

DEPARTMENT OF
CITY PLANNING

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DEPUTY DIRECTOR

Determination Date: April 26, 2021
Appeal Period End Date: May 11, 2021

Michael J. Sarlo
1842 Washington Way
Venice, CA 90291

Matthew Mina
Karnak Developments Inc.
9849 Flower Street, Unit D
Bellflower, CA 90706

RE: Parcel Map No. AA-2017-2910-PMLA-CC
Related Case: DIR-2017-2911-CDP-SPP-MEL
Address: 308 East Pershing Drive
Community Plan: Westchester – Playa del Rey
Zone: [Q]C4-1VL
District Map: 096B149
Council District: 11
CEQA No.: ENV-2017-2912-CE
Legal Description: Lot 40, Block 17, Playa Del Rey
Townsite

The Advisory Agency determines that, based on the whole of the administrative record, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Sections 15301 and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies, and issues ENV-2017-2912-CE as the environmental clearance. In accordance with provisions of Section 17.03, 17.51, and 12.95.2 of the Los Angeles Municipal Code (LAMC), the Advisory Agency approves Parcel Map No. AA-2017-2910-PMLA-CC located at 308 East Pershing Drive for a four-unit residential condominium conversion, as shown on map stamp-dated June 5, 2018, in the Westchester – Playa del Rey Community Plan. This unit density is based on the [Q]C4-1VL 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.) 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

Bureau of Engineering approvals are conducted at the Land Development Group, located at 201 N. Figueroa Street, Suite 200. Any questions regarding these conditions should be directed to Julia Li (213) 202-3481.

1. That all the encroachments in the public right-of-way adjoining the parcel map boundary including the planter areas shall be removed satisfactory to the City Engineer.
2. That the subdivider make a request to the West Los Angeles District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

Grading Division approvals are conducted at 221 North Figueroa Street, 12th Floor suite 1200.

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

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

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

4. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Provide a copy of affidavit AF-93-228453-PA. Show compliance with all the conditions/requirements of the above affidavit as applicable. Termination of above affidavit may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
 - b. Provide a copy of DIR case DIR-2017-2911-CDP-SPP-MEL. Show compliance with all the conditions/requirements of the DIR case as applicable.

Notes:

This property is located in a Methane 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.

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

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.

DEPARTMENT OF TRANSPORTATION

Transportation approvals are conducted at 201 North Figueroa Street, Suite 500 Station 3. Please call (213) 482-7024 for any questions.

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

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) 482-6509. You should advise any consultant representing you of this requirement as well.

6. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action. In addition, the following shall be required:
 - a. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

DEPARTMENT OF WATER AND POWER

Questions regarding WSO clearance should be directed to the Los Angeles Department of Water and Power, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, California 90051-5700 or (213) 367-1218.

7. 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 – IMPROVEMENT CONDITION

Street Lighting clearance for this Street Light Maintenance Assessment District condition is conducted at 1149 S. Broadway Suite 200. Street Lighting improvement condition clearance will be conducted at the Bureau of Engineering District office, see condition S-3. (c).

8. 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

9. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found potential problems to their structure or potential maintenance problem, as stated in the memo dated July 2, 2018. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

10. To assure that cable television facilities will be installed in the same manner as other required improvements, please email 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

Park fees are paid at 221 North Figueroa Street, Suite 400, Los Angeles. Please contact Park Fees staff at (213) 202-2682 or at rap.parkfees@lacity.org.

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

DEPARTMENT OF CITY PLANNING - SITE SPECIFIC CONDITIONS

Clearances may be conducted at the Figueroa, Valley, or West Los Angeles Development Services Centers. To clear conditions, an appointment is required, which can be requested at planning.lacity.org.

11. 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 4-unit residential condominium.
- b. That the subdivider shall comply with [Q] Condition(s) per Ordinance No. 175,981.
- c. Provide a minimum of 2 covered off-street parking spaces per dwelling unit.

In addition to the above, provide 1 guest parking space. The guest space shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

Prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning.

- e. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- f. That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- g. **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.

