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Decision Date: January 19, 2017

Appeal Period Ends: January 30, 2017

Marc Annotti, VHDG Koreatown, LLC(A)(O)  
6363 Wilshire Boulevard, #600  
Los Angeles, CA 90048

Joel B. Miller, Psomas (R)  
555 S. Flower Street, #4300  
Los Angeles, CA 90071

Vesting Tentative Tract No. 74117  
Related Case: ZA 2016-1413(VCU)(CUB)(DB)(SPR)  
Addresses: 3240 Wilshire Boulevard and 656 –  
698 S. New Hampshire Avenue  
Community Plan: Wilshire Planning Area  
Zone : C4-2 and R5-2  
D. M. : 132B197  
C. D. : 10 - Wesson  
CEQA : ENV-2016-1414-MND  
Legal Description: Lots 12-22, Block D, Wilshire  
Boulevard Heights Tract

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03 of the, the Advisory Agency approved Vesting Tentative Tract Map No. 74117 for the merger and re-subdivision of 14 lots into two (2) for the construction of **545 residential condominium units and 5,102 square feet of ground floor commercial space** and the **conversion of a historic department store into a 160-unit hotel** as shown on map stamp-dated September 7, 2016 in the Wilshire Community Plan. This unit density is based on the R5-2 Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning Code as it applies to this particular property.) For an appointment with the Development Services Center call (213) 482-7077 or (818) 374-5050. The Advisory Agency's approval is subject to the following conditions:

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

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That a 3-foot wide strip of land be dedicated along 7th Street adjoining the subdivision to complete a 43-foot wide half right-of-way dedication in accordance with Avenue II of LA Mobility Plan including a 20-foot radius property line return or 15-foot by 15-foot property corner cut at the intersection with New Hampshire Avenue. That the remainder future street be correctly shown on the final map.
2. That a 2.5-foot wide strip of land be dedicated along the alley adjoining the tract where there are no existing structures to remain to complete a 10-foot wide half alley.
3. That any fee deficit under Work Order No. EXT00681 expediting this project be paid.
4. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of the existing sewer in the area.

Any questions regarding this report 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.

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

5. Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division.

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

6. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. Provide copy of building records, plot plan, and certificate of occupancy of all existing structures to verify the last legal use and the number of parking spaces required and provided on each site.
  - b. Provide a copy of the ZA case ZA-2016-1413-VCU-CUB-DB-SPR. Show compliance with all the conditions/requirements of the case as applicable.
  - c. Show all street/alley dedication(s) 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/alley dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
  - d. Show zone boundaries for all the parcel on the Map and specify the lot area for each portion of the zone boundary.
  - e. Provide building plans to show compliance with current Los Angeles City Building Code concerning exterior wall/opening protection and exit requirements with

respect to the new property lines as required in Chapter 6, 7 and 10 of the LABC. Provide a distance greater than 3 ft. from the property line in order to allow up openings up to 15% of wall area. All noncompliance issues shall be corrected, required permits shall be obtained, and the final work inspected prior to a clearance letter being issued.

- f. Comply with density requirement of the **R5 Zone** for each lot and justify the number of proposed dwelling units for each lot. Proposed Lot 2 does not comply with the allowable density. Comply with the above requirements or obtain City Planning approval.
- g. Commercial use is not allowed in the **R5 Zone**. Revised the above use or obtain City Planning approval.
- h. Show compliance for front, side, and rear yard setbacks for the existing use of the existing building based on existing permits and its proposed use.
- i. Required parking spaces are required to remain for the remaining structure on its own site. Show location of all parking spaces and access driveways. Provide copies of permits and final inspection cards, for any new garages or carports.
- j. Provide off-site parking covenant if off-site parking is to be provided for the required parking spaces of the existing building.
- k. If relocation of the parking spaces are proposed, then obtain Use of Land permits to relocate driveways and all required parking for each building onto their corresponding sites. Provide a copy of permits and signed inspection cards to show work has been completed.
- l. Provide driveway access to Proposed Parcel 2 or record and maintain a minimum 20 ft. community driveway easement from Proposed Parcel 1 to Proposed Parcel 2 to access the required parking spaces.

Notes:

The project site is within an area designated as Regional Center Commercial Area.

