineering.***

#### **STAFF RESPONSE:**

See Staff Responses to Appeal Points 1.a, b, and c.

#### **Staff Recommendation**

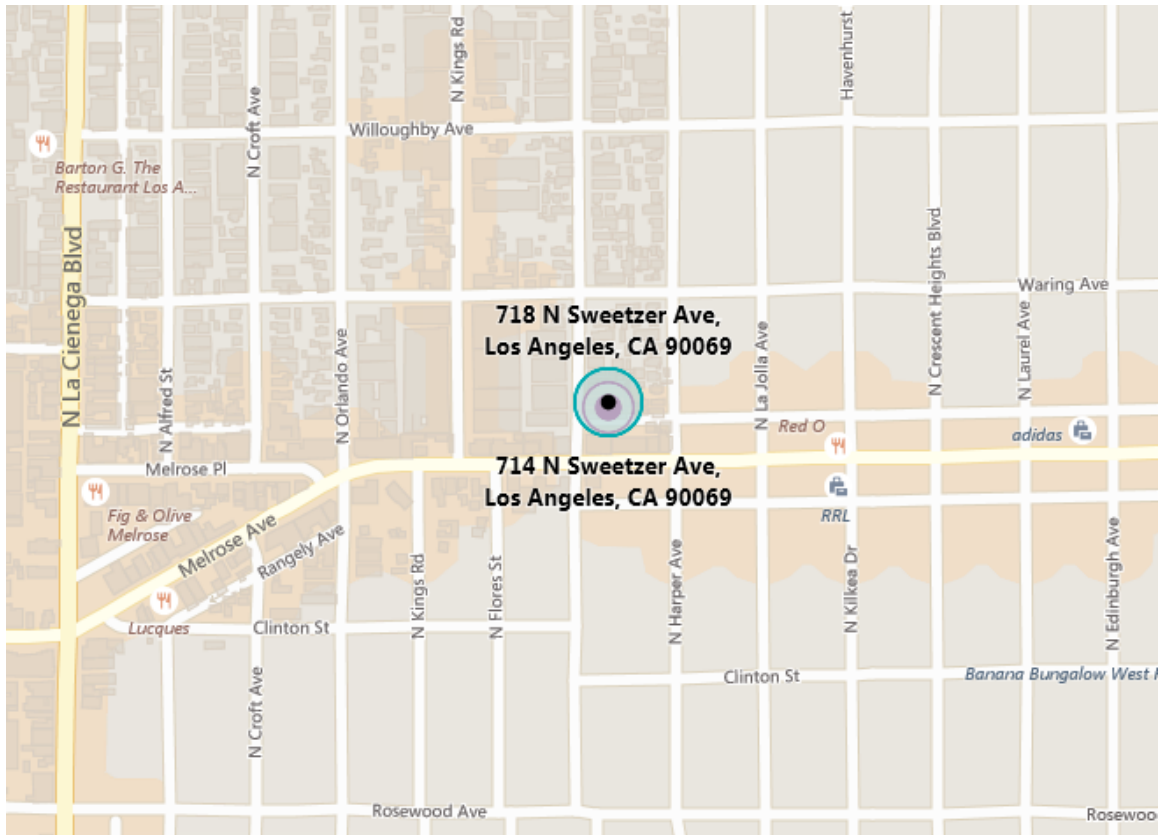
The appeal of the Vesting Tentative Tract Map does not contest the legality of the condominium units created by the map. All concerns raised by the appellant, including environmental and construction-related impacts, relate to the building proposed on the subject property and its construction. However, approval of the Tentative Tract Map does not authorize the construction of the proposed building. The map merely allows the creation of condominium units within a previously entitled 26-unit multi-family residential building. The development of the project site with 26 dwelling units is consistent with the Density Bonus approval under Case No. DIR-2014-4762-DB. With the exception of the incentives granted as a part of the previously approved Density Bonus request, the proposed building is subject to all applicable regulations and entitlements required by the Municipal Code, and the subject tract map grants no exceptions from such.

Based on the information submitted, reports from City agencies, the surrounding land uses and zoning pattern, conformance with the General Plan, and Los Angeles Municipal Code, the City maintains that the Deputy Advisory Agency acted reasonably in approving the requested subdivision. Therefore, staff recommends that the decision of the Deputy Advisory Agency be sustained and the appeal be denied.

## Exhibit A

# Vicinity Map

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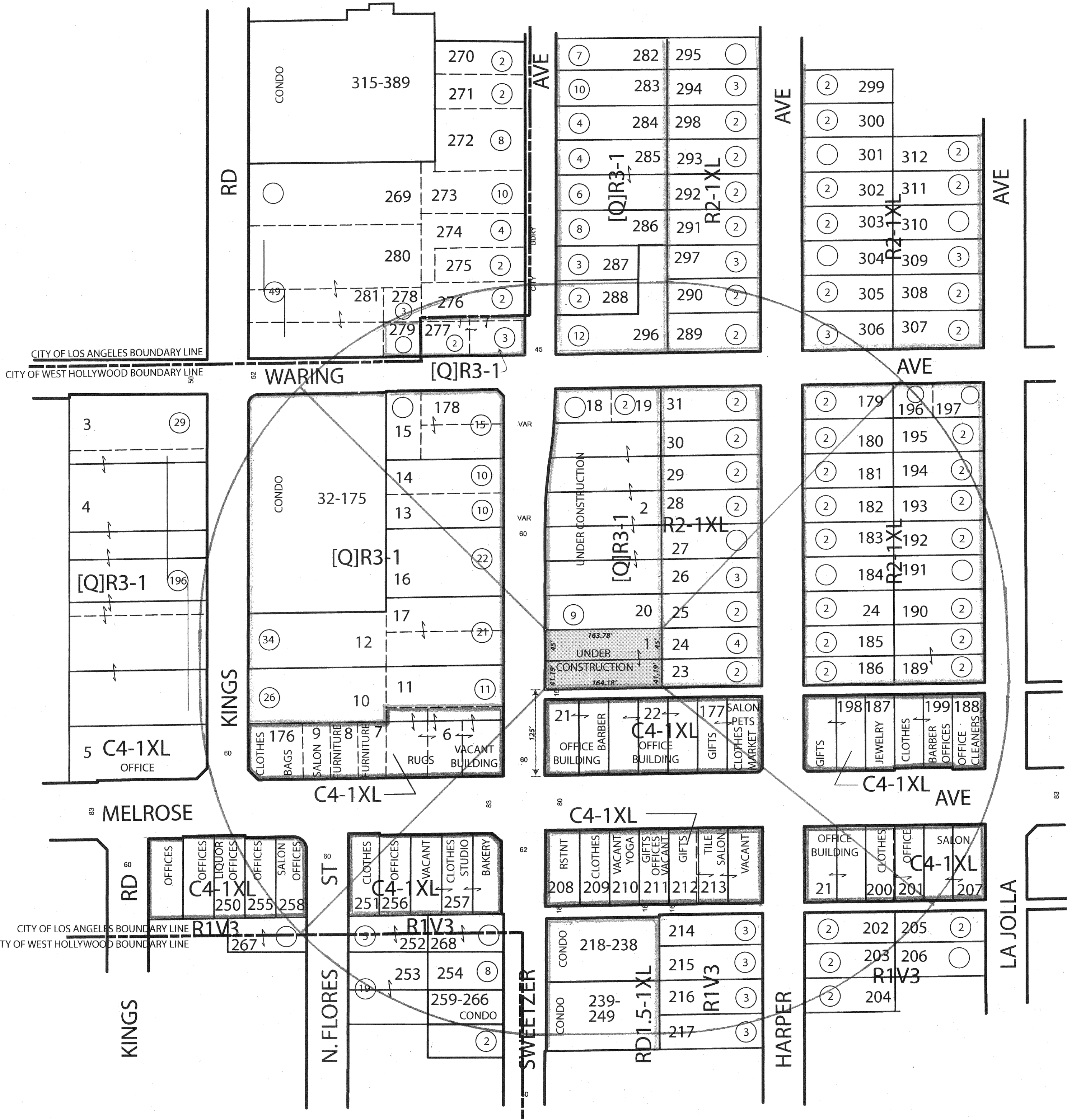


**Address:** 714 – 718 SWEETZER AVE, LOS ANGELES

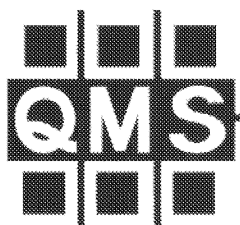


17-540





## VESTING TENTATIVE TRACT NUMBER 74129



Quality Mapping Service

14549 Archwood St. Suite 301  
Van Nuys, California 91405  
Phone (818) 997-7949 - Fax (818) 997-0351  
qmapping@qesqms.com

DRAWN BY:

THOMAS BROTHERS  
Page: 593 Grid: A6

LEGAL  
LOT: 8-9 BLK: E  
TRACT: 7563  
MB 62-17

CONTACT: ETCO HOMES INC.

ASSESSOR PARCEL NUMBER: 5528-003-040

SITE ADDRESS: 714-718 N. SWEETZER AVE.

CD: 5  
CT: 1944.02  
PA: 107- HOLLYWOOD  
USES: FIELD

CASE NO:  
SCALE: 1" = 100'  
D.M.: 141B173

PHONE: 310-691-5500



DATE: 12-14-17  
Update: \_\_\_\_\_

NET AC: 0.32 +/-  
QMS: 17-540



## Exhibit B

# ORIGINAL



## APPLICATIONS:

### APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

#### 1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☒ Area Planning Commission    ☐ City Planning Commission    ☐ City Council    ☐ Director of Planning

Regarding Case Number: VTT-74129-CN

Project Address: 714-718 North Sweetzer

Final Date to Appeal: January 22, 2018

Type of Appeal:

- ☐ Appeal by Applicant/Owner  
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved  
☐ Appeal from a determination made by the Department of Building and Safety

#### 2. APPELLANT INFORMATION

Appellant's name (print): Keith Nakata

Company: \_\_\_\_\_

Mailing Address: 811 N. Croft Ave.

City: Los Angeles

State: CA

Zip: 90069

Telephone: 323-791-1770

E-mail: keithnakata@mac.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self

☐ Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

#### 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

#### 4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☐ Entire ☒ Part

Are specific conditions of approval being appealed? ☒ Yes ☐ No

If Yes, list the condition number(s) here: S-1(d)(i)(j) S-2(d) CEQA CE (a)

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

#### 5. APPLICANT'S AFFIDAVIT

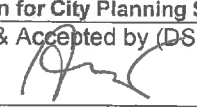
I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: January 22, 2019

#### 6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u></u>	Date: <u>01/22/2019</u>
Receipt No: <u>✓</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Keith Nakata  
811 N. Croft Ave.  
Los Angeles, CA 90069  
323-791-1770

RE: Appeal VTT-74129-CN DIR-2018-2720-WDI  
ENV-2018-2721-CE  
714-718 N. Sweetzer Ave.

**The reason for the appeal:**

The Advisory Agency failed to adequately address the CEQA Categorical Exemption under Article III, Section 1, and Class 32 Because of inconsistencies with The General Plan.

**How are you aggrieved by the decision:**

The Applicant is demolishing a substantial amount of protected RSO affordable housing in the neighborhood and replacing it with luxury condominiums and failing to conform to condominium requirements for easements in the alley as required by the Bureau of Engineering.

**Specifically the points at issue:**

Under CEQA and the Housing Element of the General Plan, the condominium conversions are removing by demolition of substantial numbers of RSO Affordable Units in multiple projects in the neighborhood and have a cumulative impacts of the adequate supply of rental housing that is affordable to people of all income levels and is not facilitating the maintenance of existing affordable housing as called for in the Housing Element.

The Applicant is not conforming with required condominium standards for easements along the alley.

**Why you believe the decision-maker erred or abused their discretion:**

The decision-maker failed to consider the substantial cumulative impacts to the affordable housing stock of the neighborhood as required to make CEQA findings and removed Bureau of Engineering requirements for condominiums for easements without consulting the Bureau of Engineering.

## Exhibit C

DEPARTMENT OF  
CITY PLANNING

CITY PLANNING COMMISSION

SAMANTHA MILLMAN  
PRESIDENT

VAHID KHORSAND  
VICE-PRESIDENT

DAVID H. J. AMBROZ  
CAROLINE CHOE

RENEE DAKE WILSON

KAREN MACK

MARC MITCHELL

VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
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EXECUTIVE OFFICER  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

<http://planning.lacity.org>

Decision Date: January 11, 2019

Appeal Period Ends: January XX, 2018

Carl Steinberg (A)  
ETCO Homes  
8447 Wilshire Boulevard, Suite 400  
Beverly Hills, CA 90211

Sweetzer Development, LLC (O)  
8447 Wilshire Boulevard, Suite 400  
Beverly Hills, CA 90211

Eric Liberman (R)  
QES, Inc.  
14549 Archwood Street  
Van Nuys, CA 91405

RE: Vesting Tentative Tract Map No.: 74129-CN  
Address: 714 – 718 North Sweetzer Avenue  
Community Plan: Hollywood  
Existing Zone: [Q]R3-1  
Council District: 5 - Koretz  
CEQA No.: ENV-2018-2721-CE

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency will consider Vesting Tentative Tract Map No. 74129-CN (map date-stamped May 10, 2018) located at 714 – 718 North Sweetzer Avenue, for the merger and resubdivision of two (2) lots into one (1) lot and a 26-unit residential condominium building, in the Wilshire Community Plan. This unit density is based on the R3-1 Zone. (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) 231-2901. The Advisory Agency's consideration of the request is subject to the following conditions:

**NOTE** on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

*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 3-foot wide strip of land be dedicated along Sweetzer Avenue adjoining the subdivision to complete a 33-foot wide half right-of-way dedication in accordance with **LA Mobility Plan Collector Street Standards**.
2. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
3. That any fee deficit under Work Order No. EXT00790 expediting this project be paid.

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

4. The structure shall be supported on a mat foundation designed to resist uplift hydrostatic pressures that would develop due to groundwater levels located at 20 feet below current grades, as recommended on page 3 of the 12/10/2015 report. The below-grade building walls shall be designed to resist the hydrostatic pressure that could develop due to groundwater levels located at 20 feet below current grades, and a subdrain system shall be located above the historically-high groundwater level located at 20 feet below current grade, as recommended on page 3 of the 12/10/2015 report.
5. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Constituent Service Division for the proposed removal of support and/or retaining of slopes adjoining to public way. (3307.3.2)  
201 N. Figueroa Street 3rd Floor, LA (213) 482-7045
6. Secure the notarized written consent from all owners upon whose property proposed grading/construction access is to extend, in the event off-site grading and/or access for construction purposes is required. The consent shall be included as part of the final plans. (7006.6)
7. In the event tie-back anchors are utilized for shoring that extend beyond the property line, provide a notarized letter from all adjoining property owners allowing tie-back anchors on their property. (7006.6)
8. Approval shall be obtained from the utility company with regard to proposed construction within or adjacent to the utility easement along the east property line. (7006.6)
9. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans that clearly indicates the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports. (7006.1)
10. All recommendations of the report that are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.



11. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit. (7006.1)
12. A grading permit shall be obtained for all structural fill and retaining wall backfill. (106.1.2)
13. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density (D1556). Placement of gravel in lieu of compacted fill is allowed only if complying with Section 91.7011.3 of the Code. (7011.3)
14. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill. (1809.2)
15. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction. (7013.12)
16. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored. (7005.3)
17. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety. (3301.1)
18. Temporary excavations that remove lateral support to the public way, adjacent property, or adjacent structures shall be supported by shoring, as recommended. Note: Lateral support shall be considered to be removed when the excavation extends below a plane projected downward at an angle of 45 degrees from the bottom of a footing of an existing structure, from the edge of the public way or an adjacent property. (3307.3.1)
19. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation. (3307.1)
20. The soils engineer shall review and approve the shoring and/or underpinning plans prior to issuance of the permit. (3307.3.2)
21. Prior to the issuance of the permits, the soils engineer and/or the structural designer shall evaluate the surcharge loads used in the report calculations for the design of the retaining walls and shoring. If the surcharge loads used in the calculations do not conform to the actual surcharge loads, the soil engineer shall submit a supplementary report with revised recommendations to the Department for approval.
22. Shoring shall be designed for the lateral earth pressures specified in the section titled "Temporary Shoring" starting on page 9 of the 09/21/2015 report; all surcharge loads shall be included into the design.