12. That prior to the issuance of the building permit or the recordation of the final map, a copy of the Case No. DIR-2017-2911-CDP-SPP-MEL shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. DIR-2017-2911-CDP-SPP-MEL is not approved, the subdivider shall submit a tract modification.

DEPARTMENT OF CITY PLANNING – STANDARD CONDOMINIUM CONVERSION CONDITIONS

- CC-1. That prior to final map recordation, the applicant shall execute and record a covenant and agreement stating that each tenant shall be given at least a 180-day written notice of intention to convert, prior to termination of tenancy, due to the conversion or proposed conversion. (201 N. Figueroa Street, 4th Floor) Government Code section 66452.19. This notification supersedes Los Angeles Municipal Code (LAMC) 12.95.2 E.2.
- CC-2. That prior to final map recordation, the applicant execute a covenant and agreement stating that each tenant of the proposed condominium conversion project shall be given written notice within five days after receipt of the subdivision public report of an exclusive right to contract for the purchase of the dwelling unit, occupied by the tenant, upon the same or more favorable terms and conditions than those initially offered to the general public. If a tenant's existing unit is to be combined with an adjacent unit, another unit of comparable size and amenities shall be offered to that tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the California Business and Profession Code, unless the applicant receives prior written notice of the tenant's intention not to exercise the right. (201 N. Figueroa Street, 4th Floor) (Los Angeles Municipal Code (LAMC) 12.95.2 E.3).
- CC-3. Prior to recordation of the final map, the subdivider shall pay a Rental Housing Production Fee for each unit, prior to the conversion. This fee shall be paid to the Rental Housing Production Account of the Los Angeles Housing and Community Investment Department in accordance with Section 12.95.2-K of the LAMC. (1200 W. 7th Street, 1st Floor Public Counter).

NOTE: All fees collected pursuant to this LAMC 12.95.2 K. shall be deposited and held in the Rental Housing Production Account of the Los Angeles Housing and Community Development Department (HCIDLA), the account is established to be administered by the HCIDLA separately from all other money expended by the Department. Money in this account shall be used exclusively for the development of low and moderate income rental housing in the City, pursuant to guidelines carrying out this purpose prepared by the Department and approved by resolution of the City Council.

- CC-4. That prior to recordation of the final map, a Housing Inspection Report, prepared by a Licensed Engineer, shall be submitted to the Advisory Agency. The report shall be prepared by a registered civil or structural engineer, licensed general building contractor, licensed general engineering contractor or architect. As necessary, the inspection shall be conducted by a team of experts certified by the International Conference of Building Officials, with specialty in mechanical, electrical, plumbing and structural engineering. The report shall indicate the condition and estimated remaining useful life of the roof, foundation, plumbing, electrical, heating, air conditioning, and other mechanical and structural systems. The report shall show substantial compliance with applicable provisions of Chapter IX of the Los Angeles Municipal Code (LAMC) for existing residential buildings, taking into account nonconforming rights. In addition, prior to inspecting the building, the subdivider or owner shall obtain from the tenants a list of defects and necessary repairs, which in their opinion

exist on the site, common areas, unit or apartment structure. Prior to recordation of the final map, any deficiencies determined by the inspection shall be corrected and satisfactory evidence shall be submitted to the Advisory Agency that said corrections have been made. Form CP-6711 will not be prepared unless a list of deficiencies per the Housing Inspection Report Guidelines and a tenant's list of defects are submitted. A certified parking plan shall be required as a part of this condition and all spaces shall be in place prior to recordation. The Advisory Agency has Housing Inspection Report Guidelines available at 201 N. Figueroa Street, 4th Floor for the preparation of Housing Inspection reports.

OR

Prior to the issuance of a Certificate of Completion for condominiums or recordation of the Final Map, whichever occurs first, the Department of Building and Safety shall certify to the satisfaction of the Advisory Agency that the existing structure meets all applicable Codes to its satisfaction for a residential use.