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.

For dual zone lot, each zone within the lot shall comply with its required lot area, lot width, FAR, setbacks and density requirements.

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.

#### **DEPARTMENT OF TRANSPORTATION**

7. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
  - a. A minimum of 60-foot and 40-foot reservoir space(s) be provided between any ingress security gate(s) and the property line when driveway is serving more than 300 and 100 parking spaces respectively. A minimum of 20-foot reservoir space(s) be provided between any ingress security gate(s) and the property line when driveway is serving less than 100 parking spaces.
  - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21 A-5(i)a.
  - c. The applicant complies with the mitigation measures as stated in the traffic assessment report (traffic study is required, MOU was signed but traffic study has not been submitted to the Department of Transportation as of June 10, 2016.
  - d. 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.

Please contact this section at (213) 482-7024 for any questions regarding the above.

#### **FIRE DEPARTMENT**

8. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
  - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.

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

9. 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**

10. 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.

Improvement Condition: Construct new street light: one (1) on New Hampshire Avenue. If street widening per BOE improvement conditions, relocate and upgrade street lights; two (2) on New Hampshire Avenue, two (2) on Wilshire Boulevard, and two (2) on 7<sup>th</sup> Street.

**BUREAU OF SANITATION**

11. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

**INFORMATION TECHNOLOGY AGENCY**

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

**DEPARTMENT OF RECREATION AND PARKS**

13. That the Quimby in-lieu fee shall be paid based on the R5 Zone.

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

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

Note: All protected tree removals must be approved by the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077

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

15. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner

satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Limit the proposed development to a maximum of two lots and the new construction of up to 545 residential condominium units and approximately 5,102 square feet of commercial area, as approved per ZA-2016-1413-VCU-CUB-DB-SPR.
  - b. Vehicular and bicycle parking shall be provided pursuant to the Los Angeles Municipal Code, as approved per ZA-2016-1413-VCU-CUB-DB-SPR.
  - c. New Hampshire Avenue shall be designated as the front yard for each lot.
  - d. The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better in order to reduce the effects of diminished air quality on the occupants of the project.
  - e. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - f. That the subdivider 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.
  - g. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
  - h. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
16. Prior to the issuance of the building permit or the recordation of the final map, a copy of Case No. ZA-2016-1413-VCU-CUB-DB-SPR shall be submitted to the satisfaction of the Advisory Agency.
17. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider of exporting of approximately 60,000 cubic yards of soil, a total of 100 trips per day for a duration of 43 days, in addition to the following haul route conditions: (MM)
- a. Streets to be used are limited to: Option 1 (New Hampshire Avenue, Wilshire Boulevard, Vermont Avenue, US-101 North, CA-170 North, I-5 North, Newhall Ranch Road, and Henry Mayo Drive) / Option 2 ((New Hampshire Avenue, Wilshire Boulevard, Vermont Avenue, US-101 South, I-10 East, and Vincent Avenue)
  - b. Hauling hours shall be limited to 7:00 a.m. – 4:00 p.m., Monday through Saturday.
  - m. Trucks shall be restricted to 18-wheel dump trucks or smaller.

- n. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- o. The applicant shall be limited to no more than two trucks at any given time within the site's staging area. Trucks shall be spaced so as to discourage a convoy effect.
- p. There shall be no staging of hauling trucks on any streets adjacent to the project, unless specifically approved as a condition of an approved haul route.
- q. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
- r. All staging shall be on-site. Alternatively, an off-site location shall be selected and trucks radioed into site.
- s. A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
- t. Streets shall be cleaned of spilled materials at the termination of each work day.
- u. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
- v. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- w. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- x. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- y. All trucks are to be watered at the job site to prevent excessive blowing dirt.
- z. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
- aa. The applicant shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
- bb. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
- cc. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.

- dd. A minimum of two flag persons are required. One flag person is required at the entrance to the project site and one flag person at the next intersection along the haul route.
  - ee. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.
  - ff. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.
  - gg. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.
  - hh. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 201 N. Figueroa Street, 3rd Floor Counter, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213.482.7030.
18. 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.
19. Indemnification and reimbursement of litigation costs. The 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 (ii).