23. Shoring shall be designed for a maximum lateral deflection of 1 inch, provided there are no structures within a 1:1 plane projected up from the base of the excavation. Where a structure is within a 1:1 plane projected up from the base of the excavation, shoring shall be designed for a maximum lateral deflection of ½ inch, or to a lower deflection determined by the consultant that does not present any potential hazard to the adjacent structure.
24. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer (see page 11 of the 09/21/2015 report).
25. In the event shoring soldier piles are installed using vibrating/driving equipment in the vicinity of existing structures, the following conditions shall be complied with:
- a. Ground vibrations shall be monitored during pile/shoring installation adjacent to the pile driving operation.
  - b. Peak particle velocities (PPV) for any single axis shall be limited to ½ inch/second.
  - c. A settlement monitoring program shall be implemented until completion of shoring and the retaining walls are backfilled, as recommended on page 11 of the 09/21/2015 report.
  - d. In the event any PPV is measured above the specified threshold (½ inch/second) or any settlement is measured/detected, pile driving shall be stopped and corrective actions shall be submitted to the Department for review before resuming pile driving.
26. In the event de-watering is needed, the area shall be de-watered under the direction of the consultants prior to beginning the excavations below the groundwater level. Note, that a permit from the State of California Regional Water Quality Control Board and Department of Public Works shall be obtained to discharge the water into a storm drain.  
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320 W. 4th Street, Suite 200 (213) 576-6600 (LARWQB)
27. All foundations shall derive entire support from native undisturbed soils, as recommended and approved by the geologist and soils engineer by inspection.
28. The building design shall incorporate provisions for total anticipated differential settlements of 1.7 inches, which include 1.5 and 0.15 inches for static and seismic-induced loads, respectively (based on 213rd of the PGAm, and an allowable bearing capacity of 5000 psf for the mat foundation as shown on page 3 of the 02/22/2016 report). (1808.2)
29. Special provisions such as flexible or swing joints shall be made for buried utilities and drain lines to allow for differential vertical displacement.
30. The seismic design shall be based on a Site Class D, as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.
31. Retaining walls shall be designed for the lateral earth pressures specified in the section titled "Structural Design of Retaining Walls" starting on page 13 of the 09/21/2015 report. All surcharge loads shall be included into the design.

32. Retaining walls higher than 6 feet shall be designed for lateral earth pressure due to earthquake motions as specified on page 13 of the 09/21/2015 report (1803.5.12). Note: Lateral earth pressure due to earthquake motions shall be in addition to static lateral earth pressures and other surcharge pressures. The height of a stacked retaining wall shall be considered as the summation of the heights of each wall.
33. Basement walls and other walls in which horizontal movement is restricted at the top shall be designed for at-rest pressure as specified on page 13 of the 09/21/2015 report (1610.1). All surcharge loads shall be included into the design.
34. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device. (7013.11)
35. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soil report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record. (1805.4)
36. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector. (108.9)
37. Basement walls and floors shall be waterproofed/damp-proofed with an L.A. City approved "Below-grade" waterproofing/damp-proofing material with a research report number. (104.2.6)
38. Prefabricated drainage composites (Miradrain, Geotextiles) may be only used in addition to traditionally accepted methods of draining retained earth.
39. Where the ground water table is lowered and maintained at an elevation not less than 6 inches below the bottom of the lowest floor, or where hydrostatic pressures will not occur, the floor and basement walls shall be damp-proofed. Where a hydrostatic pressure condition exists, and the design does not include a ground-water control system, basement walls and floors shall be waterproofed. (1803.5.4, 1805.1.3, 1805.2, 1805.3)
40. The structure shall be connected to the public sewer system. (P/BC 2014-027)
41. All roof and pad drainage shall be conducted to the street in an acceptable manner. (7013.10)
42. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LADBS. (7013.10)
43. An on-site storm water infiltration system at the subject site shall not be implemented, as recommended.
44. Any recommendations prepared by the geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Grading Division of the Department for approval prior to utilization in the field. (7008.3)
45. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading. (7008 & 1705.6)

46. Prior to the pouring of concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. The representative shall post a notice on the job site for the LADBS Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Grading Division of the Department upon completion of the work. (108.9 & 7008.2)
47. Prior to excavation, an initial inspection shall be called with LADBS Inspector at which time sequence of construction, shoring, underpinning, pile installation, protection fences and dust and traffic control will be scheduled. (108.9.1)
48. Installation of shoring, underpinning and/or pile installation shall be performed under the inspection and approval of the soils engineer and deputy grading inspector. (1705.6)
49. The installation and testing of tie-back anchors shall comply with the recommendations included in the report or the standard sheets titled "Requirement for Tie-back Earth Anchors", whatever is more restrictive. (Research Report #23835)
50. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations. The representative shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the LADBS Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be included in the final compaction report filed with the Grading Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Division of the Department upon completion of the compaction. In addition, an Engineer's Certificate of Compliance with the legal description as indicated in the grading permit and the permit number shall be included. (7011.3)

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

*Building and Safety approvals are conducted by appointment only at 201 North Figueroa Street. Contact Laura Duong at (213) 482-0434 to schedule an appointment. Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. Plan check may be required before any construction, occupancy or change of use. Unless filed concurrently and included as part of the hearing notice with this subdivision, any additional deviations from the Los Angeles Municipal Code required by the Department of Building and Safety Office of the Zoning Engineer preliminary to the Zoning Engineer clearing the items on the report to the Advisory Agency, shall be separately filed through the City Planning Department Office of the Zoning Administrator.*

*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:*

51. 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:

This Proposed Project is subject to Density Bonus Ordinance to increase the maximum allowed density.

This property is located in a Liquefaction Zone.

The submitted Map may not comply with the number of parking spaces required by Section 12.21 A.4 (a) based on number of habitable rooms in each unit. If there are insufficient numbers of parking spaces, obtain approval from the Department of City Planning. The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

Backup space for parking space with less than 26'-8" shall provide sufficient parking stall width and garage door opening width to comply with the current Zoning Code requirement. An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Eric Wong at (213) 482-6876 to schedule an appointment.

**DEPARTMENT OF TRANSPORTATION**

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

52. That prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:

- a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line.
- b. Vehicular access to the site shall be limited to the alley only.
- c. A parking area and driveway plan be submitted to the Citywide Planning Coordination 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. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, call (213) 482-7024.

**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 (213) 482-6504. You should advise any consultant representing you of this requirement as well.*

53. 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. Submit plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
- b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- c. 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)
- d. 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
- e. 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.
- f. 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.

Policy Exception: LAMC 57.09.03.B 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.

- g. 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.
- h. Entrance to the main lobby shall be located off the address side of the building.
- i. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 feet visual line of the site of the main entrance stairwell or to the satisfaction of the Fire Department.
- j. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- k. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

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

54. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

#### **BUREAU OF STREET LIGHTING**

55. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **BUREAU OF SANITATION**

56. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or any potential maintenance problems, as stated in the memo dated December 4, 2017. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

#### **INFORMATION TECHNOLOGY AGENCY**

57. 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 three people in case the applicant/owner has any additional questions.

**DEPARTMENT OF RECREATION AND PARKS**

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

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

**URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING**

59. Plant street trees and remove existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway trees 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 expedited tree planting.

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

60. 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-74129-CN shall not be issued until after the final map has been recorded.
  - b. Limit the proposed development to a maximum of 26 residential condominium units.
  - c. Parking. As per Case No. DIR-2014-4762-DB, vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. Based upon the number and type of dwelling units proposed, at least 44 automobile parking spaces shall be provided for the project
  - 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.
  - g. Copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.
  - h. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:



- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$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 (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Action includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

61. 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.

#### 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-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 LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.
- 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 2010.

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) Construct one new street light on Sweetzer Avenue.
- (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 2010.

- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

Improve Sweetzer Avenue being dedicated and adjoining the subdivision by the construction of a 5-foot concrete sidewalk and landscaping of the parkway. Including any necessary removal and reconstruction of existing improvements.

**NOTES:**

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

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.

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.

**FINDINGS OF FACT (CEQA)**

The Department of City Planning, on November 6, 2018, issued ENV-2018-2721-CE, and determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act designates the subject project as categorically exempt under Article III, Section 1, Class 32.

The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed project determined that it is Categorical Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the CEQA Guidelines. The Class 32 Exemption is intended to promote infill development within urbanized areas.

The proposed project qualifies for a Categorical Exemption because it conforms to the definition of "In-fill Projects" as follows:

- (a) THE PROJECT IS CONSISTENT WITH THE APPLICABLE GENERAL PLAN DESIGNATION AND ALL APPLICABLE GENERAL PLAN POLICIES AS WELL AS WITH APPLICABLE ZONING DESIGNATION AND REGULATIONS.

The project site is located within the adopted Hollywood Community Plan area, and is designated for Medium Residential land uses corresponding to the R3 Zone. The property is zoned [Q]R3-1. This permits a maximum residential density of one dwelling unit per 800 square feet of lot area in areas designated for Medium Residential Land Uses and the

overall required minimum lot size is 5,000 square feet. The proposed density of 26 dwelling units on an approximately 14,612 square-foot lot is greater than what is allowed under the [Q]R3-1 Zone, however the building that is currently under construction was approved for a Density Bonus pursuant to Case No. DIR-2014-4762-DB to allow for a maximum density of 26 units along with a maximum building height of 56 feet and a Floor Area Ratio (FAR) of 3.971:1. As proposed, the project would comply with all other applicable regulations of the Zoning Code.

Consistent with the Community Plan, the proposed 26-unit condominium development would add new, multi-family housing to Los Angeles' housing supply, in a neighborhood which is conveniently located to a variety of community services.

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

The subject property is located in a highly urbanized area within the Hollywood Community Plan Area. The subject property is comprised of two lots with a total of approximately 15,006 square feet of lot area (0.34 acres), which is well within the five-acre threshold. The subject property is substantially surrounded by urban uses. The entire site is surrounded by properties which are similarly zoned [Q]R3-1, R2-1XL, and C4-1XL and are generally developed with single-family residences, multi-family residential buildings, and commercial buildings. The property abutting the subject property to the north is zoned [Q]R3-1 and is developed a single- a two-story multi-family residential apartment building. Properties abutting the subject property to the east are zoned R2-1XL and developed with duplexes. The property abutting the subject property to the south, across the alley, in zoned C4-1XL and developed with a three-story commercial building. Properties to the west, across Sweetzer Avenue, are zoned [Q]R3-1 and developed with a three-story multi-family residential buildings.

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

The project is located within an established, fully developed, medium-density residential area in proximity to large boulevards and other large employment centers. The project site has no value as a habitat for endangered, rare or threatened species. Furthermore no protected trees are present on the project site or on any of the surrounding properties immediately adjacent to the property lines.

- (d) APPROVAL OF THE PROJECT WOULD NOT RESULT IN ANY SIGNIFICANT EFFECTS RELATING TO TRAFFIC, NOISE, AIR QUALITY, OR WATER QUALITY.

#### *Traffic*

The proposed project involves the construction, use, and maintenance of a new four-story, 26-unit condominium building with ground floor and subterranean parking. Based upon the existing mobility and circulation networks in direct proximity to the proposed project, the introduction of 26 units to the community will result in no traffic impacts. The project will generate well under 500 daily trips, which is the established CEQA threshold. Furthermore, the project falls under the 36 unit threshold established by the Los Angeles Department of Transportation (DOT) for the preparation of a traffic impact study. Based on the trip factor of 0.7 trips per unit for condominium projects defined in the LADOT

Transportation Referral Form, the proposed project would generate approximately 18 trips during peak hours. The project will generate well under 500 daily trips, which is the established CEQA threshold.

#### *Noise*

The project must comply with the adopted City of Los Angeles Noise Ordinances Nos. 144,331 and 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed project will not result in any significant noise impacts.

#### *Air Quality*

The building construction phase includes the construction of the proposed building on the subject property, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM2.5 and PM10 emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NOx emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

Nevertheless, appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

The proposed project, which is replacing three previously demolished multi-family residences with 26 residential condos would result in a net increase of 12 dwelling units on the subject property. Possible project-related air quality concerns will derive from the mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to

mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The proposed project will not cause the SCAQMD's recommended threshold levels to be exceeded. Operational emission impacts will be at a less-than-significant level.

#### *Water Quality*

The development of the project would not result in any significant effects relating to water quality. The project is not adjacent to any water sources and construction of the project will not create any impact to water quality. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70.

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

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the addition of 26 dwelling units.

#### Exceptions to the use of Categorical Exemptions:

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed project listed in "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project as described below:

- A. Location. *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

N/A: The project has been issued a Class 32 Exemption.

- B. Cumulative Impact. *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.* The development of the project site with 26 dwelling units is consistent with the zone and land use designation of the site, as designated by the Hollywood Community Plan. The Community Plan's designation of the site for medium residential density and uses was completed in anticipation of environmental impacts based on the maximum allowable density for the project site and the surrounding area. The proposed project is not



requesting any deviations from what is otherwise permitted by the underlying zoning of the site or what was previously granted under Case No. DIR-2014-4763-DB. Similarly, other by-right projects in the surrounding area would have been analyzed for their environmental impacts during the preparation of the Community Plan and are not subject to further CEQA review. Any project proposing to deviate from the Community Plan and underlying zone would require a CEQA clearance and impacts would be mitigated for the project individually.

A successive project of the same type and nature would reflect a development that is consistent with the underlying land use designation and Los Angeles Municipal Code. Any such project would be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, building code and regulated construction methods, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will reduce potential impacts to less than significant and would, therefore, not create a cumulative impact.

- C. Significant Effect Due to Unusual Circumstances. *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

There is no reasonable possibility that the proposed project will have a significant effect due to unusual circumstances. Construction of the project would be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, building code and regulated construction methods, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff, among others. The project is an infill project located in an existing multiple- and single- family developed residential neighborhood, with no identifiable unusual circumstances that present a likelihood of significant effects on the environment.

- D. Scenic Highway. *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

The project will not damage scenic resources within a designated scenic highway. The project is not located on a designated scenic highway and will not impact any identified scenic resources, such as trees, buildings, rock outcroppings, or similar resources.

- E. Hazardous Waste Site. *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The project site has not been identified as a hazardous waste site. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations, and Department of Housing regulations. Finally, Municipal Code Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.

- F. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

There are no existing structures on-site.

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

In connection with the approval of Vesting Tentative Tract Map No. 74129-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.**

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 purposes of the merger and resubdivision of two (2) lots into one (1) lot in conjunction with the construction, use, and maintenance of a proposed five-story, 26-unit residential condominium building.

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 Wilshire Community Plan does not address subdivision explicitly, however, the plan does provide for land designations with corresponding zones. The subject property is designated for Medium Residential land uses corresponding to the R3 Zone. The project site is zoned [Q]R3-1, consistent with the zone under the site's land use designation. The construction of 26 dwelling units on the project site would be consistent with the land use designation of the site and the applicable zoning of the site. The Community Plan's designation of the site for medium residential density and uses was completed in anticipation of environmental impacts based on the maximum allowable density for the project site and the surrounding area. The proposed project is not requesting any deviations from what is otherwise permitted by the underlying zoning of the site or what was previously granted under Case No. DIR-2014-4763-DB.

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, liquefaction or a landslide area.

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, Bureau of Engineering, and Bureau of Sanitation) 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 relatively flat, rectangular-shaped interior parcel of land comprised of two contiguous lots consisting of approximately 14,612 square feet of lot area having a frontage of 85 feet along the east side of North Sweetzer Avenue and a frontage of 170 feet along the north side of an alley. The subject property is zoned [Q]R3-1 within the Hollywood Community Plan Area with a Medium Residential land use designation. The subject site has a Height District 1 designation that establishes a height limit of 45 feet and restricts any the floor area ratio of the development to a maximum of three to one.

After reviewing the request, the Department of City Planning issued a Class 32 Infill Categorical Exemption which considered the physical characteristics of the site and the surrounding area. The development of the proposed project is consistent with existing development and urban character of the surrounding community. Surrounding uses are within the [Q]R3-1, R2-1XL, and C4-1XI Zones and are generally developed with single-family residences, multi-family residential buildings, and commercial buildings. The property abutting the subject property to the north is zoned [Q]R3-1 and is developed a single- a two-story multi-family residential apartment building. Properties abutting the subject property to the east are zoned R2-1XL and developed with duplexes. The property abutting the subject property to the south, across the alley, in zoned C4-1XL and developed with a three-story commercial building. Properties to the west, across Sweetzer Avenue, are zoned [Q]R3-1 and developed with a three-story multi-family residential buildings. Therefore, the construction, use and maintenance of a five-story residential

condominium building would be a compatible use.

The proposed residential development is an allowable use under the [Q]R3-1 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, high erosion hazard area, or Alquist-Priolo Fault 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 [Q]R3-1 Zone applying to the subject site permits a maximum residential density of one dwelling unit per 800 square feet of lot area in areas designated for Medium Residential Land Uses and the overall required minimum lot size is 5,000 square feet. The proposed density of 26 dwelling units on an approximately 14,612 square-foot lot is greater than what is allowed under the [Q]R3-1 Zone, however the building that is currently under construction was approved for a Density Bonus pursuant to Case No. DIR-2014-4762-DB to allow for a maximum density of 26 units along with a maximum building height of 56 feet and a Floor Area Ratio (FAR) of 3.971:1. Therefore, the proposed project is consistent with the general provisions and area requirements of the Planning and Zoning Code.