- CC-5. That an acoustical report prepared by a licensed acoustical engineer be submitted to the Department of City Planning for approval prior to recordation of the final map or concurrently with any required Housing Inspection Report. The acoustical report shall indicate (a) the type of construction between dwelling units and the general sound attenuation. (Note: The acoustical report may be included in the Housing Inspection Report as a separate section.)

OR

Prior to the issuance of Certificate of Occupancy for condominiums or recordation of the Final Map, whichever occurs first, the Department of Building and Safety shall certify to the satisfaction of the Advisory Agency that the existing structure meets all applicable Codes to its satisfaction for a residential use for sound attenuation.

- CC-6. That the applicant execute and record a Covenant and Agreement (Planning Department General Form CP-6771) in a form satisfactory to the Advisory Agency, binding the applicant and any successor in interest to provide relocation assistance in a manner consistent with Section 12.95.2-G and 47.06 of the Los Angeles Municipal Code pertaining to rental subsidies for tenants either terminating tenancy or evicted for condominium conversions and any additional ordinances that may provide greater relocation assistance. The covenant and agreement shall be executed and recorded within 10 days after expiration of appeal period (and final action thereon) and a copy provided to each tenant within five days of recordation of the covenant and agreement. Failure to meet the requirement of this condition – including time limits – may be grounds to disapprove the final map (201 N. Figueroa Street, 4th Floor).
- CC-7. That prior to final map recordation, the applicant shall execute a covenant and agreement stating that proof shall be submitted (Certified mail or Affidavit) to the Advisory Agency, indicating that each tenant of the proposed condominium conversion project shall be given written notification of the condominium conversion within 30 days after final map recordation.
- a. Prior to issuance of any building permit proof shall be submitted to the Advisory Agency that written notification of the condominium conversion within 30 days after final map recordation was given to each tenant of the proposed condominium conversion project.
- CC-8. That prior to final map recordation, the applicant shall execute a covenant and agreement for, **or** provide a receipt, satisfactory to the Advisory Agency, in connection with this

condominium conversion. The receipt that the subdivider provides shall show that a Park and Recreation fee, (or a \$200 per unit Dwelling Unit Construction tax has been paid to Building and Safety [201 N. Figueroa Street, 3rd Floor, Station 17] if a Certificate of Occupancy was issued more than 5 years before final map recordation) and a Residential Development Tax of \$300 per dwelling unit has been paid. (221 N. Figueroa Street, Suite 100).

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the parcel map action. However the existing or proposed zoning may not permit this number of units. This map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

Any removal of the existing street trees shall require Board of Public Works approval.

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

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

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

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

S-1. That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such

easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.

- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract 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 Traffic with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private streets, 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 are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.

- (b) Construct any necessary drainage facilities.
- (c) No street lighting improvements if no street widening per BOE improvement conditions. Otherwise, remove and reinstall existing conduit behind new curb and gutter on Pershing Dr.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division ((213) 847-3077) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design.
- (i) That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:
 - (1) Improve Pershing Drive adjoining the subdivision by the removal of the encroachments into the sidewalk area and existing sidewalk, and construction of a full-width concrete sidewalk with tree wells, including any necessary removal and reconstruction of existing improvements.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the parcel map action. However the existing or proposed zoning may not permit this number of units. This map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

Any removal of the existing street trees shall require Board of Public Works approval.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to

this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the Los Angeles Municipal Code (LAMC).

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

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

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

FINDINGS OF FACT (CEQA)

The Advisory Agency determines that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301 (Class 1) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Parcel Map No. AA-2017-2910-PMLA-CC, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and corresponding zone. The Land Use Element is further implemented through the Los Angeles Municipal Code (LAMC). The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Pursuant to LAMC Section 17.50, parcel maps are to be designed in conformance with the parcel map regulations to ensure compliance with the various elements of the General Plan, including the Zoning Code. Additionally, the maps are to be designed in conformance with the Street Standards established pursuant to LAMC Section 17.05 B. The project site is located within the Westchester – Playa del Rey Community Plan, which designates the site with a General Commercial land use designation. The land use designation lists the C1.5, C2, C4, CR, RAS3, and RAS4 Zones as corresponding zones. The project site is zoned [Q]C4-1VL, which is consistent with the land use designation. The site is subject to Qualified “Q” Conditions contained within Ordinance No. 175,981, which provides use and site design regulations. While the subject site is located within the Coastal Bluffs Specific Plan area, the proposed project is not a “Project” per the definitions of the Coastal Bluffs Specific Plan and is therefore not subject to the regulations of the Specific Plan. The project site has approximately 5,079 square feet of lot area, which would permit a maximum of 12 dwelling units.