- 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 (ii).
- 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 includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

#### **DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES (MM) AND PROJECT DESIGN FEATURES (PDF)**

20. Prior to 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 requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 15 and 21 and project design features required by Condition No. 22 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
21. 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:

**MM-1** The Applicant shall be responsible for the implementation of mitigation to reduce impacts to migratory and/or nesting bird species to below a level of significance through one of two ways.

- a. Construction activities with the potential to disturb nesting birds shall be scheduled outside the nesting season which runs from February 15 to August 31 to avoid potential impacts to nesting birds. This would insure that no active nests are disturbed. If construction activities are outside of the nesting season, then No. 2 below is not needed. If construction activities that could impact nesting birds occur during the nesting season, then No. 2 below shall be implemented.
- b. Any construction activities that occur during the nesting season shall require that all suitable habitat (i.e., street trees) be thoroughly surveyed for the presence of nesting birds by a qualified biologist, retained by the Applicant as approved by the City of Los Angeles Building and Safety, before commencement of clearing and prior to grading permit issuance. The survey shall be conducted within 72 hours prior to the start of construction. A copy of the pre-construction survey shall be submitted to the City of Los Angeles Building and Safety. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors) shall be delineated, flagged, and avoided until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive.

If the biologist determines that a narrower buffer between the Project construction activities and observed active nests is warranted, he/she should submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to the City and, upon request, the California Department of Fish and Wildlife Service. Based on the submitted information, the City (and the Department, if the Department requests) shall determine whether to allow a narrower buffer.

**MM-2** Rehabilitation and Construction Monitoring. To protect and preserve the integrity of the Galleria Building as a historical resource, a Rehabilitation Plan shall be prepared by a qualified preservation consultant ("Preservation Consultant") retained by the applicant to inform the design and oversee implementation of the Rehabilitation Plan so that the Project conforms with the Secretary of the Interior's Standards for Rehabilitation. The Preservation Consultant shall meet the Secretary of the Interior's professional qualification standards in history, architectural history or historic architecture, with at least 10 years of experience conducting similar projects. The Preservation Consultant shall prepare a Rehabilitation Plan for the proposed adaptive reuse of the Galleria Building which

is consistent with the analysis, identified impacts and findings of the Historical Resources Assessment Report and Environmental Impact Analysis, prepared by ESA PCR in July 2016 (collectively the "Historic Assessment"), review the design and construction plans to verify the Project's conformance with the Standards and Historic Assessment, and prepare draft and final plan review letters for submittal to the City Planning Department, Office of Historic Resources. The Rehabilitation Plan shall retain and preserve the character-defining features as identified and documented in the Historic Assessment and include appropriate recommendations for the treatment of these features. Once design and construction plans have been prepared, and prior to issuance of a building permit, the Preservation Consultant shall review the Project for conformance to the Standards and Historic Assessment, and provide a final plan review letter summarizing the review findings to the City Planning Department, Office of Historic Resources. Once the Project has been approved by the City, the Preservation Consultant shall visually inspect construction associated with the Galleria Building at regular intervals to address any unanticipated discoveries that may require preservation treatment, ensure Project conformance with the Standards and Historic Assessment, and minimize potential damage to historic fabric. The Preservation Consultant shall document the construction monitoring process in digital photography as well as monitoring logs, and prepare a final monitoring report to be submitted to the City Planning Department, Office of Historic Resources.

- MM-3 HABS Level II Report. It is also recommended that the existing conditions of the Galleria Building be recorded in a HABS Level II report which would serve as a base line reference for the Project and any other future work that may be undertaken for the building. The HABS would record character-defining architecture, spaces, elements and features of the Project Site, photographically in professional archival large format 4" x 5" black-and-white photographs, provide a detailed architectural description of the building along with a narrative history of construction, alterations, and statement of significance. The HABS Level II report would include supplementary color 35mm photographs of architectural details, materials and features to record color, materials and texture not apparent in black-and-white photographs. Supplementary materials shall also include archivally reproduced historic photographs, historic illustrations and advertisements, and historic architectural plans depicting the historic appearance of the property during the period of significance. The HABS Level II report would document existing conditions including those portions of the building to be demolished as well as the portions of the building to be retained. The HABS Level II report would reduce the potential impacts of removal of remaining interior features, any alterations of the Galleria Building. The HABS Level II report should be archivally produced and deposited in a publically accessible library or museum archive such as the Library of Congress, Los Angeles Public Library, and the City of Los Angeles Office of Historic Resources.
- MM-4 The Applicant shall retain a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards to oversee an archaeological monitor who shall be present during construction excavations such as demolition, clearing/grubbing, grading, trenching, or any other construction

excavation activity associated with the Project. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (younger alluvium vs. older alluvium), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the archaeological monitor.