Surrounding uses are within the [Q]R3-1, R2-1XL, and C4-1XI Zones and are generally developed with single-family residences, multi-family residential buildings, and commercial buildings. The property abutting the subject property to the north is zoned [Q]R3-1 and is developed a single- a two-story multi-family residential apartment building. Properties abutting the subject property to the east are zoned R2-1XL and developed with duplexes. The property abutting the subject property to the south, across the alley, is zoned C4-1XL and developed with a three-story commercial building. Properties to the west, across Sweetzer Avenue, are zoned [Q]R3-1 and developed with a three-story multi-family residential buildings. Therefore, the construction, use and maintenance of a five-story residential condominium building would be a compatible use.

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.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife. Therefore, the project would have no impact on sensitive biological species or 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: 5092-026-015,016. 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 east/west 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. 74129-CN.

Vincent P. Bertoni, AICP  
Advisory Agency



Jordann Turner  
Deputy Advisory Agency

JT:NA:bk

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 East Los Angeles Area 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 Appeal Application Form No.CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza  
201 North Figueroa  
Street, 4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude  
San Fernando Valley  
Constituent Service Center  
6262 Van Nuys Boulevard,  
Room 251  
Van Nuys, CA 91401  
(818) 374-5050

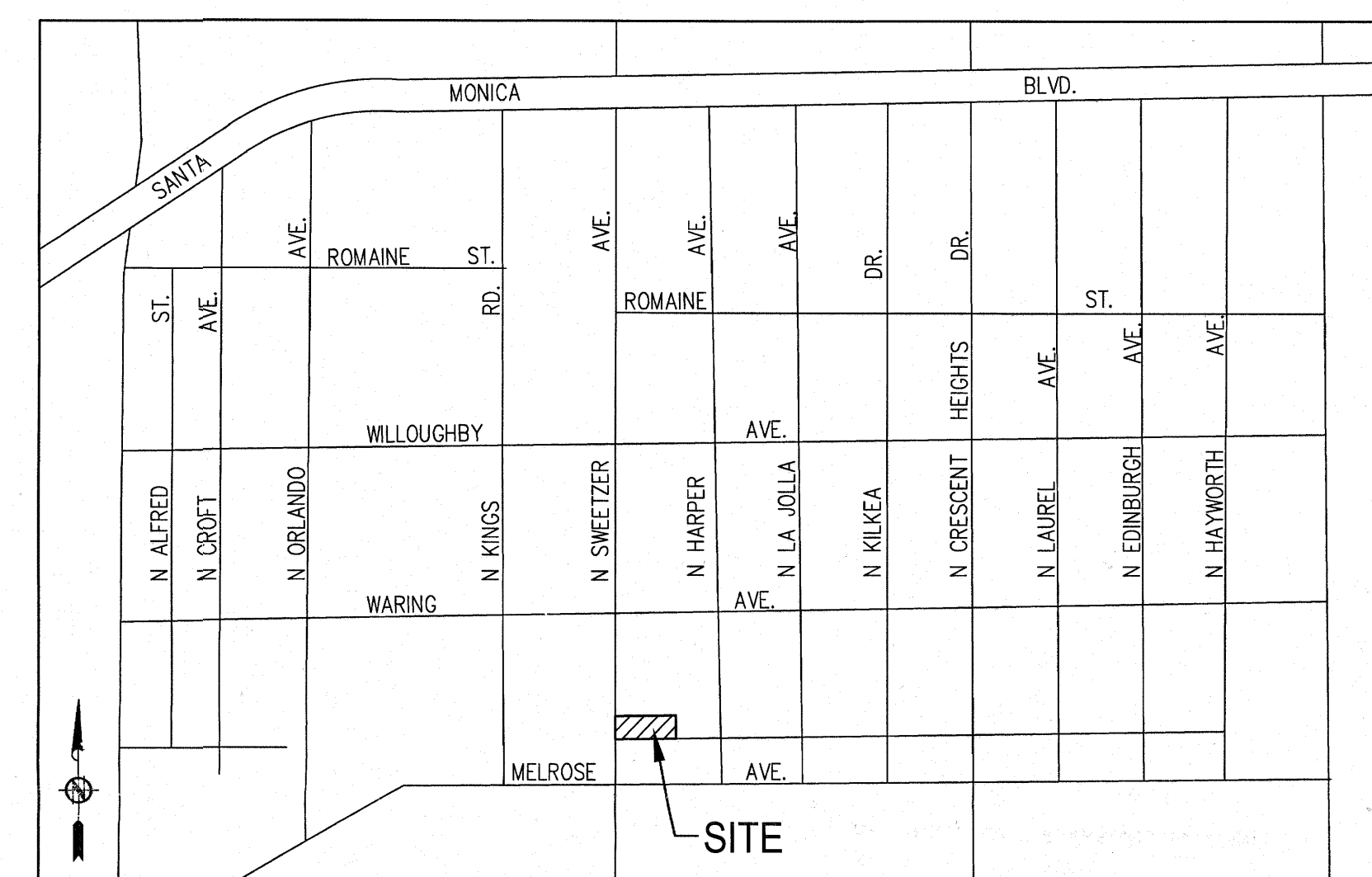
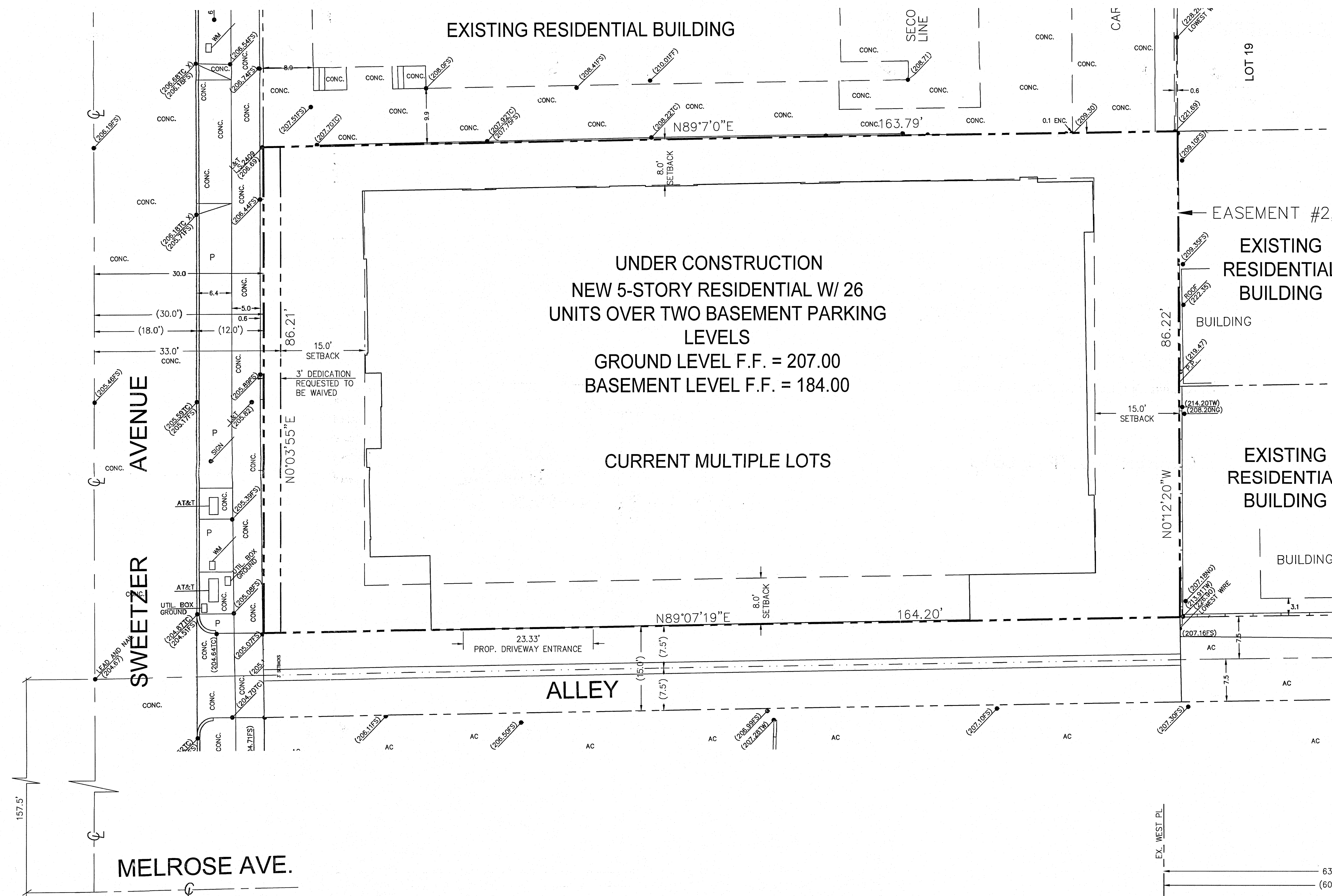
West Los Angeles  
Development Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2598

**Forms are also available on-line at <http://planning.lacity.org/>.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

## Exhibit D





VICINITY MAP  
NOT TO SCALE

PARKING CALCULATIONS:				
Building Use	P2	P1	Ground	Total
	Sub-T	Sub-T	Level	Parking
Parking Required				Std-9x18
Provided	24	21	0	44
HC	0	1	0	1
EVA	2	2	0	4
Bikes	0	26	3	29
	long term		short term	

EXISTING ZONE: [Q]R3-1  
PROPOSED ZONE: NO CHANGE  
PROJECT SITE IS NOT IN A FLOOD ZONE  
THERE ARE NO TREES (OR PROTECTED TREES) ON SITE  
SEWAGE DISPOSAL BY SANITARY SEWER

### PROJECT INFORMATION:

PROJECT DESCRIPTION:  
NEW 5-STORY RESIDENTIAL DEVELOPMENT WITH 26 UNITS OVER TWO BASEMENT PARKING LEVELS WITH 44 PARKING SPACES.

PROJECT ADDRESS:  
714-718 SWEETZER AVENUE, LOS ANGELES, CALIFORNIA 90046  
APN: 5528003040  
TRACT: 5763/ 8 & 9

LEGAL DESCRIPTION:  
LOTS 7, AND 8 IN BLOCK "E" OF TRACT 5763, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 62 PAGE 17 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

BENCHMARK:  
CITY OF LOS ANGELES BENCH MARK #: 15208  
DATUM: NAD 1929 ELEVATION=203.054  
SPK N CURB MELROSE 15 FT E-O BCR E-O  
SWEETZER AVE AND CB

BASIS OF BEARINGS:  
THE CENTERLINE OF SWEETZER  
BEING N03°55'00"E PER TRACT NO. 5763  
WAS USED AS THE BASIS OF BEARINGS FOR THIS PROJECT

SITE AREA:  
LOT AREA (SF): 14,612.20  
ALLEY AREA (50%): 1,216.35  
GROSS LOT AREA: 15,828.55  
NET LOT AREA: 10,681.70  
(LESS SET BACK AREA = 3,930.5)

BASE FLOOR AREA RATIO - FAR: 3.0:1  
DENSITY BONUS APPROVED PER DIR-2014-4762-DB-1A 12/8/2016  
BASE FLOOR AREA (NET LOT X FAR): 32,045 SQ FT  
DENSITY BONUS INCENTIVE (32.5% FAR): 3,975  
TOTAL FAR (PERMITTED): 42,460  
YIELD GROSS LOT/800 SF: 19  
DENSITY BONUS INCENTIVE -32.5%: 7  
TOTAL UNITS: 26  
AFFORDABLE UNITS - 10% VII = 1.9 OR 2 UNITS  
MARKET RATE UNITS = 24

PLANNING:  
GEN. PLAN USE: MEDIUM RESIDENTIAL  
SETBACKS: 15' FRONT/15' REAR

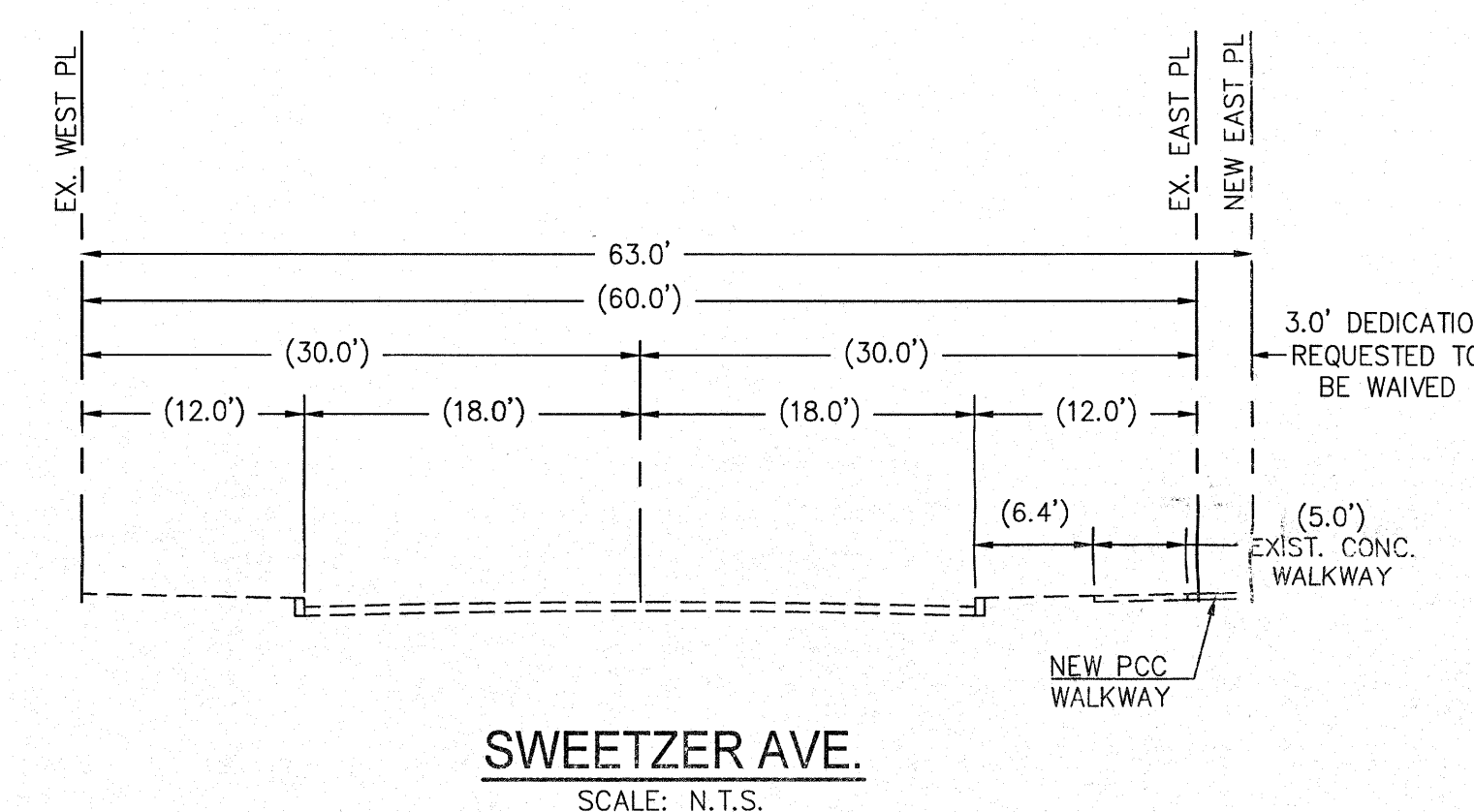
BUILDING HEIGHT:  
BUILDING HEIGHT REQUIRED: 45'  
BUILDING HEIGHT INCREASE (INCENTIVE): 11'(ONE MORE STORY)/56' MAX.  
PERMITTED BUILDING HEIGHT: 56'-0"  
NUMBER OF STORIES: 5+2 BASEMENT LEVELS.

### CODE INFORMATION:

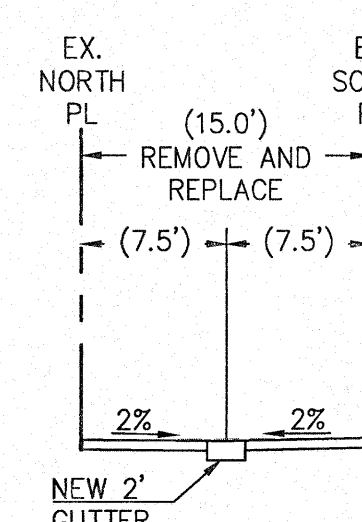
CODE ANALYSIS:  
OCCUPANCY GROUP: R-2 / S-2 (PARKING)  
R-2 ACCESSORY (EXERCISE/YOGA RM)  
CONSTRUCTION TYPE: III-B / 1A  
Provide 3-Hr Horizontal Occupancy Separation between R2 & S2 - CBC 510

\*To comply with C.B.C. Sect. 403  
\*To comply with C.B.C. Sect. 601  
Primary Structural Frame - 0 Hr 3-Hr  
Bearing Walls (Exterior) - 2 Hr 3-Hr  
Non-Bearing Walls (Exterior) - 0 Hr 2-Hr  
\*For Wood framing, may use Fire retardant treated (2303.2)  
Non-Bearing Walls and Partition (Interior) - 0 Hr 0-Hr  
Floor Construction and associated secondary members - 0 Hr 2-Hr  
Roff Construction and associated secondary members - 0 Hr  
\*Exit Stair Shaft Enclosure / Smoke Vestibule - 2 Hr  
\*Exit Passageway enclosures (Sect. 1023) - 1 Hr  
\*Walls separating dwelling units and common areas, corridors and elevator lobbies with STC 50 (708.1, 708.3) - 1 Hr  
S2 Occupancy garage. Concrete or similar non-combustible and non-absorbent floor, or asphalt surface at ground level only. 406.4.5.  
Note: Fire rated assemblies shall be per Table 721, generic assemblies of Gypsum Handbook, have LARR approval or ICC approval.