The parcel map was prepared by M. A. Samara, Registered Professional Engineer (License No. 26015). The parcel map indicates the parcel map number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.51 A. Therefore, the proposed map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan.

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

For purposes of a subdivision, design and improvement is defined by Section 66418 and 66419 of the Subdivision Map Act and LAMC Section 17.02. Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to Section 66427(a) of the Subdivision Map Act, the location of the buildings is not considered as part of the approval or disapproval of the map by the Advisory Agency. Easements and/or access and "improvements" refers to the infrastructure facilities serving the subdivision. LAMC Section 17.50 and 17.05 enumerates the design standards for a parcel map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. As indicated in Finding (a), LAMC Section 17.05 C requires that the parcel map be designed in conformance with the zoning regulations of the project site. As the project site is zoned [Q]C4-1VL, the zone would permit a maximum of 12 dwellings on the approximately 5,079 square-foot site. As the map is proposed for a 4-unit condominium subdivision, it is consistent with the density permitted by the zone.

The parcel map was distributed to and reviewed by the various City agencies of the Subdivision Committee that have the authority to make dedication, and/or improvement recommendations. The Bureau of Engineering reviewed the parcel map for compliance with the Street Design Standards. The Bureau of Engineering has recommended improvements to the public right-of-way along Pershing Drive, consistent with the standards of the Mobility Element. In addition, the Bureau of Engineering has recommended that all the encroachments in the public right-of-way adjoining the parcel map boundary, including the planter areas, shall be removed satisfactory to the City Engineer. As conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General Plan.

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

The project site is a sloped, irregular shaped lot with approximately 5,079 square feet of lot area. The site is developed with a three-story, 4-unit multifamily apartment building over basement garage with nine (9) covered parking spaces. A Certificate of Occupancy (WLA 48698/83) was issued on September 14, 1984. The Project proposes to convert the existing 4-unit apartment building to a 4-unit condominium building. The project site is located within the 7.79 km (4.84 miles) from the Palos Verdes Fault, but is not located within the Alquist-Priolo Fault Zone. The site is not located within a designated hillside area, a flood zone, liquefaction zone, or tsunami inundation zone. The site is located within a BOE Special Grading Area, high fire hazard severity zone, landslide zone, and methane buffer zone, and will be required to comply with all applicable regulations. Prior to the issuance of any permits, the project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. The site is not identified as having hazardous waste or past remediation. The site is within Flood Zone Type C, which denotes areas C, which denotes areas outside of a flood zone. 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 site is developed with existing structures, has existing Certificates of Occupancy, and is physically suitable for the conversion.

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

The properties to the north and west are designated General Commercial, zoned [Q]C4-1VL and [Q]C4-1D, and are developed with one- to two-story commercial and office buildings. The properties to the east are designated Low Medium I Residential, zoned R2-1, and are developed with one- to three-story multifamily buildings. The properties to the south are designated Low Residential, zoned R1-1, and are developed with one- to two-story single-family dwellings on steep terrain. The project site consists of approximately 5,079 square feet of land and is developed with a three-story, 4-unit multifamily apartment building over basement garage with nine (9) covered parking spaces. The Project proposes to convert the existing 4-unit apartment building to a 4-unit condominium building. As proposed, the density is consistent with the zone and land use designation, which would permit a maximum of 12 dwelling units.

No new development is proposed other than the conversion of existing units into condominiums. Therefore, the site is physically suited for the existing density on the site.