- MM-5 In the event that archaeological resources (e.g., bottles, foundations, refuse dumps/privies, Native American artifacts, etc.) are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by a qualified archaeologist. The Applicant shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. In preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school, historical society, or other organization in the area for educational purposes.
- MM-6 The archaeological monitor shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of archaeological monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources. The report and the Site Forms shall be submitted by the Applicant to the City of Los Angeles, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures.
- MM-7 A qualified Paleontologist shall be retained to develop and implement a paleontological monitoring program for construction excavations that would encounter older sedimentary deposits from the Puente Formation and/or older Quaternary alluvium. The Paleontologist shall attend a pre-grading/excavation meeting to discuss a paleontological monitoring program. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified Paleontologist shall supervise a paleontological monitor who shall be present at such times as required by the Paleontologist during construction excavations into older sedimentary deposits from the Puente Formation and/or older Quaternary alluvium. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened

sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the Paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered. Full-time monitoring can be reduced to part-time inspections, or ceased entirely, if determined adequate by the paleontological monitor.

- MM-8 If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. A buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the Paleontologist's discretion, and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing and evaluation. If preservation in place is not feasible, the paleontologist shall implement a paleontological salvage program to remove the resources from the Project Site. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school, historical society, or other organization in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school.
- MM-9 The paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant to the lead agency and the Natural History Museum of Los Angeles County, and other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures.
- MM-10 If human remains are encountered unexpectedly during implementation of the Project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may

include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

- MM-11 The Applicant shall retain a Native American tribal monitor from a Gabriellino group who shall be present during construction excavations (e.g., demolition, clearing/grubbing, grading, and trenching) associated with the Project. The frequency of monitoring shall be determined by the tribal monitor, who shall take into account the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus artificial fill soils and older versus younger soils), and the depth of excavation, and if found, the abundance and type of prehistoric archaeological resources encountered. Full-time tribal monitoring may be reduced to part-time inspections if determined adequate by the Native American monitor. If prehistoric archaeological or tribal cultural resources are encountered during construction, the Native American monitor shall advise the Applicant and archaeologist regarding the treatment and curation of the resources as described in MM ARCH-2. As discussed in MM ARCH-2, the archaeological monitor shall have the authority to halt or divert ground-disturbing activities away from the vicinity of the find so that it can be evaluated and a subsequent treatment plan be prepared and implemented. The tribal monitor shall advise the archaeological monitor regarding decisions to halt or divert work from the vicinity of a find.
- MM-12 Low- and non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, an architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the Project to reduce VOC emissions to the maximum extent possible.
- MM-13 Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians,

location of nearest hospitals, and fire departments.

- MM-14 Noise-generating equipment operated at the Project Site shall be equipped with the most effective noise control devices, i.e., mufflers, lagging, and/or motor enclosures. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
- MM-15 The Applicant shall designate a construction relations officer to serve as a liaison with surrounding residents and property owners who is responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at the Project Site. Signs shall also be posted at the Project Site that includes permitted construction days and hours.
- MM-16 Construction and demolition activities shall be scheduled so as to avoid operating several heavy pieces of equipment simultaneously.
- MM-17 Temporary noise barriers shall be used to block the line-of-site between construction equipment and noise-sensitive receptors (residences) at all times during Project construction. Noise barriers shall be a minimum of 16-foot tall along the west, south, and north boundaries, which direct lines of sight to adjacent residential uses.
- MM-18 An acoustical analysis by a qualified acoustical engineer, prior to issuance of building permits, to ensure that the building construction (i.e., exterior wall, window, and door) would provide adequate sound insulation to meet the acceptable interior noise level performance standard of 45 dBA CNEL.
- MM-19 To minimize noise associated with Project parking operations: concrete, not metal, shall be used for construction of parking ramps; and the interior ramps shall be textured to prevent tire squeal at turning areas.
- MM-20 Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.
- MM-21 To avoid or minimize potential construction vibration damage to finish materials on the Galleria Building, the condition of such materials shall be documented by a qualified preservation consultant, prior to initiation of construction. During construction, the contractor shall install and maintain at least two continuously operational automated vibrational monitors on the Galleria Building. The monitors must be capable of being programmed with two predetermined vibratory velocities levels: a first-level alarm equivalent to a 0.45 inches per second at the face of the building and a regulatory alarm level equivalent to 0.5 inches per second at the face of the building. The monitoring system must produce real-time specific alarms (via text message and/or email to on-site personnel) when velocities exceed either of the predetermined levels. In the