ALLOWABLE (T-503) BUILDING HEIGHTS AND AREAS:  
GROUP: IIB 1A  
R2: 4 / 16,000  
R2 ACCESSORIES: -  
S2: 3 / 26,000



SWEETZER AVE.  
SCALE: N.T.S.



ALLEY  
SCALE: N.T.S.

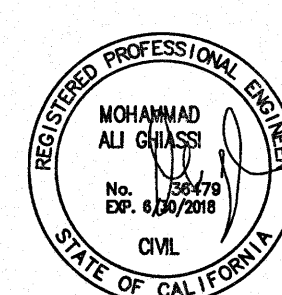
LOS ANGELES DEPT. OF CITY PLANNING  
SUBMITTED FOR FILING  
TENTATIVE MAP  
MAY 10 2018  
REVISOR: [ ] EXTENSION OF TIME  
[ ] FINAL MAP UNIT [ ] MODIFIED  
DEPUTY ADVISORY AGENCY

REVISIONS			
NO.	DATE	DESCRIPTION	APPR.
1			
2			
3			
4			
5			

PREPARED BY:  
1442 Irvine Boulevard, Suite 208  
Tustin, CA 92780  
Phone: (714) 982 4057  
Web: www.igroupconsultants.com

PREPARED UNDER SUPERVISION OF:

MO GHASSI REG. 36479 DATE



APPLICANT/DEVELOPER

714 Sweetzer Development, LLC  
C/O ETCO Homes, Inc.

8447 WILSHIRE BLVD., SUITE 400  
BEVERLY HILLS, CA. 90211  
PHONE: (310) 282-8193

VESTING TENTATIVE  
TRACT MAP NO. 74129  
(FOR CONDOMINIUM PURPOSES)  
LOCATED IN THE CITY OF LOS ANGELES  
IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



## Exhibit E

**DEPARTMENT OF  
CITY PLANNING**

**CITY PLANNING COMMISSION**

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PRESIDENT

**VAHID KHORSAND**  
VICE-PRESIDENT

**DAVID H. J. AMBROZ**  
CAROLINE CHOE

**RENEE DAKE WILSON**

**KAREN MACK**

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**VERONICA PADILLA-CAMPOS**

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**ROCKY WILES**  
COMMISSION OFFICE MANAGER  
(213) 978-1300

**CITY OF LOS ANGELES**  
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DEPUTY DIRECTOR  
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<http://planning.lacity.org>

November 6, 2018

Carl Steinberg (A)  
ETCO Homes  
8447 Wilshire Boulevard, Suite 400  
Beverly Hills, CA 90211

Sweetzer Development, LLC (O)  
8447 Wilshire Boulevard, Suite 400  
Beverly Hills, CA 90211

Eric Liberman (R)  
QES, Inc.  
14549 Archwood Street  
Van Nuys, CA 91405

RE: Case No. ENV-2018-2721-CE  
Related Case(s): VTT- 74129-CN; DIR-2018-  
2720-WDI; DIR-2014-4672-DB  
Address(s): 714 – 718 North Sweetzer Avenue  
Hollywood Planning Area  
Zone : [Q]R3-1  
D. M. : 141B173  
C. D. : 5

**RE: ENV-2018-2721-CE (Categorical Exemption - Class 32)**

The subject property is a relatively flat, rectangular-shaped interior parcel of land comprised of two contiguous lots consisting of approximately 14,612 square feet of lot area having a frontage of 85 feet along the east side of North Sweetzer Avenue and a frontage of 170 feet along the north side of an alley. The subject property is zoned [Q]R3-1 within the Hollywood Community Plan Area with a Medium Residential land use designation. The subject site has a Height District 1 designation that establishes a height limit of 45 feet and restricts any the floor area ratio of the development to a maximum of three to one. The subject property is also located within the Transit Priority Area in the City of Los Angeles (ZI-2452) and the Melrose Zone Change Permanent [Q] Conditions (ZI-2381).

The subject property is currently under construction, but was previously occupied by multi-family residential apartment buildings that were demolished in 2017. The applicant is requesting a Vesting Tentative Tract Map No. 74129-CN the merger and resubdivision of two (2) lots into one (1) lot in conjunction with the construction, use, and maintenance of a proposed five-story multi-family residential building a maximum height of 56 feet containing 26 residential condominium units. The project will include 44 residential automobile parking spaces located on two

subterranean levels. The project also includes 26 long-term and three (3) short-term bicycle parking spaces. In addition to the request for a Vesting Tentative Tract Map, the applicant is also requesting a Waiver of Dedication and Improvements to waive a three (3) –foot highway dedication along Sweetzer Avenue, a two (2) –foot street widening along Swetzer Avenue, and a two and one-half (2.5) –foot alley widening.

The zoning and land use designation of the project site permits a maximum residential density of one dwelling unit per 800 square feet of lot area in areas designated for Medium Residential Land Uses. As such, a maximum of 19 residential units would be allowed on the project site. However, the building that is currently under construction was approved for a Density Bonus pursuant to Case No. DIR-2014-4762-DB to allow for a maximum density of 26 units along with a maximum building height of 56 feet and a Floor Area Ratio (FAR) of 3.971:1.

Surrounding uses are within the [Q]R3-1, R2-1XL, and C4-1XL Zones and are generally developed with single-family residences, multi-family residential buildings, and commercial buildings. The property abutting the subject property to the north is zoned [Q]R3-1 and is developed a single- a two-story multi-family residential apartment building. Properties abutting the subject property to the east are zoned R2-1XL and developed with duplexes. The property abutting the subject property to the south, across the alley, in zoned C4-1XL and developed with a three-story commercial building. Properties to the west, across Sweetzer Avenue, are zoned [Q]R3-1 and developed with a three-story multi-family residential buildings.

The proposed project would not have a significant effect on the environment. A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in the environment) (CEQA Guidelines, Public Resources Code Section 21068). The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City’s L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorical Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the CEQA Guidelines. The Class 32 Exemption is intended to promote infill development within urbanized areas.

The proposed project qualifies for a Categorical Exemption because it conforms to the definition of “In-fill Projects” as follows:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:**

The project site is located within the adopted Hollywood Community Plan area, and is designated for Medium Residential land uses corresponding to the R3 Zone. The property is zoned [Q]R3-1. This permits a maximum residential density of one dwelling unit per 800 square feet of lot area in areas designated for Medium Residential Land Uses and the overall required minimum lot size is 5,000 square feet. The proposed density of 26 dwelling units on an approximately 14,612 square-foot lot is greater than what is allowed under the [Q]R3-1 Zone, however the building that is currently under construction was approved for a Density Bonus pursuant to Case No. DIR-2014-4762-DB to allow for a maximum density of 26 units along with a maximum building height of 56 feet and a Floor Area Ratio (FAR) of 3.971:1. As proposed, the project would comply with all other applicable regulations of the Zoning Code.

Consistent with the Community Plan, the proposed 26-unit condominium development would add new, multi-family housing to Los Angeles' housing supply, in a neighborhood which is conveniently located to a variety of community services.

**(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:**

The subject property is located in a highly urbanized area within the Hollywood Community Plan Area. The subject property is comprised of two lots with a total of approximately 15,006 square feet of lot area (0.34 acres), which is well within the five-acre threshold. The subject property is substantially surrounded by urban uses. The entire site is surrounded by properties which are similarly zoned [Q]R3-1, R2-1XL, and C4-1XL and are generally developed with single-family residences, multi-family residential buildings, and commercial buildings. The property abutting the subject property to the north is zoned [Q]R3-1 and is developed a single- a two-story multi-family residential apartment building. Properties abutting the subject property to the east are zoned R2-1XL and developed with duplexes. The property abutting the subject property to the south, across the alley, in zoned C4-1XL and developed with a three-story commercial building. Properties to the west, across Sweetzer Avenue, are zoned [Q]R3-1 and developed with a three-story multi-family residential buildings.

**(c) The project site has no value as habitat for endangered, rare or threatened species:**

The project is located within an established, fully developed, medium-density residential area in proximity to large boulevards and other large employment centers. The project site has no value as a habitat for endangered, rare or threatened species. Furthermore no protected trees are present on the project site or on any of the surrounding properties immediately adjacent to the property lines.

**(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:**

*Traffic*

The proposed project involves the construction, use, and maintenance of a new four-story, 26-unit condominium building with ground floor and subterranean parking. Based upon the existing mobility and circulation networks in direct proximity to the proposed project, the introduction of 26 units to the community will result in no traffic impacts. The project will generate well under 500 daily trips, which is the established CEQA threshold. Furthermore, the project falls under the 36 unit threshold established by the Los Angeles Department of Transportation (DOT) for the preparation of a traffic impact study. Based on the trip factor of 0.7 trips per unit for condominium projects defined in the LADOT Transportation Referral Form, the proposed project would generate approximately 18 trips during peak hours. The project will generate well under 500 daily trips, which is the established CEQA threshold.

*Noise*

The project must comply with the adopted City of Los Angeles Noise Ordinances Nos. 144,331 and 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise

levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed project will not result in any significant noise impacts.

### *Air Quality*

The building construction phase includes the construction of the proposed building on the subject property, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM<sub>2.5</sub> and PM<sub>10</sub> emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NO<sub>x</sub> emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

Nevertheless, appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

The proposed project, which is replacing three previously demolished multi-family residences with 26 residential condos would result in a net increase of 12 dwelling units on the subject property. Possible project-related air quality concerns will derive from the mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The proposed project will not cause the SCAQMD's recommended threshold levels to be exceeded. Operational emission impacts will be at a less-than-significant level.

### *Water Quality*

The development of the project would not result in any significant effects relating to water quality. The project is not adjacent to any water sources and construction of the project will not create any impact to water quality. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70.

(e) **The site can be adequately served by all required utilities and public services:**

The proposed project can be adequately served by all required utilities and public services. The project site will be adequately served by all required public utilities and services given that the site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the merger and re-subdivision of two lots into one ground lot and 26 condominium units, in conjunction with the development of a 26-unit multi-family residential building. Based on the facts herein, it can be found that the project meets the qualifications of the Class 32 Exemption.

### Exceptions to the use of Categorical Exemptions:

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed project listed in "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project as described below:

- A. *Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

N/A: The project has been issued a Class 32 Exemption.

- B. *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The development of the project site with 26 dwelling units is consistent with the zone and land use designation of the site, as designated by the Hollywood Community Plan. The Community Plan's designation of the site for medium residential density and uses was completed in anticipation of environmental impacts based on the maximum allowable density for the project site and the surrounding area. The proposed project is not requesting any deviations from what is otherwise permitted by the underlying zoning of the site or what was previously granted under Case No. DIR-2014-4763-DB. Similarly, other by-right projects in the surrounding area would have been analyzed for their environmental impacts during the preparation of the Community Plan and are not subject to further CEQA review. Any project proposing to deviate from the Community Plan and

underlying zone would require a CEQA clearance and impacts would be mitigated for the project individually.

A successive project of the same type and nature would reflect a development that is consistent with the underlying land use designation and Los Angeles Municipal Code. Any such project would be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, building code and regulated construction methods, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will reduce potential impacts to less than significant and would, therefore, not create a cumulative impact.

- C. *Significant Effect Due to Unusual Circumstances.* *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The project proposes the merger and re-subdivision of two lots into one ground lot and 26 condominium units, in conjunction with the development of a 26-unit multi-family residential building. The subject property is substantially surrounded by urban uses. The entire site is surrounded by properties which are similarly zoned [Q]R3-1, R2-1XL, and C4-1XL and are generally developed with single-family residences, multi-family residential buildings, and commercial buildings. The property abutting the subject property to the north is zoned [Q]R3-1 and is developed a single- a two-story multi-family residential apartment building. Properties abutting the subject property to the east are zoned R2-1XL and developed with duplexes. The property abutting the subject property to the south, across the alley, in zoned C4-1XL and developed with a three-story commercial building. Properties to the west, across Sweetzer Avenue, are zoned [Q]R3-1 and developed with a three-story multi-family residential buildings. There are no special districts or other known circumstances that indicate a special or sensitive surrounding environment. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- D. *Scenic Highway.* *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

Based on a review of the California Scenic Highway Mapping System (<http://www.dot.ca.gov/design/lap/livability/scenic-highways/>), the subject site is not located along a State Scenic Highway, nor are there any designated State Scenic Highways located near the project site. Based on this, the proposed project will not result in damage to scenic resources including trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

- E. *Hazardous Waste Site.* *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

This exception does not apply to the proposed project. The project site is not listed as a hazardous waste site on EnviroStor, California's data management system for tracking hazardous waste sites. Additionally, the subject property is in a well-established residential neighborhood, and the surrounding area has long been developed with urban residential

uses. Hazardous waste and materials would not be expected to pose a significant constraint on sites long developed with such uses. Although there is the potential for asbestos and/or lead-based paint to be present in the existing buildings to be demolished due to their age, removal of such materials is subject to standard safety requirements and would not classify the project site as a hazardous waste site.

Additionally, the project site is not located within a Hazardous Waste/Border Zone, Airport Hazard area, Coastal Zone, or a BOE Special Grading Area. There are no oils, elevators, in-ground hydrologic systems, monitoring or water supply wells, or above- or below-ground storage tanks, or potentially fluid-filled electrical equipment on or immediately adjacent to the project site. No industrial wastewater is generated on the project site and sanitary wastewater is discharged to the City Bureau of Sanitation. Therefore, this exception for a Class 32 Categorical Exemption does not apply to this project.

- F. *Historical Resources.* *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The subject property is currently under construction with a 26-unit multi-family residential building, and was previously developed with two apartment buildings. The immediate surrounding area consists of a mix of single- and multi-family residences and commercial buildings. None of the previous structures on the subject property were identified through the SurveyLA database, and the project site is not located in a designated Historic Preservation Overlay Zone. The project site is also not identified in any state or national register of historic resources. Subsequently, the applicant received a Demolition Permit on October 12, 2017 to clear the site for the proposed project. For these reasons, the proposed project would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA, and this exception does not apply to the proposed project.

*Conclusion:*

There is no evidence that the proposed project will have a specific adverse impact. A "specific adverse impact" is defined as, "a Significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Section 15332 (Class 32) of the City of Los Angeles CEQA Guidelines. The Class 32 exemption is intended to promote infill development within urbanized areas.



## Exhibit F

Keith Nakata  
811 N. Croft Ave.  
Los Angeles, CA 90069

Nicholas Ayars  
Dept. of City Planning  
200 N. Spring Street  
Los Angeles, CA 90012

November 9, 2018

RE: VTT-74129-CN  
DIR-2018-2720-WDI  
ENV-2018-2721-CE

Mr. Ayars,

This letter is a follow up to the testimony that I gave in person at the Tract Map Hearing on November 7, 2018.

- I. The Project Does Not Qualify for a Categorical Exemption Under CEQA**
- II. The Project has “unusual circumstances” that justify no Categorical Exemption. It is “unusual circumstances” are the fact that the conversion demolishes rent stabilized “RSO” protected housing. This is unlike most other condominium projects generally and even in the City of Los Angeles.**

-Class 32 of State CEQA Guidelines (Infill Development)

- III. The Class 32 Exemption Does Not Apply Because Project Approval Impacts**

The Class 32 Categorical Exemption under the City of Los Angeles requires that a project qualify for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable zoning designations and regulations
- b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality; and
- e) The site can be adequately served by all required utilities and public services.

In this case, the proposed project, a 26 unit 4 story condominium with 2 “affordable” units and the demolition of existing rent stabilized buildings with 14 units is inconsistent with the General Plan-Housing Element Objectives and Policies:

**Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.**

**Objective 1.2 Preserve quality rental and ownership housing for households of all income levels and special needs.**

**Policies:**

1.2. -Facilitate the maintenance of existing housing in decent, safe and healthy conditions

1.2.2- -Encourage and incentivize the preservation of affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing

1.2.3 -Rehabilitate and/or replace substandard housing with housing that is decent, safe healthy and affordable and of appropriate size to meet the City's current and future household needs.

1.2.6 -Provide incentives for the preservation of historic residential structures.

1.2.8 -Preserve the existing stock of affordable housing near transit stations and transit corridors. Encourage one-to-one replacement if demolished units.

**Objective 1.3 Forecast and plan for changing housing needs over time in relation to production and preservation needs.**

**Policy:**

1.3.3 -Collect, report and project citywide and local housing needs on a periodic basis.