- (e) THE DESIGN OF THE SUBDIVISION OR 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 is currently developed with a three-story, 4-unit multifamily apartment building over basement garage. There are two non-protected trees on the project site. There are no trees within the public right-of-way adjacent to the project site. The surrounding area is presently developed with structures. As the project site and surrounding area are developed with structures, neither the project site nor the surrounding area provides a natural habitat for fish or wildlife.

- (f) THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

As required by LAMC Section 12.03, the project site has a minimum of 20 feet of frontage along Pershing Drive, which is a public street. The project site consists of a parcel identified as Lot No. 40 of Tract Playa Del Rey Townsite and is identified by the Assessor Parcel Map

No. 4116-012-007. There are known easements for access to utilities, including for the transmission of electrical energy, sanitary sewer, and telephone service, as identified on the parcel map.

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.

FINDINGS OF FACT (CONDOMINIUM CONVERSION FINDINGS)

- (a) THE PROPOSED MAP IS SUBSTANTIALLY CONSISTENT WITH APPLICABLE DENSITY PROVISIONS OF THE GENERAL PLAN OR SPECIFIC PLANS IN EFFECT AT THE TIME THE ORIGINAL BUILDING PERMIT WAS ISSUED AND THE APPLICATION FOR MAP APPROVAL IS FILED FIVE YEARS OR MORE FROM THE DATE THE ORIGINAL CERTIFICATE OF OCCUPANCY FOR THE BUILDING WAS ISSUED.

The parcel map, as extensively detailed in the Subdivision Map Act findings, is consistent with the density provisions of the General Plan.

The proposed preliminary parcel map includes the conversion of an existing 4-unit multi-family building into a 4-unit residential condominium development on an approximately 5,079 square-foot parcel zoned [Q]C4-1VL. The existing building on-site was constructed in 1983, and a Certificate of Occupancy (WLA 48698/83) was issued on September 14, 1984. It is noted that the property's density has remained consistent since the site was originally developed. The [Q]C4-1VL zone would permit a maximum of 12 dwellings on the approximately 5,079 square-foot site. As the map is proposed for a 4-unit condominium subdivision, it is consistent with the density permitted by the zone. Therefore, the map is substantially consistent with the applicable density provisions of the general plan in effect at the time the original Certificate of Occupancy was issued. Additionally, the subject application was filed more than five years from the original Certificate of Occupancy.

- (b) THE PROPOSED MAP IS CONSISTENT WITH ANY APPLICABLE GENERAL PLAN OR SPECIFIC PLAN PROVISION WHICH CONTAINS A DEFINITE STATEMENT OF POLICIES AND OBJECTIVES EXPLICITLY APPLICABLE TO CONDOMINIUM CONVERSION PROJECTS.

Neither the General Plan nor the specific contain a definitive statement of policies or objectives explicitly applicable to condominium conversion projects.

- (c) THE PROPOSED CONDOMINIUM CONVERSION DOES NOT CONTAIN ANY VIOLATIONS OF CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE (LAMC) THAT HAVE NOT BEEN CORRECTED OR AN ADEQUATE PLAN TO CORRECT SUCH VIOLATIONS HAS BEEN DEVELOPED OR ACCOMPLISHED. FOR PURPOSES OF THIS PROVISION, CHAPTER IX OF THE LAMC MEANS THE CODE IN EFFECT WHEN THE BUILDING PERMIT WAS ISSUED AND OTHER SUBSEQUENTLY ENACTED REGULATIONS EXPLICITLY MADE APPLICABLE TO EXISTING STRUCTURES.

There are no existing violations of Chapter IX of the Los Angeles Municipal Code. A Certificate of Occupancy (WLA 48698/83) was issued on September 14, 1984 for the subject building.

- (d) THE BUILDING PROPOSED FOR CONVERSION IS NOT OF UNREINFORCED MASONRY FOR WHICH THE BUILDING PERMIT WAS ISSUED PRIOR TO OCTOBER 1, 1933, NOR IS IT MORE THAN THREE STORIES IN HEIGHT WITHOUT AN ELEVATOR.

The building permit for the subject building was issued on May 16, 1983 and thus is not of unreinforced masonry. The subject building is not more than three stories in height.

