#### DEPARTMENT OF CITY PLANNING

COMMISSION OFFICE (213) 978-1300 CITY OF LOS ANGELES

EXECUTIVE OFFICES
200 N. Spring Street, Room 525
Los Angeles, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP

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DEPUTY DIRECTOR

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Decision Date: April 27, 2022

Appeal Period Ends: May 9, 2022

Michael Cohen (A) (O) MF One Investments, LLC 6240 West 3<sup>rd</sup> Street, #432 Los Angeles, CA 90036

James Woodson (R) ROCCA Development PO Box 35481 Los Angeles, CA 90035 Vesting Tentative Tract Map No. 83390-SL-HCA

Address: 955 North Everett Street Silver Lake – Echo Park – Elvsian Vallev

Community Plan

Related Case: ADM-2021-6033-SLD; ZA-2021-

6035-ZAA-CLQ Zone: [Q]R3-1VL D. M.: 136-5A211

C. D.: 1- Gilbert Cedillo CEQA: ENV-2021-6032-CE

Legal Description: Lot 14 (Arb 1), Lot 16 (Arb 1), Tract Angeleno Heights

In accordance with provisions of Los Angeles Municipal Code (LAMC) Sections 17.15 and 12.22 C.27, the Advisory Agency approved Vesting Tentative Tract Map No. 83390-SL-HCA, located at 955 North Everett Street, to permit the subdivision of two lots into six lots for the construction of a maximum of six (6) small-lot homes for the purposes of a Small Lot Subdivision, as shown on the revised map stamp-dated April 15, 2022, in the Silver Lake – Echo Park – Elysian Park Community Plan. This unit density is based on the existing [Q]R3-1VL Zone. (The subdivider is hereby advised that the LAMC may not permit these maximum approved densities. 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 or (310) 231-2598. 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 if this tract map is approved as "Small Lot Subdivision" then, if necessary for street address purposes, all the common access to this subdivision be named on the final map satisfactory to the City Engineer.
- 2. That if this tract map is approved as small lot subdivision, then the final map be labeled as "Small Lot Subdivision" per Ordinance No. 185462 satisfactory to the City Engineer.
- 3. That all common access easements including the vehicular access and pedestrian access easement be part of the adjoining lots.
- 4. That, if necessary, public sanitary sewer easements be dedicated on the final map based on an alignment approved by the Central District Office of the Bureau of Engineering.
- 5. That, if necessary, the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.
- 6. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
- 7. That all pedestrian common access easements be shown on the final map.

Any questions regarding this report should be directed to Quyen Phan of the Case Management Permit Division, located at 201 North Figueroa Street, Suite 290, or by calling (213) 808-8604.

#### **BUREAU OF SANITATION**

8. The Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structures or potential maintenance problem, as stated in the memo dated October 10, 2021. 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).)

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

9. 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, with all of the requirements and conditions contained in email correspondence from the Grading Division dated October 4, 2021, and attached to the case file for Vesting Tentative Tract Map No. 83390-SL-HCA.

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

10. <u>Prior to recordation of the final map</u>, a clearance letter will be issued by the Department of Building and Safety, Zoning Division stating that no Building or Zoning Code violations exist relating to the subdivision on the subject site once the following items have been satisfied:

- a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
- b. Provide a copy of the [Q] Condition (s. Show compliance with the above conditions(s) as applicable or Department of City Planning approval is required.
- c. Show all street 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 dedication. Front yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

#### Notes:

Owners are to record a Maintenance Agreement that runs with the land for the purpose of reciprocal private easements maintenance program to all common areas and shared facilities such as trees, landscaping, drainage, trash, parking, community driveway (ground floor width and width clear to sky above the ground floor level), including walkways as shown on the approved Small Lot Subdivision Map.

This property is located in a Methane Zone.

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.

The proposed buildings may not comply with City of Los Angeles Building Code requirements concerning exterior wall, protection of openings and exit requirements with respect to the proposed and existing property lines. Compliance shall be to the satisfactory of LADBS at the time of plan check.

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

Backup space for parking space with less than 26'-8" shall provide sufficient parking stall width and garage door opening width to comply with the current Zoning Code requirement. Comply with the above requirement at the time of Plan Check or obtain City Planning approval.

No parking space can back up onto a street when the driveway is serving more than two dwelling unit. Comply with the above requirement at the time of Plan Check or obtain City Planning approval.

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

#### **DEPARTMENT OF TRANSPORTATION**

- 11. <u>Prior to recordation of the final map</u>, a suitable arrangement shall be made satisfactory to the Department of Transportation, binding the subdivider and all successors to the following:
  - a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line, or as shall be determined to the satisfaction of the Department of Transportation.
  - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk (not applicable when driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway), LAMC 12.21 A.
  - c. Driveway(s) and vehicular access for residential component of any development should be limited to the street with lowest classification or as shall be determined to the satisfaction of the Department of Transportation.
  - 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. For an appointment, please contact ladot.onestop@lacity.org.

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

12. 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).)

#### FIRE DEPARTMENT

- 13. <u>Prior to the recordation of the final map</u>, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
  - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - b. 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.
  - c. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - d. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

- e. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- f. **UL #793** Smoke Vents may be required where roof access is not possible; location and number of vents to be determined at Plan Review.
- g. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.
- h. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

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 email lafdhydrants@lacity.org You should advise any consultant representing you of this requirement as well.