**Objective 2.5 Promote a more equitable distribution of affordable housing opportunities throughout the City**

**Policy:**

2.5.2 -Foster the development of new affordable housing units citywide and within each Community Plan area,

**Lost Affordable Rent Stabilized RSO Units:**

The following 3 rent stabilized buildings were demolished with 2 affordable replacement units proposed for this project:

714 N Sweetzer 10 Units Demolished, 718 N Sweetzer 4 Units Demolished.

By approving the Tract Map for the conversion from an apartment building to a luxury condominium project, you are preventing any right of return under rights allowed under the Ellis Act. under the City of Los Angeles guidelines.

The approval is inconsistent with the true need for affordable housing over the luxury condominiums, which are not needed at this time. 14 Units of affordable housing was already in place on these 2 lots under RSO and should not have been unnecessarily demolished.

The incentivizing of new construction and demolition under the “Early Start as an apartment with a density bonus, over the counter Building and Safety permits for apartments” is completely an abuse of CEQA by not requiring the planning department approvals first and then make CEQA findings, when the developer’s intent was never to build an apartment building and was always to build luxury condominiums. It also is incentivizing the new construction of condominiums when it is not shown as a needed type of housing over affordable at all levels or existing RSO units as shown as a policy under the Housing Element of the General Plan.

### **Cumulative Impacts on Affordable RSO Housing Stock:**

The same developer ETCO Homes, has 3 projects including 714-718 N. Sweetzer Ave .VTT-74129-CN 26 condominium units and 728 N. Sweetzer Ave. VT 74130-CN 44 condominium units, 3 blocks away from the 724-740 N. Croft Project 28 condominium units. Estimated loss from all 3 of these projects show a loss of approximately 60 units of RSO housing with only 2 replacement units of affordable condominiums in their place. The cumulative impact of all 3 of these projects on the affordable housing inventory for this area is substantial and is contrary to the Housing Element of the General Plan.

## **Planning Department Staff Report:**

### Bureau of Engineering –Standard Conditions

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - i. Improve Sweetzer Avenue being dedicated and adjoining the subdivision by the construction of a 5 foot concrete sidewalk and landscaping of the parkway, including any necessary removal and reconstruction of existing improvements,
  - ii. Improve the alley adjoining the subdivision by the construction of a suitable surface to complete a 10 wide half alley with a 2 foot wide longitudinal concrete gutter including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.

The conditions above were struck out in the Staff Report for reasons unknown to the Bureau of Engineering Staff attending the Tract Map Hearing on November 7, 2018. BOE Staff commented that current BOE policy is to not allow this type of request for removal of this condition for dedications on new construction apartment requests for change to condominiums and that the alley should be constructed with the additional dedication included. New rationale and findings were

proposed “on the fly” during the hearing by BOE to justify not making the alley compliant even though the Department of City Planning representative Mr. Turner, stated that the wider alley would improve access to the parking garage for the new residents of the building which will utilize the alley.

This appears to have been a request of the developer for relief on a project that has received a density bonus as an apartment to increase height above the allowed height under the “Q” condition in the area and increased FAR, then requesting a change to condominiums, which would result in a far greater profitability for the developers. This is an abuse of the density bonus and condominium conversion incentive and in fact greatly reduces the affordable housing inventory in the area.

### **Conclusion:**

For all of the reasons listed in my correspondence, you should deny this Tract Map to allow for the conversion of a proposed apartment into a condominium project.

Clearly, this project as proposed does not meet the necessary requirements to meet the Map Act Standards required of condominiums.

It's critical that all city agencies participate, specifically the Planning Department, to help solve the homelessness, displacement and gentrification problems plaguing the region. If city agencies leave it to others to solve, we will be left with a city that will price out everyone except, the extremely rich and force people into homelessness.

Sincerely,

Keith Nakata



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Steven Luftman

David Mann  
Andy Meselson

Paul Motschall  
Taylor Nichols

Joshua Paget  
Laura Petry

Richard Risemberg  
Scott Sale

Marc Sigal  
Marc Sinnott

David Sobel  
Nick Solish

Don Whitehead  
Roque Wicker

August 2nd, 2018

Phillip Bazan (via email to [phillip.bazan@lacity.org](mailto:phillip.bazan@lacity.org))  
Management Analyst  
Department of City Planning  
City of Los Angeles  
200 N Spring Street, Room 763

**Subject: 714 N Sweetzer Ave  
VTT-74129-CN**

Dear Mr. Bazan,

We appreciate the opportunity to comment on this application as the certified neighborhood council serving the area in which the project is located.

The Mid City West Community Council (MCW) Board of Directors **APPROVED** the following motion (13 yeas, 6 nays, 3 abstentions) at the Tuesday, July 10<sup>th</sup>, 2018 board meeting:

The Mid City West Community Council **OPPOSES** the tentative Tract Map for 714-718 Sweetzer due to the loss of character defining historic, Rent Stabilized Ordinance housing, abuse of the Early Start apartment program with conversion to condominium, and inconsistencies with the Hollywood Community Plan. As this was an Ellis Act-evicted property and an apartment building would allow the tenants to return.

Thank you for your attention to this matter. Please feel free to contact us via email at [knakata@midcitywest.org](mailto:knakata@midcitywest.org) or [mberker@midcitywest.org](mailto:mberker@midcitywest.org) as needed.



Sincerely,

Keith Nakata and Mehmet Berker  
Planning and Land Use Committee, Co-Chairs  
Mid City West Community Council

Cc:	Office of Council District No. 5, Hon. Paul Koretz	(via Email)
	Office of Council District No. 5, Faisal Alserri	“
	Office of Council District No. 5, Aviv Kleinman	“
	Office of Council District No. 5, Robert Oliver	“
	Carl Steinberg, etco HOMES, Inc	“
	Eric Lieberman, QES Incorporated	“

## Exhibit G



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: JAN 03 2017

Case No.: DIR-2014-4762-DB-1A  
CEQA: ENV-2014-4763-CE  
Plan Area: Hollywood

Council District: 5 - Koretz

Project Site: 714-718 North Sweetzer Avenue

Applicant: Afshin Etebar, ETCO Homes Inc.

Appellant: Solomon and Ingrid Solomon, abutting property owner  
Eva Nathanson, abutting property owner

At its meeting of **December 8, 2016**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Density Bonus Compliance for a project totaling 26 dwelling units, reserving two (2) units, or 10 percent of the 19 total "base" dwelling units permitted on the site, for Very Low Income Household occupancy for a period of 55 years, with the following requested incentives:

1. **Determined** based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Article III, Section 1 Class 32 (as revised), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Amended** the Finding 1b of the Planning Director's determination related to the environmental clearance;
3. **Approved** in part and denied in part the appeal of the two On-Menu Affordable Housing Incentives;
4. **Sustained** the remained of the Planning Director's determination in approving two On-Menu Affordable Housing Incentives;

This action was taken by the following vote:

Moved: Dake Wilson  
Seconded: Ambroz  
Ayes: Ahn, Katz, Mack, Millman, Padilla-Campos  
Nays: Perlman  
Absent: Choe

Vote: 7 - 1



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James K. Williams, Commission Executive Assistant II  
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**The Commission Action is final upon the mailing of this letter and is not further appealable.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Amended Findings

c: Nicole Sanchez, Planning Assistant  
Mindy Nguyen, City Planner

## CONDITIONS OF APPROVAL

Pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### Density Bonus Compliance Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 26 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of two (2) units, that is 10 percent of the base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2).
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make **two (2)** units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
5. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).
6. **Floor Area Ratio (FAR).** The project qualifies for up to a 35 percent increase in the allowable FAR. The Applicant is requesting a 32.5 percent increase in the allowable FAR and shall therefore provide no more than 42,460 square feet of floor area or an FAR of 3.975:1.
7. **Height.** The proposed project is permitted a maximum height of 56 feet.
8. **Stepback.** Any portion of the proposed building that exceeds 45 feet shall be stepped back a minimum of 11 feet from any exterior face that is along a street, as well as those along the rear lot line per Ordinance No. 178,884 (5.a).
9. **Automobile Parking.** Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. Based upon the number and type of dwelling units proposed, at least 44 automobile parking spaces shall be provided for the project.



10. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the Applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
11. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces. Based upon the number of dwelling units, 26 long-term and 3 short-term bicycle parking spaces shall be provided onsite.
12. **Plans.** Prior to issuance of building permits, detailed development plans, including a complete landscape plan and irrigation plan shall be submitted to the satisfaction of the Planning department, in consultation with the council office.
13. **[Q] Conditions Pursuant to Ordinance No. 178,884.** The proposed project plans shall be in substantial conformance with plans stamped "Exhibit A". Any deviations to "Exhibit A" shall be in conformance with conditions 7-19 of this Ordinance.

#### **Administrative Conditions of Approval**

14. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved." A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
15. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
16. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
17. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
18. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised

plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

19. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
20. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.
21. **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 \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (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 in paragraph (b).
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably

cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

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



## FINDINGS

### DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

**1. Pursuant to Section 12.22 A.25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:**

- a. The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested Incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of on-menu Incentives in 12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus on-menu Incentives are required to provide for affordable housing costs because the Incentives by their nature increase the scale of the project.

The requested Incentives, an increase in the FAR and an increase in the Height, are expressed in the Menu of Incentives per LAMC 12.22 A.25(f) and, as such, permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested Incentives allow the developer to expand the building envelope so the additional two (2) restricted affordable units can be constructed and the overall space dedicated to residential uses is increased. These Incentives support the applicant's decision to set aside two (2) Very Low Income dwelling units for 55 years.

*Floor Area Ratio Increase:* The subject site is zoned [Q] R3-1 which allows 19 units on the 15,828.55 square foot site, including half of the alleyway, with a maximum 3:1 FAR and a maximum Height of 45 feet. The by-right FAR would allow a total of 32,045.1 square feet in floor area. The FAR Increase incentive permits a percentage increase in the allowable FAR equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. While the proposed project qualifies for a maximum 4.05:1 FAR with the 35 percent increase, the proposed project is actually providing a maximum floor area of 42,460 square feet or a 3.975:1 FAR. The proposed 3.975:1 FAR is an approximate 32.5 percent increase and creates 10,414.9 additional square feet.

FAR	Buildable Lot Area (sf)*	Total Floor Area (sf)
3:1	10,681.7	$10,681.7 \times 3 = 32,045.1$

\*Gross lot area less required yards/setbacks plus ½ alley

FAR +32.5%	Buildable Lot Area (sf)*	Total Floor Area (sf)	Additional Floor Area (sf)
3.975:1	10,681.7	$10,681.7 \times 3.975 = 42,460$	$42,460 - 32,045.1 = 10,414.9$

*Height Increase:* The project is permitted a height limit of 45 feet by-right. The requested Incentive allows for an 11-foot increase in the allowable Height. This results in a maximum Height limit of 56 feet. The proposed project, therefore, will measure a maximum of 56-feet in Height. This requested increase in the Height allows for an expanded building envelope.

- b. *The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.*

The proposed Incentives will not have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The proposed project and potential impacts were analyzed in accordance with the City’s Environmental Quality Act (CEQA) Guidelines and the City’s L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds.

While the project discussed in this entitlement includes only the demolition of 14 residential dwelling units and the construction of a 42,460 square foot, 26 unit building, the applicant is also proposing a by-right project at 728-748 N. Sweetzer Avenue which includes the demolition of 26 residential dwelling units and the construction of a 96,390 square foot, 49 unit building located on the same block as the project discussed in this entitlement. For the purposes of CEQA, these two un-related projects have been analyzed as one project in accordance with the City’s CEQA Guidelines and the City’s L.A. CEQA Thresholds Guide. Analysis of the proposed 26 unit building and the 49 unit building has been determined to be Categorically Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the City of Los Angeles CEQA Guidelines.

The proposed projects located at 714-718 N. Sweetzer Avenue and 728-748 N. Sweetzer Avenue, hereafter referred to as the Proposed Project, qualify for a Categorical Exemption because it conforms to the definition of “In-fill Projects” as follows:

- (a) ***The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:***

The proposed project is located within the adopted Hollywood Community Plan area and is subject to the Melrose Zone Change Permanent [Q] Conditions area. The properties are zoned [Q] R3-1 which is designated for Medium Residential land uses corresponding to the R3 Zone. The subject property at 714-718 N. Sweetzer is allowed up to 26 dwelling units on the site through the Density Bonus Ordinance. As proposed and conditioned, the project meets parking, yard, open space, design, massing and landscaping requirements, with modifications to increase Height and FAR. The subject property at 728-748 N. Sweetzer is allowed up to 52 dwelling units, however 49 are proposed to be built. Because this project is by-right and the applicant is not requesting any deviations from the Los Angeles Municipal Code or Melrose Zone

Change Permanent [Q] Conditions, compliance with parking, yard, open space, design, massing, height, and landscaping requirements, will be verified by the Department of Building and Safety and the Planning Department at the time of building permit application during the Plan Check process. Consistent with the Community Plan, the proposed 26-unit apartment development, which includes two (2) Very Low Income units, and the proposed 49-unit apartment development adds new multi-family housing to Los Angeles' housing supply, in a neighborhood which is conveniently located to a variety of community services.

***(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:***

The subject property is located in a highly urbanized area, approximately eight (8) miles northwest of downtown Los Angeles. The subject property at 714-718 N. Sweetzer Avenue is comprised of two legal lots totaling approximately 14,612 square feet, or 0.33 acres. The subject property at 728-748 N. Sweetzer Avenue is comprised of five contiguous lots totaling approximately 41,377.2 square feet, or 0.95 acres. Together these lots total 55,989.2 square feet, which is 1.3 acres and within the five-acre threshold. The subject properties are substantially surrounded by urban uses and are surrounded by [Q] R3-1, R2-1XL, and C4-1XL zoned properties that are improved with multi-family and single-family residential land uses and community commercial uses. The subject property at 714-718 N. Sweetzer Avenue is located approximately 133 feet from Melrose Avenue and approximately 0.3 miles from La Cienega Boulevard. The subject property at 728-748 N. Sweetzer Avenue is located approximately 264 feet from Melrose Avenue and approximately 0.35 miles from La Cienega Boulevard. Properties along Melrose Avenue are zoned C4-1XL and properties along La Cienega Boulevard are zoned C4-1VL. They are both improved with neighborhood serving commercial/retail uses and restaurants. There are multiple major bus routes running along Melrose Avenue, La Cienega Boulevard, and Waring Avenue.

***(c) The project site has no value as habitat for endangered, rare or threatened species:***

The Proposed Project is located within an established, fully developed, medium-density residential and commercial neighborhood adjacent to several commercial corridors, large boulevards and other large employment centers. Therefore, the Proposed Project site has no value as a habitat for endangered, rare or threatened species.

***(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:***

The proposed project at 714-718 N. Sweetzer Avenue replaces 14 existing units, adding a net total of 12 dwelling units. The proposed project at 728-748 N. Sweetzer Avenue replaces 26 existing units, adding a net total of 23 dwelling units. Both projects add 35 combined units to the community. Based upon the existing mobility and circulation networks in direct proximity to the proposed project, the introduction of 35 additional units to the community will not result in traffic impacts. The net new 35 dwelling units are below the Department of Transportation threshold of 36 units for residential apartment projects that require a Traffic Study.



The Proposed Project does not involve the removal of healthy, mature, scenic, or Protected trees. The subject properties have a slope of less than 10 percent and are not in a waterway, wetland, officially designated scenic areas, an officially mapped area of severe geologic hazard, or within an official Seismic Hazard Zone. Therefore, there is no substantial evidence that the Proposed Project will have a specific adverse impact on the physical environment, on public health and safety, and/or on property listed in the California Register of Historic Resources.

The Proposed Project must comply with the adopted City of Los Angeles Noise Ordinance No. 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. This Ordinance covers both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the Proposed Project will not result in any significant noise impacts.

The building construction phase for the project at 714-718 N. Sweetzer Avenue includes the construction of the proposed building on the subject property, with grading of 14,500 cubic yards of soil and the importing/exporting of approximately 7,500 cubic yards of soil, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property. The building construction phase for the project located at 728-748 N. Sweetzer Avenue includes the construction of the proposed building on the subject property, with grading of 36,703 cubic yards of soil, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property.

These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM<sub>2.5</sub> and PM<sub>10</sub> emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NO<sub>x</sub> emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

Nevertheless, appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

The project at 714-718 N. Sweetzer Avenue, a 42,460 square foot multi-family building, will replace an approximately 1,900 square foot duplex, an approximately

2,110 square foot duplex and an approximately 7,300 square foot multi-family residential building. The project at 728-748 N. Sweetzer Avenue, a 96,390 square foot multi-family building, will replace 10 structures containing a total of 26 dwelling units. The structures proposed for demolition include five apartments measuring 504 square feet each, two (2) four-unit buildings measuring 4,641 square feet each, and two (2) six-unit buildings measuring 5,140 square feet each. Possible project-related air quality concerns will derive from the mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The Proposed Project will not exceed the SCAQMD's recommended threshold levels. Operational emission impacts will be at a less than significant level.