event of a first-level alarm, feasible steps to reduce vibratory levels shall be undertaken, including but not limited to halting/staggering concurrent activities and utilizing lower-vibratory techniques. In the event of an exceedance of the regulatory level, work in the vicinity shall be halted and the Galleria Building visually inspected for damage. Results of the inspection must be logged. In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant, and if warranted, in a manner that meets the Secretary of the Interior's Standards.

22. 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:

- PDF-1 Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties, the public right-of-way, nor from above.
- PDF-2 The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
- PDF-3 Construction Measures: The Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 3 off-road emissions standards for equipment rated at 50 horsepower (hp) to 89 hp and the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 90 hp or greater during Project construction. Equipment, such as air compressors, concrete/industrial saws, tower cranes, welders and pumps shall be electric. To the extent possible, pole power will be made available for use with electric tools, equipment, lighting, etc. These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.
- PDF-4 Fireplaces: The Project shall not include wood-burning or natural gas-fueled residential fireplaces.
- PDF-5 Commercial Trash Receptacles: Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use. Trash receptacles located within an enclosed building or structure shall not be required to observe the minimum buffer.
- PDF-6 The Project would be designed to optimize energy performance and reduce building energy cost by a minimum of five (5) percent compared to the Title 24 (2016) Building Standards Code.

- PDF-7 The parking structure would be designed with occupancy-sensor controlled lighting that would place lighting fixtures in a low power state in unoccupied zones. A demonstration project by the United States Department of Energy indicated that the use of occupancy-sensor controlled lighting achieved a reduction of 50 percent or more in lighting energy use compared to a similarly lighted parking structure without occupancy-sensor controls. For the purposes of this assessment, compliance with this feature is assumed to achieve a minimum 50 percent reduction in the energy required for parking structure lighting.
- PDF-8 Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- PDF-9 The Project plans would incorporate design guidelines relative to security, semipublic and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project Site if needed. The design would consider guidelines per the "Design out Crime Guidelines: Crime Prevention Through Environmental Design" published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213) 485-3134. These measures would be approved by the LAPD prior to issuance of building permits.
- PDF-10 The Applicant shall prepare a detailed Transportation Management Plan that will detail Project traffic reduction measures for the commercial, hotel and residential components of the Project. Components of the Plan shall include:
- a. Improve the existing bus stops at the northwest and southwest corners of Wilshire Boulevard / Vermont Avenue; and at the east, north, and south sides of Vermont Avenue/ 7th Street by providing weather protected covered benches.
  - b. Highlight the multiple transit and cycling opportunities in the immediate area within the hotel area to promote alternates to vehicle transportation. Items such as a kiosk, flyers and concierge service shall be utilized to promote these opportunities.
  - c. Provide an on-site TDM manager to assist in matching rideshare partners, determining transit routes, and promoting TDM program.
  - d. Provide access pass and transit pass reductions for residents and employees of the commercial retail and hotel venues.
  - e. Provide a visible on-site kiosk with options for ridesharing, bus routes, and bike routes in a prominent area in view for residents, employees and patrons of the hotel and retail commercial components.
  - f. Provide car sharing service for residents and/or commercial employees that rideshare.
  - g. Provide bicycle sharing service for residents and/or commercial employees use.