- (e) THE VACANCY RATE OF THE PLANNING AREA IN WHICH THE PROPERTY IS LOCATED NOT IS LOWER THAN 5 PERCENT. AS CONDITIONED, THE PROPOSED CONVERSION PROJECT WILL NOT HAVE A SIGNIFICANT CUMULATIVE EFFECT ON THE RENTAL HOUSING MARKET IN THE PLANNING AREA IN WHICH THE PROPOSED PROJECT IS LOCATED.

Section 12.95.2-F,6 of the LAMC reads in pertinent part: "After considering the following criteria, the Advisory Agency may approve a tentative map or preliminary parcel map for a residential conversion project, unless it makes both of the following findings: (1) the vacancy rate of the planning area in which the property is located is five percent or less, and (2) the cumulative effect on the rental housing market in the planning area of successive residential...conversion projects (past, present and future) is significant." In determining whether there is a significant cumulative effect, the section requires the Advisory Agency to consider the following criteria: (a) the number of tenants who are willing and able to purchase a unit in the building; (b) the number of units in the existing building prior to conversion; (c) the number of units which will be eliminated in case conversion occurred in order to satisfy Municipal Code parking requirements; (d) the adequacy of the relocation assistance plan proposed by the subdivider; and (e) any other factors pertinent to the determination.

Consistent with the requirements of Los Angeles Municipal Code (LAMC) Section 12.95.2-F,6, the Advisory Agency considered the criteria enumerated in this subsection. Based on the American Community Survey 2018 5-Year Estimate as provided by the Los Angeles Department of City Planning Demographics Research Unit, the renter vacancy rate for the Westchester – Playa Del Rey Community Plan Area is 7.4%, greater than 5%. Additionally, the Advisory Agency hereby determines that adequate tenant protections have been and will be provided consistent with established law as required by Condition Nos. CC-1, CC-2, and CC-6. Those protections include: advanced notice of intent to convert, guaranteed periods of continued tenancy, monetary payments to offset moving expenses and potentially higher rent and assistance in finding replacement housing as specifically enumerated in the California State Subdivision Map Act, the Ellis Act, Rent Stabilization Ordinance and Los Angeles Municipal Code (LAMC) Sections 12.95.2 and 47.06. These established state and local regulations assure compliance with the criteria required to permit the condominium conversion.

The project does not have a significant cumulative effect on the rental housing market. There have been no condominium conversions since 2009 within a 500-foot radius of the project site, removing a total of zero units from the rental market. The Advisory Agency has determined that it cannot make the findings set forth in Section 12.95.2-F,6, and therefore, the condominium conversion may be approved.

- (f) THE OFF-STREET RESIDENT PARKING SPACES AND GUEST PARKING SPACES REQUIRED FOR THE PROPOSED CONDOMINIUM CONVERSION ARE REASONABLE AND FEASIBLE AND SUBSTANTIALLY CONSISTENT WITH THE PURPOSES OF THE LAMC.

The Residential Parking Policy for Division of Land (No. AA 2000-1) requires a minimum of two (2) off-street parking spaces per dwelling unit for condominium conversion projects where the building is more than five years old from a temporary issuance of its Certificate of Occupancy. The proposed project consists of four residential units and is providing a total of

nine (9) covered parking spaces on site. The certified parking plan provided conforms with LAMC Section 12.95.1 H.1(a), of one and one-half parking spaces per dwelling unit having three or more habitable rooms for condominium conversion projects.

These findings shall apply to both the preliminary and final maps for Preliminary Parcel Map No. AA-2017-2910-PMLA-CC.

VINCENT P. BERTONI, AICP
Advisory Agency

Jordann F.D. Turner

JORDANN TURNER
Deputy Advisory Agency

JT:JO:es

Note: If you wish to file an appeal, it must be filed within 15 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission or Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 15-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Downtown
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
[\(213\) 482-7077](tel:(213)482-7077)

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Rm 251
Van Nuys, CA 91401
[\(818\) 374-5050](tel:(818)374-5050)

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

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

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