The development of the Proposed Project would not result in any significant effects relating to water quality. The Proposed Project is not adjacent to any water sources and construction of the Proposed Project will not create any impact to water quality. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70.

***(e) The site can be adequately served by all required utilities and public services:***

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 35 dwelling units.

The Proposed Project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed above.

## Exhibit H

Ordinance No. 178884

An ordinance amending Sections 12.04 of the Los Angeles Municipal Code by amending the Zoning Map.


THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

**Section 1.** Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1, of the Los Angeles Municipal Code, so that portions of the zoning map shall be as follows:



THIS MAP IS FOR [Q] CONDITIONS PURPOSES ONLY.  
ALL ZONES IN THE AFFECTED AREAS REMAIN THE  
SAME. ALL BOUNDARIES FOLLOW EXISTING LINES.

Legend

 ZONES AFFECTED BY [Q] CONDITIONS



0 125 250 375 500  
Feet

CM 141B173 & 144B173

CPC 2006 - 7181 ZC

DG/22

02/02/07



## **[Q] QUALIFIED PERMANENT CONDITIONS OF APPROVAL**

**Section 2.** Pursuant to Section 12.32.G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “Q” Qualified classification.

1. Plans. Prior to issuance of building permits, detailed development plans, including a complete landscape plan and irrigation plan shall be submitted to the satisfaction of the Planning Department, in consultation with the council office.
2. Approval Verification. Copies of any approved plans, guarantees or verification of consultations, review or approval as may be required by the following conditions of approval shall be provided to the Planning Department for attachment to the subject file.
3. Definition. Any agencies or public officials referenced in these conditions shall mean those agencies or public officials or their successors or designees.
4. Height. For those R3 and R4 zoned properties on the west side of Alfred Street and adjacent to C4 zoned parcels, no building or structure located on the subject property (properties) shall exceed 35 feet in height. However, a maximum building height of 45 feet shall be permitted provided that the following conditions are met:
  - a. for buildings with less than 70 linear feet in width along the front street frontage, any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from any exterior face of the building that is along a street.
  - b. for buildings with 70 linear feet or greater in width along the front street frontage, any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from all exterior faces of the structure, except those faces oriented toward the C4 zoned parcel.
5. Height. For the remaining R3 and R4 zoned properties within the zone change boundaries, no building or structure located on the subject property (properties) shall exceed 35 feet in height. However, a maximum building height of 45 feet shall be permitted provided that the following conditions are met:
  - a. for buildings with less than 70 linear feet in width along the front street frontage, any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from any exterior face that is along a street, as well as those along the rear lot line.
  - b. for buildings with 70 linear feet or greater in width along the front street frontage, any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from all exterior faces of the structure.
6. Height. In addition to the above, for those buildings abutting R1 zoned lots, a maximum building height of 45 feet shall be permitted provided that one of the two following options are met along the building face oriented toward the R1 zoned lot:
  - option 1: any height between 25 and 35 feet shall be stepped back ½ foot for each additional foot of height between 25 and 35 feet, and any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from that portion of the building below.

option 2: any additional height above 35 feet shall be stepped back 20 feet from the exterior face of the building or structure.

7. Setbacks. A 15-foot setback at grade level shall be required on any side of a building that is abutting any R1 or R2 zoned lot.
8. Development fronting Alfred Street or Croft Avenue shall designate Alfred Street or Croft Avenue as the required front yard.
9. Open Space. Open space shall be provided per LAMC Section 12.21 G. Courtyards and building breaks required by these conditions may count as common open space notwithstanding the provisions of LAMC Section 12.21 G 2(a)(1).
10. Landscaping. All open areas not used for buildings, driveways, surface parking areas, recreational facilities, or walks shall be attractively landscaped, including an automatic irrigation system, in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or landscape contractor to the satisfaction of the Planning Department.
11. A minimum of 50 percent of common usable open space areas shall be planted in ground cover, shrubs or trees. Trees shall be planted in the required front and rear yard setback area at a ratio of one tree per every 300 square feet of front and rear yard provided. Trees may not be less than 24-inch box in size, and shall be planted within open space areas. An automatic irrigation system shall be provided for all required landscaped areas. Landscaped areas located on top of a parking garage or deck shall include permanent planters at least 30 inches in depth (12 inches for lawn/ground cover) and be properly drained.
12. Required rear yard setback areas shall not be used for surface parking, and shall be landscaped as a greenbelt area with a maximum of 20 percent hardscape. Vegetative landscape screening shall be incorporated into the landscape plan to minimize views across rear property lines.
13. Street Trees. Street trees 20 feet on center (24 inch box), with root collars to prevent uplifting of sidewalks, shall be provided. Street tree type shall match the prevailing street tree of the street to the satisfaction of the Bureau of Street Services.
14. Parking Level Screening. Any portion of a parking level, which exceeds finished grade, shall be screened from the view of the public right-of-way by landscape features including trees, shrubbery, planter boxes or berms at least three (3) feet in height. Any planter box or berm shall not be used to calculate the height of a structure.
15. All structures on the roof, including air conditioning units, mechanical equipment, vents, and parapets, shall be fully screened from view from any adjacent residential zoned properties through the use of materials and colors that match the exterior walls of the structure. Any roof projections shall be located a minimum of 5 linear feet from the roof edge. Any roof projections within 10 linear feet from the roof edge shall be limited to a height of 5 feet. Roof projections located greater than 10 linear feet from the roof shall be permitted per LAMC.
16. Articulation. All exterior faces on new buildings and those involving the exterior alteration of existing buildings shall be designed to provide articulation that provides relief for every 30 feet in horizontal length and every 20 feet in vertical length, created by architectural detail or a change in material. In addition, for those buildings greater than 35 feet in height, the exterior faces of the upper floor shall be differentiated through the use of such design features as material or color and shall have differently articulated windows.

17. Balconies. Cantilever balcony protrusions into required front and rear yard setbacks shall be limited to 24 inches in depth. The horizontal dimension of each protruding balcony shall be limited to 75 percent of the width of the residential unit it serves.

18. Massing. For a building between 150-190 linear feet in width or depth, one of the following two options shall be met:

option 1: A front courtyard shall be provided adjacent to the front yard setback at ground level, with a minimum width and depth of 20 linear feet and a minimum total area of 700 square feet. The required front courtyard shall be open to the sky. The required front courtyard shall not be located within 40 linear feet of a side property line. Any front courtyard fencing shall be predominantly open or transparent in design, using wrought iron or similar material combining limited solid portions and open or transparent spaces. The required front courtyard shall be located no more than three (3) vertical feet from highest adjacent sidewalk grade. A minimum of 20 percent of a required front courtyard shall consist of planted ground cover, shrubs, trees, water features, or permanent planter boxes.

option 2: Terraces. Terraces shall be provided along the front face of a building to provide articulation and open space. Each residential unit located on the second floor or above, with exposure to the front face, shall provide a minimum of one terrace. Required terraces shall be located along the front face of the building and shall have a minimum area of 100 square feet each. Each terrace shall have a minimum width and depth of 8 linear feet. Required terraces need not be open to the sky but shall not be enclosed and remain open on the side facing the front yard. For those portions of a building above 35 feet, a building setback of 8 linear feet or greater shall satisfy this requirement.

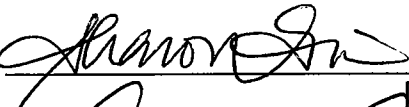
19. Building Breaks. For a building greater than 190 linear feet in width or depth, no portion of a building above finished grade level shall exceed 190 linear feet in either width or depth excluding those portions of the building used for parking. If a building exceeds 190 linear feet in width or depth below finished grade level, then any two portions of the building above grade level that would together exceed 190 linear feet shall be considered separate buildings with an assumed common lot line between them, and each portion shall be set back from such assumed common lot line a minimum of 6 feet, excluding those portions of the building used for parking. Notwithstanding the provisions of LAMC Section 12.21 G regarding minimum common open space requirements, for projects that build two or more buildings in order to comply with the 190 foot limitation on the length of buildings, the required building break setback areas between two portions of the building shall count and be credited towards the amount of common open space required for the project. In this instance, a horizontal dimension of 12 feet or greater shall satisfy LAMC 12.21G.2(a)(1)(iii) provided all other conditions of LAMC 12.21G.2(a) are met.

**Section 3.** The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

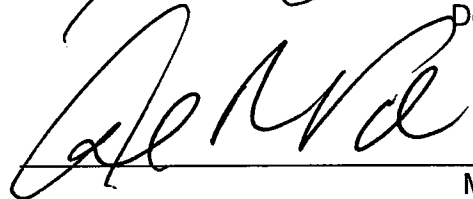
I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, by a vote a **majority** of all its members at its meeting of

JUN 06 2007

FRANK T. MARTINEZ, City Clerk

By  Deputy

Approved JUN 20 2007

 Mayor

Approved as to Form and Legality

ROCKARD G. DELGADILLO, City Attorney

Pursuant to Charter Section 559, I **approve** this ordinance on behalf of the City Planning Commission and recommend it be adopted.....

By \_\_\_\_\_  
Deputy City Attorney

May 30, 2007

see attached report

  
S. GAIL GOLDBERG  
Director of Planning

File No. CPC 2006-7181-ZC  
CF 06-1314

Date: JUN 06 2007

## DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 178884 - Zone change for properties within the area generally bounded by La Cienega Boulevard to the west, Melrose Avenue to the south, Harper Avenue to the east, and the City of West Hollywood to the north - CPC 2006-7181 ZC - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on June 6, 2007, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on June 21, 2007 I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on June 21, 2007 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21st day of June 2007 at Los Angeles, California.

  
Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: July 31, 2007

Council File No. 06-1314


# INITIAL SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3a. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission’s ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

The following submissions are not integrated or addressed in the Staff Report but have been distributed to the Commission.

Material which does not comply with the submission rules is not distributed to the Commission.

## ENABLE BOOKMARKS ONLINE:

\*\*If you are using Explorer, you will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

Neill Brower  
nb4@jmbm.com

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(310) 203-8080 (310) 203-0567 Fax  
www.jmbm.com

Ref: 75596-0003

March 4, 2019

**BY EMAIL AND COURIER**

President Jennifer Chung Kim  
Members of the Central Area  
Planning Commission  
200 N. Spring Street, Rm. 272  
Los Angeles, CA 90012  
Attn: Rocky Wiles  
apccentral@lacity.org

Re: 714-718 Sweetzer  
VTT-74129-CN  
DIR-2018-2720-WDI  
ENV-2018-2721-CE

Dear President Kim and Members of the Central Area Planning Commission:

Our office represents EtcoHomes (“Etco”), owner and applicant for the above-referenced vesting tentative tract map (the “Map”) and waiver of dedication and improvement of a public alley (the “Waiver”), which apply to already approved building that is currently under construction. We respond to the appeal, which essentially repeats several arguments already considered and rejected over two years ago by the City Planning Commission (“CPC”) and the Director of Planning in cases DIR-2014-4762-DB-1A and ENV-2014-4763-CE. Both cases are final and years beyond challenge, building permits were validly issued pursuant to those approvals, and Etco has the absolute right to complete construction. Other points the appeal raises simply are not legally or factually accurate. Overall, nothing presented in the appeal provides any basis to overturn the Deputy Advisory Agency (“DAA”) and Director approval of the Map and Waiver, and because the appellant bears the burden to overcome the approvals, this Commission should deny the appeal and affirm the approvals.

**1. The Project Would Not Have a Significant Environmental Effect, as The City Previously Determined in 2016.**

The City previously considered—more than two years ago—the environmental effects of the building that the Map and Waiver concern, when the City approved the building and determined the development was categorically exempt from further review under the California

Environmental Quality Act (“CEQA”; Pub. Res. Code §21000 *et seq.*).<sup>1</sup> That determination was upheld on appeal and was never further appealed or challenged in court. Accordingly, that approval is now final and beyond legal challenge. The appellant simply neglects the prior approvals and their associated findings. Further, as the approved Map and Waiver would not result in any physical environmental effects, the current Exemption remains proper and the appellant provides no evidence otherwise.

**(a) The Development and Exemption Were First Approved in 2016.**

The original Project approval addressed the demolition of then-existing units and the building currently under construction. In accordance with sections 15300.2 and 15332 of the State CEQA Guidelines, the City determined the Project fell squarely within the qualifying criteria of the Class 32/Infill Development Project categorical exemption (the “Exemption”). Pages 8-11 of the 2016 Director’s determination specifically address each of the required criteria for the Exemption, even though no such findings were required.<sup>2</sup> Consistent with these findings, the Director adopted the Exemption as part of the original Project approvals.

**(b) The City Planning Commission Affirmed that the Development, in Combination with Another Project, was Exempt.**

The Director’s approval was subsequently appealed to the City Planning Commission (“CPC”),<sup>3</sup> which also determined the Exemption applied. The CPC adopted, with modifications, the Director’s findings consistent with that determination. The modifications reflected the CPC’s simultaneous *evaluation of the effects of two of Etco’s projects*, even though the CPC specifically acknowledged the projects were not related<sup>4</sup>: That is, the analysis also addressed and included findings for the project at 724-728 N. Sweetzer, in addition to 714-718 N. Sweetzer, determining the two developments together would not have a significant environmental effect and were categorically exempt from further review. The CPC’s decision, including the decision on the Exemption, was not further appealed and became final. Because no legal action ever challenged the Exemption, the Exemption itself is beyond challenge.

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<sup>1</sup> Case no. DIR-2014-4762-DB, issued September 15, 2016.

<sup>2</sup> See, e.g., *Respect Life South San Francisco v. City of South San Francisco*, 15 Cal.App.5th 449 (2017) (Adoption of a categorical exemption includes an implied finding that no unusual circumstances apply to the subject project).

<sup>3</sup> Case no. DIR-2014-4762-DB-1A.

<sup>4</sup> *Id.* at p. F-6.



**(c) Etco Already Has the Absolute Legal Right to Complete the Building, Which is Already Well Under Construction, and the Approved Map and Waiver Would Have No Physical Effects.**

The current case only concerns a condominium map and waiver of dedication for the previously approved building, which remains under construction. As stated in the public hearing before the DAA and Director, the Map and Waiver do not propose and would not cause any physical change beyond those already evaluated in the 2016 approvals. Because they would have no physical effect, and because the prior approvals also were exempt, the Exemption remains proper here.

Etco's right to complete the approved building, based on its validly issued building permits, is vested by law and therefore absolute. The concept of vesting limits the power of a local government entity to impose more restrictive regulations on the developer of a site after a certain point in the permitting process, usually after some actual development of the site has occurred in reliance on a validly issued building permit. *Avco Community Developers, Inc. v. South Coast Regional Comm'n*, 17 Cal. 3d 785, 791, 793 (1976), cert. denied, 429 U.S. 1083 (1977) ("*Avco*"). When a permit becomes vested, it may be revoked only if the permittee fails to comply with the terms or conditions in the permit or if there is a "compelling public necessity." *Goat Hill Tavern v. City of Costa Mesa*, 6 Cal. App. 4th 1519, 1530 (1992). Generally, courts limit compelling public necessity to abatement of a use that has become a public nuisance. *Id.* at 1524.

Here, Etco began demolition of the then-existing building and construction of the approved building, according to the prior approvals and validly issued building permits, in 2017. No evidence indicates or could indicate that issuance of the permits for the building was somehow invalid. "Vertical" construction of the building has already occurred: that is, the foundation of the building is complete, and construction of the building itself has commenced, with substantial expenditures by Etco on that construction. Further, no evidence presented the appellant or anyone else has even purported to suggest the building poses a threat to public health or safety, and all administrative and legal challenges to the 2016 approvals to construct the building are years beyond their applicable statutes of limitations. Consequently, under California law, and as provided by the California Supreme Court, Etco has a vested right to finish constructing the building, absent a nuisance determination, which does not exist here. *See Davidson v. County of San Diego*, 49 Cal. App. 4th 639, 648 (1996).

The Map itself only facilitates the sale of the individual units as condominiums. It proposes no physical changes to the building, as the prior approvals contemplated the higher parking requirements for condominiums (in comparison to apartments). Indeed, the approved Map depicts the building as "under construction"<sup>5</sup> Similarly, the Waiver would perpetuate the existing condition of the Property with respect to the paper alley along the rear property line: the original approval did not contemplate additional dedication or improvement of the alley. Neither

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<sup>5</sup> See Exhibit "A" to the determination letter for VTT-74129-CN (the approved Map).

approval modifies the approved building in any way or otherwise alters the current or proposed physical condition of the Property; rather, the Map and Waiver only constitute the subsequent administrative approvals required for sale, rather than rental, of the units in the approved building, and formalize the lack of need to improve the paper alley, which would result in an isolated dead-end.

**(d) No Unusual Circumstances or Cumulative Impacts Could Apply, as the City Previously Determined and Because No Physical Changes Would Occur.**

When an agency determines a categorical exemption applies, *the appellant bears the burden* of demonstrating an unusual circumstance will result in a significant environmental effect, and must provide substantial evidence support that assertion. *Berkeley Hillside Preservation v. City of Berkeley*, 60 Cal.4th 1086, 1105 (2015), citing *Davidon Homes v. City of San Jose*, 54 Cal.App.4th 106, 115 (1997). Here the appellant has provided no evidence, and the effects claimed are not physical impacts within the meaning of CEQA. Consequently, the appellant has failed to meet his burden, and no basis exists for overturning the exemption.