- h. Provide some commercial components that are neighborhood serving and easily accessible and visible to the major streets to encourage walking as an alternative to single occupant vehicles.
- PDF-11 The Applicant shall employ the following water conservation measures that are beyond those required by law:
- a. Waterless Urinals
  - b. Residential Lavatory Faucets with flow rate of 1.0 gallons per minute or less
  - c. Showerheads with flow rate of 1.5 gallons per minute or less
  - d. High Efficiency Toilets with flush volume of 0.8 gallon of water per flush
  - e. Cooling Tower Conductivity Controllers for Cooling Tower pH Conductivity Controllers
  - f. Water-Saving Pool Filter
  - g. Pool/Spa recirculating filtration equipment
  - h. Pool splash troughs around the perimeter that drain back into the pool
  - i. Leak Detection System for swimming pools and Jacuzzi
  - j. Installation of a meter on the pool make-up line so water use can be monitored and leaks can be identified and repaired
  - k. Drip/Subsurface Irrigation (Micro-Irrigation)
  - l. Zoned Irrigation
  - m. Landscaping Contouring to minimize precipitation runoff
  - n. Artificial Turf
  - o. Rainwater Harvesting

#### **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. 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 1-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 1-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 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of 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) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

Improvement Condition: Construct new street light: one (1) on New Hampshire Avenue. If street widening per BOE improvement conditions, relocate and

upgrade street lights; two (2) on New Hampshire Avenue, two (2) on Wilshire Boulevard, and two (2) on 7<sup>th</sup> Street.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - (a) Improve 7<sup>th</sup> Street being dedicated and adjoining the tract by the construction of an additional concrete sidewalk to complete a full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of the existing improvements satisfactory to the City Engineer.
  - (b) Improve the alley adjoining the subdivision by the construction of a suitable surfacing to complete a 10-foot wide half alley where there are no structures to remain including any the improvement of the turning area with necessary removal and reconstruction of the existing improvements.

**NOTES:**

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

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

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted

before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

#### **FINDINGS OF FACT (CEQA)**

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2016-1414-MND on November 16, 2016. The Department found that potential negative impact could occur from the project's implementation due to:

Biological Resources  
Cultural Resources  
Hazards and Hazardous Materials  
Noise

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2016-190-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition No(s). **15 and 21** of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

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.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 19.

The custodian of the documents or other material which constitute the record of proceedings upon which the Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

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

In connection with the approval of Tentative Tract Map No. 74117, 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. Section 17.15-B, 1 establishes that vesting maps provide the "plan of building envelope shall be submitted, showing the height, size, number of units and approximate location of buildings, driveways and any other proposed exterior garden walls.

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 map provides the building envelope, height, number of units, and approximate location of the building and driveways.

The project site is located within the adopted Wilshire Community Plan, which designates the subject property for Regional Center Commercial land uses corresponding to the CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5 Zones. The subject property is zoned R5-2 and C4-2, consists of a block-long frontage on the east side of New Hampshire Avenue, between Wilshire Boulevard and 7<sup>th</sup> Street, and contains 93,632 square feet of land (2.14 acres). The Project Site is currently developed with the existing Wilshire Galleria, a 1-story *porte cochere* at the south side of the Galleria Building, and a 155-space surface parking lot. The site is located within an Adaptive Reuse Incentive Area and the Wilshire Center / Koreatown Redevelopment Project Area, and is not located within the area of any specific plans, overlay districts, or interim control ordinances. The project proposes the merger of 14 lots and the re-subdivision of 2 lots to allow for the conversion of an existing commercial building into a 162-room hotel with ancillary uses on Lot 1 and the construction of up to 545 residential condominiums and 5,222 square feet of ground floor commercial on Lot 2. Lot 1 consists of 35,522 square feet and Lot 2 consists of a total of 57,359 square feet.

The proposed hotel conversion has been requested through the use of the Adaptive Reuse Ordinance as well as through the project's concurrent Zoning Administrator's request which includes a Conditional Use to permit a hotel use within 500 feet of a residential zone. The proposed new construction of 545 residential condominiums and 5,222 square feet of ground floor commercial has been requested is consistent with the minimum density requirements of 1 unit per 200 square feet and in conjunction with the use of the Density Bonus ordinance.