The development is a typical infill project, as described by the current and previous environmental findings. It is completely surrounded by urban development and meets the criteria listed in section 15332 of the CEQA Guidelines. The City previously determined, the development, in combination with other nearby development, would not result a significant physical effect, and no unusual circumstances apply to the Map or Waiver.

As the Map and Waiver propose no physical changes to the environment, no circumstance could exist that would change their prior determination and result in a physical effect. Crucially, the “unusual circumstances” exception refers to conditions that would result in significant *physical impacts* to the environment. (CEQA Guidelines §15300.2(c); *Berkeley Hillside Preservation v. City of Berkeley*, 60 Cal.4th 1086, 1105 (2015).) The demolition of rent-stabilized (not affordable) units already occurred in 2017, in compliance with the 2016 City Planning approvals for the Property, and the Map and Waiver would not change that. The replacement of older dwelling units with new, for-sale (or even rental) dwelling units is a regular, typical occurrence in the City.

Contrary to the appeal, the loss of rent-stabilized units does not result in a loss of affordable units, which were never present on the Property. In fact, the approved building will *provide* new affordable units. However, even if appellant’s claim were true (it is not), *the demolition of rent-stabilized units and replacement with new units is a socio-economic issue to which CEQA simply does not apply*. (CEQA Guidelines §§15064(f), 15131.) Further, any required analysis already occurred in 2016.

## **2. The Project Complies with Zoning and the General Plan, and State Law Forbids a Different Finding.**

As determined by the prior planning case over two years ago, the development is located on an infill site that provides no habitat or other biological value and meets all City land use regulations and exemption criteria.<sup>6</sup> In fact, State law specifically prohibits a finding that a density bonus conflicts with land use regulations:

“(1) The granting of a concession or incentive *shall not* require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. “

Further:

“(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus *shall not* require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.”

(Govt. Code §65915(j); emphasis provided.) Section 12.22-A.25(g)(2)(c) of the Municipal Code includes similar language. Thus, under the law, the already approved density bonus and incentives do not violate local plans or regulations, and therefore could not require any relief beyond the underlying entitlements required in the absence of a density bonus.

In any case, the appeal provides no evidence of any kind—let alone substantial evidence—of any significant environmental effect, nor of any effect the City did not previously consider when it approved the building. The appeal also fails to articulate any basis for a finding of conflict with objective development criteria provided in the General Plan. Further, a general finding of consistency with the Community Plan or General Plan does not require strict consistency with every policy or with all aspects of a plan. Land use plans attempt to balance a wide range of competing interests, and a project need only be consistent with a plan overall; even though a project may deviate from some particular provisions of a plan, the City may still find the project consistent with that plan on an overall basis. (*Friends of Lagoon Valley v. City of Vacaville*, 154 Cal. App. 4th 807, 815 (2007).)

## **3. The Project Complied Fully with City Procedures, and the Bureau of Engineering Concurred in the Waiver of the Alley Dedication.**

The appeal wrongly implies the development used an “early start” program or sought to obtain permits without environmental review. In fact, the City does not have any over-the-counter building and safety permit for density bonus developments. Rather—as the appellant is well

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<sup>6</sup> We note that because the appeal’s arguments on this point were previously offered and rejected for the prior approvals, a contrary finding is precluded here.

aware—the development was previously evaluated through a discretionary and environmental review process, subjected to appeal, and twice approved. The building permits under which construction now occurs were first issued in 2017 on the basis of the prior approvals, and neither the Map nor the Waiver proposes any physical changes to the previously approved development.

Regarding improvements and dedication, the appeal erroneously claims certain conditions were purposely struck and others imposed “on the fly” and without consultation with the Bureau of Engineering. In fact, Planning staff incorrectly struck condition S.3.(i)i, regarding Sweetzer Avenue improvements and dedication. As discussed extensively at the hearing—which the appellant attended—Etco requested the reestablishment of that condition, *in accordance with the Bureau of Engineering recommendations*. Regarding condition S.3.(i).ii, Etco Homes requested the waiver as part of its map application (and not as a density bonus incentive) because, as stated in the application and at the hearing, the requested alley would dead-end and fail to provide the access for which it was intended. *Senior staff of the Bureau of Engineering agreed and recommended granting the waiver*. Again, all of this discussion occurred at the DAA hearing, which the appellant attended.

Regarding relocation, Etco homes previously provided substantial relocation assistance, as required by exceeding the City Housing and Community Investment Department, and every tenant has found housing of a higher quality than existed at the Property. The letter wrongly states otherwise, and provides no evidence for its claim. Further, the Map and Waiver approval have no relationship to the claim.

**4. Appellant Has Failed Even to Attempt to Satisfy His Burden of Proof, and the APC Should Affirm the Director’s Approval of the Map and Waiver.**

For all of the reasons described above, the appeal is wrong on the law and facts, and it provides no evidence to support any of its claims. Because the appellant bears the burden of proof to overcome the approvals, and because the actual approvals at issue bear no relationship at all to the majority of the appellant’s claims, no evidentiary basis exists to overturn the approval of the Map and Waiver. Therefore, we respectfully request the APC reject the appeal and affirm those approvals, which facilitate a development that provides affordable housing and has already been subject to substantial review by the City.

Sincerely,



NEILL E. BROWER of  
Jeffer Mangels Butler & Mitchell LLP

NB:neb

Attachments

cc: Nicholas Ayars, Department of City Planning

# **Attachment 1**

**DEPARTMENT OF  
CITY PLANNING**

**CITY PLANNING COMMISSION**

DAVID H. J. AMBROZ  
PRESIDENT

RENEE DAKE WILSON  
VICE-PRESIDENT

ROBERT L. AHN  
CAROLINE CHOE  
RICHARD KATZ  
JOHN W. MACK  
SAMANTHA MILLMAN  
VERONICA PADILLA  
DANA M. PERLMAN

JAMES K. WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT II  
(213) 978-1300

**CITY OF LOS ANGELES  
CALIFORNIA**



ERIC GARCETTI  
MAYOR

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INFORMATION  
<http://planning.lacity.org>

**DIRECTOR'S DETERMINATION  
DENSITY BONUS & AFFORDABLE HOUSING INCENTIVES**

September 15, 2016

**Applicant**

Afshin Etebar  
ETCO Homes Inc.  
8447 Wilshire Blvd., #400  
Beverly Hills, CA 90211

**Property Owner**

Sweetzer Development, LLC  
8447 Wilshire Blvd., #400  
Beverly Hills, CA 90211

**Representative**

Afshin Etebar  
8447 Wilshire Blvd., #400  
Beverly Hills, CA 90211

**Case No.:** DIR-2014-4762-DB

**CEQA:** ENV-2014-4763-CE

**Location:** 714-718 N. Sweetzer Avenue

**Council District:** 5 – Koretz

**Neighborhood Council:** Mid City West

**Community Plan Area:** Hollywood

**Land Use Designation:** Medium Residential

**Zone:** [Q] R3-1

**Legal Description:** Lots 8 & 9, Block E, TR 5763

**Last Day to File an Appeal:** September 30, 2016

**DETERMINATION – Density Bonus/Affordable Housing Incentives Program**

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.22 A.25, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

**Approve** the following two (2) Incentives requested by the applicant for a project totaling 26 dwelling units, reserving two (2) for Very Low Income Household occupancy for a period of 55 years, with the following requested Incentives:

1. **Floor Area Ratio (FAR).** A 32.5 percent increase in the allowable FAR allowing a total FAR of 3.975:1 in lieu of the otherwise permitted 3:1 FAR.
2. **Height.** An 11-foot increase in the allowed Height, allowing 56 feet in Height in lieu of the otherwise permitted 45 feet.

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080 of the California Public Resources Code, and Article III, Section 1, Class 32 of the City of Los Angeles CEQA Guidelines,

**Adopt** the attached Findings.



## CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 26 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of two (2) units, that is 10 percent of the base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2).
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make **two (2)** units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
5. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).
6. **Floor Area Ratio (FAR).** The project qualifies for up to a 35 percent increase in the allowable FAR. The Applicant is requesting a 32.5 percent increase in the allowable FAR and shall therefore provide no more than 42,460 square feet of floor area or an FAR of 3.975:1.
7. **Height.** The proposed project is permitted a maximum height of 56 feet.
8. **Stepback.** Any portion of the proposed building that exceeds 45 feet shall be stepped back a minimum of 11 feet from any exterior face that is along a street, as well as those along the rear lot line per Ordinance No. 178,884 (5.a).
9. **Automobile Parking.** Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. Based upon the number and type of dwelling units proposed, at least 44 automobile parking spaces shall be provided for the project.
10. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the Applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.

11. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces. Based upon the number of dwelling units, 26 long-term and 3 short-term bicycle parking spaces shall be provided onsite.
12. **Plans.** Prior to issuance of building permits, detailed development plans, including a complete landscape plan and irrigation plan shall be submitted to the satisfaction of the Planning department, in consultation with the council office.
13. **[Q] Conditions Pursuant to Ordinance No. 178,884.** The proposed project plans shall be in substantial conformance with plans stamped "Exhibit A". Any deviations to "Exhibit A" shall be in conformance with conditions 7-19 of this Ordinance.

#### **Administrative Conditions**

14. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the Applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Approved Plans, supplied by the Applicant, shall be retained in the subject case file.
15. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
16. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
17. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
18. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
19. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
20. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County



Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

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

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

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

## PROJECT BACKGROUND

The proposed project includes the demolition of 14 residential dwelling units, and the construction of a five-story building with 26 residential units, including a minimum of two (2) units for Very Low Income Households and a minimum of 44 automobile parking spaces on two below grade parking levels. The total project size is approximately 42,460 square feet of floor area in the Hollywood Community Plan Area, zoned [Q]R3-1 with a General Plan Designation of Medium Residential and subject to the Melrose Zone Change Permanent [Q] Conditions.

In accordance with California State Law (including Senate Bill 1818, and Assembly Bills 2280 and 2222), the applicant is proposing to utilize Section 12.22 A.25 (Density Bonus) of the Los Angeles Municipal Code (LAMC), which permits a density bonus of 35 percent. This allows for 26 total dwelling units in lieu of the otherwise maximum density limit of 19 dwelling units on the property. A density bonus is automatically granted in exchange for the applicant setting aside a portion of dwelling units, in this case two (2), for habitation by Very Low Income Households for a period of 55 years. Consistent with the Density Bonus Ordinance, the Applicant is also automatically granted a reduction in required parking based on two Parking Options, or a reduction based on the Bicycle Parking Ordinance. The Applicant selected Parking Option 1, which requires a total of 44 automobile parking spaces.

As permitted by LAMC Section 12.22 A.25, the applicant is requesting two Incentives that will facilitate the provision of affordable housing at the site: 1) a 32.5 percent increase in the allowable FAR allowing a total FAR of 3.975:1 in lieu of the otherwise permitted 3:1 FAR; and 2) an 11-foot increase in the allowed height, allowing 56 feet in height in lieu of the otherwise permitted 45 feet. The project site is subject to [Q] Conditions per Ordinance No. 178,884. Condition No. 5a states that no building or structure located on an R3 zoned property shall exceed 35 feet in height; however, a maximum building height of 45 feet shall be permitted provided that for buildings with less than 70 linear feet in width along the front street frontage, any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from any exterior face that is along a street as well as those along the rear lot line. In conjunction with the Density Bonus on-menu height incentive, the proposed project is allowed an additional 11 feet above each respective height limitation per the [Q] Conditions.

Pursuant to LAMC Section 12.22 A.25 (e)(2), in order to be eligible for any on-menu Incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:

- a. *The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.*

The proposed building has one street facing frontage along Sweetzer Avenue to the west, while the southern façade faces an alley. As evident in "Exhibit A", attached to the case file, the street facing façade will have articulation in the form of: architectural elements such as trellises, recessed balconies, and projected balcony railings; various materials such as stucco, aluminum, plaster, metal, and glass; and various colors such as white, gray, and brown, all of which create sufficient breaks in plane and articulation.

- b. *All buildings must be oriented to the street by providing entrances, windows architectural features and/or balconies on the front and along any street facing elevation.*

The proposed project has one street facing façade along Sweetzer Avenue to the west. There is a ground floor entrance to the residential units on the first floor of this street facing façade with planters, a seat wall, and a walkway to help delineate the main

entrance. There are also windows and balconies facing the street along this elevation, as evident in "Exhibit A".

- c. *The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HCM).*

The proposed project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a property that is designated as a City Historic-Cultural Monument.

- d. *The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.*

The project is not located in a Hillside Area, nor is it located in a Very High Fire Hazard Severity Zone.

### **DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS**

1. **Pursuant to Section 12.22 A.25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:**

- a. *The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested Incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of on-menu Incentives in 12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus on-menu Incentives are required to provide for affordable housing costs because the Incentives by their nature increase the scale of the project.

The requested Incentives, an increase in the FAR and an increase in the Height, are expressed in the Menu of Incentives per LAMC 12.22 A.25(f) and, as such, permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested Incentives allow the developer to expand the building envelope so the additional two (2) restricted affordable units can be constructed and the overall space dedicated to residential uses is increased. These Incentives support the applicant's decision to set aside two (2) Very Low Income dwelling units for 55 years.

**Floor Area Ratio Increase:** The subject site is zoned [Q] R3-1 which allows 19 units on the 15,828.55 square foot site, including half of the alleyway, with a maximum 3:1 FAR and a maximum Height of 45 feet. The by-right FAR would allow a total of 32,045.1 square feet in floor area. The FAR Increase incentive permits a percentage increase in



the allowable FAR equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. While the proposed project qualifies for a maximum 4.05:1 FAR with the 35 percent increase, the proposed project is actually providing a maximum floor area of 42,460 square feet or a 3.975:1 FAR. The proposed 3.975:1 FAR is an approximate 32.5 percent increase and creates 10,414.9 additional square feet.

FAR	Buildable Lot Area (sf)*	Total Floor Area (sf)
3:1	10,681.7	$10,681.7 \times 3 = 32,045.1$

\*Gross lot area less required yards/setbacks plus ½ alley

FAR +32.5%	Buildable Lot Area (sf)*	Total Floor Area (sf)	Additional Floor Area (sf)
3.975:1	10,681.7	$10,681.7 \times 3.975 = 42,460$	$42,460 - 32,045.1 = 10,414.9$

**Height Increase:** The project is permitted a height limit of 45 feet by-right. The requested Incentive allows for an 11-foot increase in the allowable Height. This results in a maximum Height limit of 56 feet. The proposed project, therefore, will measure a maximum of 56-feet in Height. This requested increase in the Height allows for an expanded building envelope.

- b. *The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.*

The proposed Incentives will not have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The proposed project and potential impacts were analyzed in accordance with the City’s Environmental Quality Act (CEQA) Guidelines and the City’s L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed project determined that it is Categorically Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the City of Los Angeles CEQA Guidelines. The Class 32 exemption is intended to promote infill development within urbanized areas.

The proposed project qualifies for a Categorical Exemption because it conforms to the definition of “In-fill Projects” as follows:

- (a) ***The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:***

The proposed project is located within the adopted Hollywood Community Plan area and is subject to the Melrose Zone Change Permanent [Q] Conditions area. The property is zoned [Q] R3-1 which is designated for Medium Residential land uses corresponding to the R3 Zone. The subject property is allowed up to 26 dwelling units on the site through the Density Bonus Ordinance. As proposed and conditioned, the project meets parking, yard, open space, design, massing and landscaping requirements, with modifications to increase Height and FAR.

Consistent with the Community Plan, the proposed 26-unit apartment development, which includes two (2) Very Low Income units, adds new, multi-family housing to Los Angeles' housing supply, in a neighborhood which is conveniently located to a variety of community services.

***(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:***

The subject property is located in a highly urbanized area, approximately eight (8) miles northwest of downtown Los Angeles. The subject property is comprised of two legal lots totaling approximately 14,612 square feet, or 0.33 acres, which is well within the five-acre threshold. The subject property is substantially surrounded by urban uses. The entire site is surrounded by [Q] R3-1, R2-1XL, and C4-1XL zoned properties that are improved with multi-family and single-family residential land uses and community commercial uses. The subject property is located approximately 133 feet from Melrose Avenue and approximately 0.3 miles from La Cienega Boulevard. Properties along Melrose Avenue are zoned C4-1XL and properties along La Cienega Boulevard are zoned C4-1VL. They are both improved with neighborhood serving commercial/retail uses and restaurants. There are multiple major bus routes running along Melrose Avenue, La Cienega Boulevard, and Waring Avenue.

***(c) The project site has no value as habitat for endangered, rare or threatened species:***

The project is located within an established, fully developed, medium-density residential and commercial neighborhood adjacent to several commercial corridors, large boulevards and other large employment centers. Therefore, the project site has no value as a habitat for endangered, rare or threatened species.