The Vesting Tentative Tract Map describes and illustrates a land use consistent with the Regional Center Commercial land use designation with the corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5. Apartments, condominiums, and other multi-family are permitted in said land use designation and zone. In conjunction with the requested density bonus, the project's density is consistent with the site's existing zoning regulations. Therefore, the map provides the required components a tentative tract map.

Therefore, the proposed map is substantially consistent with the applicable General Plan affecting the project site and demonstrates compliance with Sections 17.01 and 17.05(C) of the Los Angeles Municipal Code.

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

Section 66418 of the Subdivision Map Act defines the term "design" as follows: "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as maybe necessary to ensure consistency with, or implementation of the general plan or any applicable specific plan. Further, 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 Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that teach Tentative Map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Additionally, the Section establishes that density calculations include the areas for residential use and area designated for public uses, except for land set aside for street purposes. The proposed map provides the required components of a tentative tract map.

The design and layout of the map is 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 (Department of Building and Safety, Bureau of Engineering, Department of Water and Power, and Department of Transportation) have reviewed the map and found the subdivision design satisfactory and have imposed improvement requirements and/or conditions of approval. Sewers are available and deemed adequate in accommodating the proposed project's sewerage needs. The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy. Bureau of Engineering requires improvements to 7<sup>th</sup> Street and the adjoining public alley in accordance to the City's Street Standards.

The adopted Wilshire Community Plan designates the subject property for Regional Center Commercial land uses with the corresponding zones of C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5 Zones. The property is not located within a Specific Plan. The Regional Center Commercial land use designation and the R5 and C4 Zones permit multi-family uses subject to density calculated at 1 unit per 200 square feet of lot area, unlimited height regulations, and a floor area ratio of 6:1. The proposed hotel conversion has been requested through the use of the Adaptive Reuse Ordinance as well as through the project's concurrent Zoning Administrator's request which includes a Conditional Use to permit a hotel use within 500 feet of a residential zone. The property contains approximately 2.14 acres (93,632 square feet). A concurrent application was filed (Case No. ZA-2016-1413(VCU)(CUB)(DB)(SPR)) which includes a density bonus and floor area ratio increase. By setting aside 11% (54 units) of the project's base density (483 units) for very low income households, the project is permitted a density increase of approximately 13% (62 units) and a Floor Area Ratio increase that averages 6.83:1 over the entire project site, as is proposed.

The Tentative Tract Map describes and illustrates a land use consistent with the Regional Center Commercial land use designation with the corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5. Apartments, condominiums, and other multi-family are permitted in said land use designation and zone. In conjunction with the requested density bonus, the project's density is consistent with the site's existing zoning regulations. Therefore, the map provides the required components a tentative tract map.

Furthermore, the design and improvement of the proposed subdivision are consistent with the Wilshire Community Plan and are not subject to any Specific Plan requirements. New Hampshire Avenue is a Standard Local Street currently dedicated to a 30-foot half right-of-way at the project's street frontage. 7<sup>th</sup> Street is an Avenue II dedicated to a 43-foot half right-of-way width at the project's street frontage. Wilshire Boulevard is an Avenue I dedicated to a 50-foot half right-of-way width at the project's street frontage. For the purposes of approving a tentative tract map, the "design" of the tract or parcel map refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout and building design. Easements and/or access and "improvements" refers to the infrastructure facilities serving the subdivision. The project was reviewed by various city agencies that have the authority to make improvement recommendations. Staff received recommendations from the Bureau of Engineering for the construction of the necessary house connection sewers, and public improvements along 7<sup>th</sup> Street to construct construction of an additional concrete sidewalk to complete a full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of the existing improvements and the project's adjoining alley to construct suitable surfacing to complete a 10-foot wide half alley where there are no structures to remain including any the improvement of the turning area with necessary removal and reconstruction of the existing improvements. In addition, the Bureau of Street Lighting required that one street light on New Hampshire Avenue and the upgrade existing street lights along 7<sup>th</sup> Street, given the Bureau of Engineering's requirements. All necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 1990. No dedications or other improvements are required.

Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the intent and purpose of the applicable General and Specific Plans.

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

The project site is a property of level topography that is currently improved with a surface parking lot. The proposed project will be an infill development within a neighborhood that is developed with a mix of commercial and residential uses. The site is not located in a slope stability study area, high erosion hazard area, hazardous zone, or a fault-rupture study zone. The project proposes a land use that is consistent with local plans and policies. The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits.

The proposed project is considered an infill development in a neighborhood that is developed with mixed residential and commercial land uses. The land use and zoning in

the immediate vicinity of the project is reflective of multi-family residential and commercial uses located in the RD5, C2, and C4 Zones. The site is not subject to the Specific Plan for Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard, and flood-related erosion hazard areas). The Department of Building and Safety, Grading Division, reported that geology/soils reports are not required prior to approval of the map as the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and does not require any grading or construction of an engineered retaining structure to remove potential geological hazards.

The environmental review conducted by the Department of City Planning (Case No. ENV-2016-1414-MND) established that the physical characteristics of the site and surrounding area is generally consistent with existing development and urban character of the surrounding community. The project site is developed with a surface parking lot. Additionally, the site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high hazard and flood-related erosion hazard areas).

Therefore, the project site is 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 subject sites throughout the City are allocated based on the type of land use, physical suitability, and population growth that is expected to occur.

The adopted Wilshire Community Plan designates the subject property for Regional Center Commercial land uses with the corresponding zones of C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5 Zones. The property is not located within a Specific Plan. The Regional Center Commercial land use designation and the R5 and C4 Zones permit multi-family uses subject to density calculated at 1 unit per 200 square feet of lot area. The property contains approximately 2.14 acres (93,632 square feet). With a concurrent requested density bonus application, the project is permitted to construct up to 545 residential units by setting aside 11% (54 units) of the project's base density (483 units) for very low income households.

The subject site is of the size and shape suitable for the proposed density. The site is approximately 93,632 square-feet in area. The site is located in the Wilshire Community Plan with a land use designation of Regional Center Commercial and is zoned R5-2 and C4-2. The zoning of the site permits a Floor Area Ratio (F.A.R.) of 6:1 with unlimited height provisions. The permitted 6:1 F.A.R. would yield a total building square footage of 113,892 square-feet. A concurrent application was filed (Case No. ZA-2016-1413(VCU)(CUB)(DB)(SPR)) which includes a density bonus increase of approximately 13% and a Floor Area Ratio increase that averages 6.83:1 over the entire project site.

The environmental review conducted by the Department of City Planning (Case No. ENV-2016-1414-MND) established that the physical characteristics of the site and surrounding

area is generally consistent with existing development and urban character of the surrounding community. The project site is developed with a surface parking lot. Additionally, the site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high hazard and flood-related erosion hazard areas). 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. Therefore, the project site is physically suitable for the proposed type of development.

Therefore, the project 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 environmental review conducted by the Department of City Planning (Case No. ENV-2016-1414-MND) established that the physical characteristics of the site and surrounding area is generally consistent with existing development and urban character of the surrounding community. The project site is developed with a surface parking lot. Additionally, the site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high hazard and flood-related erosion hazard areas). The project would not result in substantial impacts to fish or wildlife or their habitat.

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

The proposed subdivision and subsequent improvements are object 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/lead abatement, seismic safety, flood hazard management).

The project is not located over a hazardous materials site or flood hazard area and is not located on unsuitable soil conditions. The project would not place any occupants or residents near a hazardous materials tie or involve the use or transport of hazardous material or substances.

The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system, where collected sewage is directed to sewer treatment plants, which have been upgraded to meet Statewide Ocean Discharge Standards. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. 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 three legally recorded lots identified by the Assessor Parcel Record. The site is surrounded by private and public properties that adjoin public streets and sidewalks designed and improved for the specific purpose of providing public access through 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. 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 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 parcel(s) to be subdivided and other design and improvement requirements.

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

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

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

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

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74117.

Vincent P. Bertoni, AICP  
Advisory Agency



NICHOLAS HENDRICKS  
Deputy Advisory Agency

NH:JM

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the Department of City Planning and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza  
201 N. Figueroa St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
213 482-7077

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

**Forms are also available on-line at <http://cityplanning.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.

If you have any questions, please call Development Services Center staff at (213) 482-7077 or (818) 374-5050.