***(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:***

The proposed project replaces 14 existing units, adding a net total of 12 dwelling units. Based upon the existing mobility and circulation networks in direct proximity to the proposed project, the introduction of 12 additional units to the community will not result in traffic impacts. The project will generate well under 500 daily trips, which is the established CEQA threshold.

The project does not involve the removal of healthy, mature, scenic trees because there are no trees being removed. The subject property has a slope of less than 10 percent and is not in a waterway, wetland, officially designated scenic areas, an officially mapped area of severe geologic hazard, or within an official Seismic Hazard Zone. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, and/or on property listed in the California Register of Historic Resources.

The project must comply with the adopted City of Los Angeles Noise Ordinance No. 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. This Ordinance covers both operational noise levels (i.e.,

post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed project will not result in any significant noise impacts.

The building construction phase includes the construction of the proposed building on the subject property, with grading of 14,500 cubic yards of soil and the importing/exporting of approximately 7,500 cubic yards of soil, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the Subject Property. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM2.5 and PM10 emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NOx emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

Nevertheless, appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

The project, a 42,460 square foot multi-family building, will replace an approximately 1,900 square foot duplex, an approximately 2,110 square foot duplex and an approximately 7,300 square foot multi-family residential building. Possible project-related air quality concerns will derive from the mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The proposed project will not exceed the SCAQMD's recommended threshold levels. Operational emission impacts will be at a less than significant level.

The development of the project would not result in any significant effects relating to water quality. The project is not adjacent to any water sources and construction of the project will not create any impact to water quality. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70.



**(e) The site can be adequately served by all required utilities and public services:**

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 12 dwelling units.

The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed above.

### **DENSITY BONUS LEGISLATION BACKGROUND**

The California State Legislature has declared that "[t]he availability of housing is of vital statewide importance," and has determined that state and local governments have a responsibility to "make adequate provision for the housing needs of all economic segments of the community." Section §65580, subds. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the "continued affordability of all low and very low income units that qualified the applicant" for the density bonus.

California State Assembly Bill 2222 went into effect January 1, 2015. It introduces rental dwelling unit replacement requirements, which pertain to cases filed (not issued) as of January 1, 2015. This determination letter does not reflect replacement requirements because the case application was submitted to the Department of City Planning on December 19, 2014, prior to the effective date of the amended Law. The new state law also increases covenant restrictions from 30 to 55 years for cases issued (not just filed) as of January 1, 2015. This determination letter does reflect 55 year covenant restrictions, given that the case decision, or approval, as noted on the front page, is being issued after January 1, 2015.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three "concessions or incentives" for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as "on-menu" incentives) comprised of eight zoning adjustments that meet the definition of concessions or incentives in state law (California Government Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width, 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alley dedications; and 8) allowing for "averaging" of FAR, density, parking or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

Under Government Code Section § 65915(a), § 65915(d)(2)(C) and § 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code. Section 12.22 A.25 creates a procedure to waive or modify zoning code standards which may prevent, preclude or interfere with the effect of the density bonus by which the incentive or concession is granted,



including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City's development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD) note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

### **FINANCIAL ANALYSIS/PRO-FORMA**

Pursuant to the Affordable Housing Incentive Density Bonus provisions of the LAMC (Section 12.22 A.25) proposed projects that involve on-menu incentives are required to complete the Department's Master Land Use Permit Application form, and no supplemental financial data is required. The City typically has the discretion to request additional information when it is needed to help make required findings. However, the City has determined that the level of detail provided in a pro forma is not necessary to make the findings for on-menu incentives. This is primarily because each of the City's eight on-menu incentives provides additional buildable area, which, if requested by a developer, can be assumed to provide additional project income and therefore provide for affordable housing costs. When the menu of incentives was adopted by ordinance, the impacts of each were assessed in proportion to the benefits gained with a set-aside of affordable housing units. Therefore, a pro-forma illustrating construction costs and operating income and expenses is not a submittal requirement when filing a request for on-menu incentives. The City's Density Bonus Ordinance requires "a pro forma or other documentation" with requests for off-menu incentives but has no such requirement for on-menu requests.

## **TIME LIMIT – OBSERVANCE OF CONDITIONS**

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, or through the Department of City Planning website at <http://planning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

## **TRANSFERABILITY**

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

## **APPEAL PERIOD - EFFECTIVE DATE**

**The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination** unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at [www.planning.lacity.org](http://www.planning.lacity.org).

Planning Department public offices are located at:

**Downtown Office**  
**Figueroa Plaza**  
**201 North Figueroa Street, 4<sup>th</sup> Floor**  
**Los Angeles, CA 90012**  
**(213) 482-7077**

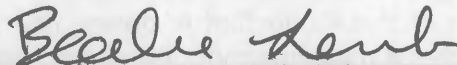
**Valley Office**  
**Marvin Braude Constituent Service Center**  
**6262 Van Nuys Boulevard, Suite 251**  
**Van Nuys, CA 91401**  
**(818) 374-5050**

**Only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property can appeal this Density Bonus Compliance Review Determination.** Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22 A.25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures 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.

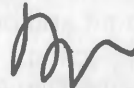
VINCENT P. BERTONI, AICP  
Director of Planning

Approved by:




Blake Lamb, Senior City Planner

Reviewed by:



Mindy Nguyen, City Planner

Prepared by:



Nicole Sanchez, Planning Assistant  
[nicole.sanchez@lacity.org](mailto:nicole.sanchez@lacity.org)  
(213)978-3034

# **Attachment 2**





# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: JAN 03 2017

Case No.: DIR-2014-4762-DB-1A  
CEQA: ENV-2014-4763-CE  
Plan Area: Hollywood

Council District: 5 - Koretz

**Project Site:** 714-718 North Sweetzer Avenue

**Applicant:** Afshin Etebar, ETCO Homes Inc.

**Appellant:** Solomon and Ingrid Solomon, abutting property owner  
Eva Nathanson, abutting property owner

At its meeting of **December 8, 2016**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Density Bonus Compliance for a project totaling 26 dwelling units, reserving two (2) units, or 10 percent of the 19 total "base" dwelling units permitted on the site, for Very Low Income Household occupancy for a period of 55 years, with the following requested incentives:

1. **Determined** based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Article III, Section 1 Class 32 (as revised), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Amended** the Finding 1b of the Planning Director's determination related to the environmental clearance;
3. **Approved** in part and denied in part the appeal of the two On-Menu Affordable Housing Incentives;
4. **Sustained** the remained of the Planning Director's determination in approving two On-Menu Affordable Housing Incentives;

This action was taken by the following vote:

Moved: Dake Wilson  
Seconded: Ambroz  
Ayes: Ahn, Katz, Mack, Millman, Padilla-Campos  
Nays: Perlman  
Absent: Choe

**Vote:** 7 - 1



James K. Williams, Commission Executive Assistant II  
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**The Commission Action is final upon the mailing of this letter and is not further appealable.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Amended Findings

c: Nicole Sanchez, Planning Assistant  
Mindy Nguyen, City Planner

## CONDITIONS OF APPROVAL

Pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### Density Bonus Compliance Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 26 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of two (2) units, that is 10 percent of the base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2).
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make **two (2)** units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
5. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).
6. **Floor Area Ratio (FAR).** The project qualifies for up to a 35 percent increase in the allowable FAR. The Applicant is requesting a 32.5 percent increase in the allowable FAR and shall therefore provide no more than 42,460 square feet of floor area or an FAR of 3.975:1.
7. **Height.** The proposed project is permitted a maximum height of 56 feet.
8. **Stepback.** Any portion of the proposed building that exceeds 45 feet shall be stepped back a minimum of 11 feet from any exterior face that is along a street, as well as those along the rear lot line per Ordinance No. 178,884 (5.a).
9. **Automobile Parking.** Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. Based upon the number and type of dwelling units proposed, at least 44 automobile parking spaces shall be provided for the project.



10. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the Applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
11. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces. Based upon the number of dwelling units, 26 long-term and 3 short-term bicycle parking spaces shall be provided onsite.
12. **Plans.** Prior to issuance of building permits, detailed development plans, including a complete landscape plan and irrigation plan shall be submitted to the satisfaction of the Planning department, in consultation with the council office.
13. **[Q] Conditions Pursuant to Ordinance No. 178,884.** The proposed project plans shall be in substantial conformance with plans stamped "Exhibit A". Any deviations to "Exhibit A" shall be in conformance with conditions 7-19 of this Ordinance.

#### **Administrative Conditions of Approval**

14. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved." A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
15. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
16. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
17. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
18. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised



plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

19. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
20. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.
21. **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 \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (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 in paragraph (b).
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably

cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

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

## FINDINGS

### DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

**1. Pursuant to Section 12.22 A.25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:**

- a. The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested Incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of on-menu Incentives in 12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus on-menu Incentives are required to provide for affordable housing costs because the Incentives by their nature increase the scale of the project.

The requested Incentives, an increase in the FAR and an increase in the Height, are expressed in the Menu of Incentives per LAMC 12.22 A.25(f) and, as such, permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested Incentives allow the developer to expand the building envelope so the additional two (2) restricted affordable units can be constructed and the overall space dedicated to residential uses is increased. These Incentives support the applicant's decision to set aside two (2) Very Low Income dwelling units for 55 years.

*Floor Area Ratio Increase:* The subject site is zoned [Q] R3-1 which allows 19 units on the 15,828.55 square foot site, including half of the alleyway, with a maximum 3:1 FAR and a maximum Height of 45 feet. The by-right FAR would allow a total of 32,045.1 square feet in floor area. The FAR Increase incentive permits a percentage increase in the allowable FAR equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. While the proposed project qualifies for a maximum 4.05:1 FAR with the 35 percent increase, the proposed project is actually providing a maximum floor area of 42,460 square feet or a 3.975:1 FAR. The proposed 3.975:1 FAR is an approximate 32.5 percent increase and creates 10,414.9 additional square feet.

FAR	Buildable Lot Area (sf)*	Total Floor Area (sf)
3:1	10,681.7	$10,681.7 \times 3 = 32,045.1$

\*Gross lot area less required yards/setbacks plus ½ alley

FAR +32.5%	Buildable Lot Area (sf)*	Total Floor Area (sf)	Additional Floor Area (sf)
3.975:1	10,681.7	$10,681.7 \times 3.975 = 42,460$	$42,460 - 32,045.1 = 10,414.9$

*Height Increase:* The project is permitted a height limit of 45 feet by-right. The requested Incentive allows for an 11-foot increase in the allowable Height. This results in a maximum Height limit of 56 feet. The proposed project, therefore, will measure a maximum of 56-feet in Height. This requested increase in the Height allows for an expanded building envelope.

- b. *The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.*

The proposed Incentives will not have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The proposed project and potential impacts were analyzed in accordance with the City’s Environmental Quality Act (CEQA) Guidelines and the City’s L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds.

While the project discussed in this entitlement includes only the demolition of 14 residential dwelling units and the construction of a 42,460 square foot, 26 unit building, the applicant is also proposing a by-right project at 728-748 N. Sweetzer Avenue which includes the demolition of 26 residential dwelling units and the construction of a 96,390 square foot, 49 unit building located on the same block as the project discussed in this entitlement. For the purposes of CEQA, these two un-related projects have been analyzed as one project in accordance with the City’s CEQA Guidelines and the City’s L.A. CEQA Thresholds Guide. Analysis of the proposed 26 unit building and the 49 unit building has been determined to be Categorically Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the City of Los Angeles CEQA Guidelines.

The proposed projects located at 714-718 N. Sweetzer Avenue and 728-748 N. Sweetzer Avenue, hereafter referred to as the Proposed Project, qualify for a Categorical Exemption because it conforms to the definition of “In-fill Projects” as follows:

- (a) ***The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:***

The proposed project is located within the adopted Hollywood Community Plan area and is subject to the Melrose Zone Change Permanent [Q] Conditions area. The properties are zoned [Q] R3-1 which is designated for Medium Residential land uses corresponding to the R3 Zone. The subject property at 714-718 N. Sweetzer is allowed up to 26 dwelling units on the site through the Density Bonus Ordinance. As proposed and conditioned, the project meets parking, yard, open space, design, massing and landscaping requirements, with modifications to increase Height and FAR. The subject property at 728-748 N. Sweetzer is allowed up to 52 dwelling units, however 49 are proposed to be built. Because this project is by-right and the applicant is not requesting any deviations from the Los Angeles Municipal Code or Melrose Zone



Change Permanent [Q] Conditions, compliance with parking, yard, open space, design, massing, height, and landscaping requirements, will be verified by the Department of Building and Safety and the Planning Department at the time of building permit application during the Plan Check process. Consistent with the Community Plan, the proposed 26-unit apartment development, which includes two (2) Very Low Income units, and the proposed 49-unit apartment development adds new multi-family housing to Los Angeles' housing supply, in a neighborhood which is conveniently located to a variety of community services.

***(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:***

The subject property is located in a highly urbanized area, approximately eight (8) miles northwest of downtown Los Angeles. The subject property at 714-718 N. Sweetzer Avenue is comprised of two legal lots totaling approximately 14,612 square feet, or 0.33 acres. The subject property at 728-748 N. Sweetzer Avenue is comprised of five contiguous lots totaling approximately 41,377.2 square feet, or 0.95 acres. Together these lots total 55,989.2 square feet, which is 1.3 acres and within the five-acre threshold. The subject properties are substantially surrounded by urban uses and are surrounded by [Q] R3-1, R2-1XL, and C4-1XL zoned properties that are improved with multi-family and single-family residential land uses and community commercial uses. The subject property at 714-718 N. Sweetzer Avenue is located approximately 133 feet from Melrose Avenue and approximately 0.3 miles from La Cienega Boulevard. The subject property at 728-748 N. Sweetzer Avenue is located approximately 264 feet from Melrose Avenue and approximately 0.35 miles from La Cienega Boulevard. Properties along Melrose Avenue are zoned C4-1XL and properties along La Cienega Boulevard are zoned C4-1VL. They are both improved with neighborhood serving commercial/retail uses and restaurants. There are multiple major bus routes running along Melrose Avenue, La Cienega Boulevard, and Waring Avenue.

***(c) The project site has no value as habitat for endangered, rare or threatened species:***

The Proposed Project is located within an established, fully developed, medium-density residential and commercial neighborhood adjacent to several commercial corridors, large boulevards and other large employment centers. Therefore, the Proposed Project site has no value as a habitat for endangered, rare or threatened species.

***(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:***

The proposed project at 714-718 N. Sweetzer Avenue replaces 14 existing units, adding a net total of 12 dwelling units. The proposed project at 728-748 N. Sweetzer Avenue replaces 26 existing units, adding a net total of 23 dwelling units. Both projects add 35 combined units to the community. Based upon the existing mobility and circulation networks in direct proximity to the proposed project, the introduction of 35 additional units to the community will not result in traffic impacts. The net new 35 dwelling units are below the Department of Transportation threshold of 36 units for residential apartment projects that require a Traffic Study.

The Proposed Project does not involve the removal of healthy, mature, scenic, or Protected trees. The subject properties have a slope of less than 10 percent and are not in a waterway, wetland, officially designated scenic areas, an officially mapped area of severe geologic hazard, or within an official Seismic Hazard Zone. Therefore, there is no substantial evidence that the Proposed Project will have a specific adverse impact on the physical environment, on public health and safety, and/or on property listed in the California Register of Historic Resources.

The Proposed Project must comply with the adopted City of Los Angeles Noise Ordinance No. 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. This Ordinance covers both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the Proposed Project will not result in any significant noise impacts.

The building construction phase for the project at 714-718 N. Sweetzer Avenue includes the construction of the proposed building on the subject property, with grading of 14,500 cubic yards of soil and the importing/exporting of approximately 7,500 cubic yards of soil, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property. The building construction phase for the project located at 728-748 N. Sweetzer Avenue includes the construction of the proposed building on the subject property, with grading of 36,703 cubic yards of soil, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property.

These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM<sub>2.5</sub> and PM<sub>10</sub> emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NO<sub>x</sub> emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

Nevertheless, appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

The project at 714-718 N. Sweetzer Avenue, a 42,460 square foot multi-family building, will replace an approximately 1,900 square foot duplex, an approximately

2,110 square foot duplex and an approximately 7,300 square foot multi-family residential building. The project at 728-748 N. Sweetzer Avenue, a 96,390 square foot multi-family building, will replace 10 structures containing a total of 26 dwelling units. The structures proposed for demolition include five apartments measuring 504 square feet each, two (2) four-unit buildings measuring 4,641 square feet each, and two (2) six-unit buildings measuring 5,140 square feet each. Possible project-related air quality concerns will derive from the mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The Proposed Project will not exceed the SCAQMD's recommended threshold levels. Operational emission impacts will be at a less than significant level.

The development of the Proposed Project would not result in any significant effects relating to water quality. The Proposed Project is not adjacent to any water sources and construction of the Proposed Project will not create any impact to water quality. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70.

***(e) The site can be adequately served by all required utilities and public services:***

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 35 dwelling units.

The Proposed Project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed above.