#### **DEPARTMENT OF RECREATION AND PARKS**

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

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

- 15. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.
- 16. Plant street trees at all feasible planting locations without dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.

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

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

17. Prior to the recordation of the final map or issuance of the certificate of occupancy, 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 Everett Street.

#### INFORMATION TECHNOLOGY AGENCY

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

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

- 19. <u>Prior to the recordation of the final map</u>, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner <u>satisfactory</u> to the Planning Department, binding the subdivider and all successors to the following:
  - a. A Certificate of Occupancy (temporary or final) for the building(s) in Vesting Tentative Tract Map No. 83390-SL-HCA shall not be issued until after the final map has been recorded.
  - b. Limit the proposed development to a maximum of 6 small-lots.
  - c. Provide a minimum of one-quarter (1/4) off-street guest parking spaces per small-lot dwelling unit.
  - d. The Advisory Agency has approved a minimum 16-foot wide common access driveway (easement) with a minimum of 10 feet in width that is clear to the sky for the approved subdivision.
  - e. A minimum of one common access walkway (easement) shall provide pedestrian access from a public street to the subdivision. The common access walkway(s) must be a minimum of 3 feet in width and remain unobstructed and open to the sky.
  - f. Prior to issuance of a certificate of occupancy, a minimum 6-foot-high fence or wall made of slumpstone, decorative masonry, or other comparable-quality material shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
  - g. No vehicular gates shall be permitted within the development.
  - h. The applicant shall seek and obtain any necessary approvals for any proposed ADUs and JADUs. No construction or siting of any ADUs or JADUs have been authorized herein.

- i. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- j. 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.
- k. A utility easement shall be provided per Department of Water and Power or similar agency requirements.
- I. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material, unless individual receptacles are provided in each home.
- m. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
- n. A Maintenance Agreement shall be formed, composed of all small-lot property owners, to maintain all common areas such as trees, landscaping, trash, parking, community driveway, walkways, monthly service for private fire hydrant (if required), etc. Each small-lot owner and future small-lot property owners shall automatically become members of the agreement and shall be subject to a proportionate share of the maintenance. The Maintenance Agreement shall be recorded as a Covenant and Agreement to run with the land. The subdivider shall submit a copy of this Agreement, once recorded to the Planning Department for placement in the tract file.
- o. Copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.

**Note to City Zoning Engineer and Plan Check:** The Advisory Agency has considered the following setbacks in conjunction with the approved map. Minor deviations to the map's setbacks are allowed in the event that such deviations are necessary in order to accommodate other conditions of approval as required by other City agencies.

In no event shall the front yard of the subdivision along Everett measure less than 15 feet. A minimum 10-foot yard shall be required along the rear lot line; this requirement may not apply to ADUs and JADUs on lots in the [Q]R3-1VL Zone, as permissible by the LAMC; no deviation from the rear yard setback requirements of the LAMC has been granted.

Setbacks shall be permitted as follows:

Setbacks (in feet and inches)						
Lot No.	North	East	South	West		
1	0 feet	15 feet	10 feet and 5 inches	0 feet and 3 inches		
2	0 feet	0 feet and 3 inches	10 feet and 5 inches	0 feet and 3 inches		

3	0 feet	0 feet and 3 inches	10 feet and 5 inches	0 feet and 3 inches
4	0 feet	0 feet and 3 inches	10 feet and 5 inches	0 feet and 3 inches
5	0 feet	0 feet and 3 inches	10 feet and 5 inches	0 feet and 3 inches
6	0 feet	0 feet and 3 inches	10 feet and 5 inches	10 feet and 5 inches

<sup>\*</sup>This requirement may not apply to ADUs and JADUs on lots in the [Q]R3-1VL Zone, as permissible by the LAMC; no deviation from the rear yard setback requirements of the LAMC has been granted.

- 20. The subdivision shall conform to the plans stamped Exhibit "A" and approved by the Director of Planning under Case No. ADM-2021-6033-SLD. In the event the Advisory Agency modifies Vesting Tentative Tract Map No. 83390-SL-HCA to be inconsistent with the stamped plans, the subdivider shall submit revised plans in substantial conformance with the approved map to the satisfaction of the Advisory Agency prior to the issuance of a building permit. In the event that any modifications result in substantial changes to the plans stamped Exhibit "A", as determined by the Director of Planning, the applicant may be required to file for and submit a new small-lot administrative clearance case.
- 21. That prior to the issuance of the building permit or the recordation of the Final Map, a copy of the Case No. ZA-2021-6035-ZAA-CLQ shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. ZA-2021-6035-ZAA-CLQ is not approved, the subdivider shall submit a Tract Map Modification.
- 22. <u>Prior to the clearance of any tract map conditions</u>, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
- 23. If applicable, within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the LAMC relating to demolition. A copy shall be provided to each eligible tenant within five days of recordation of the covenant and agreement.

#### 24. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including <u>but not limited to</u>, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement. (b)
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

#### DEPARTMENT OF CITY PLANNING - STANDARD SMALL LOT HOME CONDITIONS

- SL-1. That approval of this vesting tentative tract map constitutes approval of model home uses, including a sales office and off-street parking. If models are constructed under this tract map approval, the following conditions shall apply:
  - 1. <u>Prior to recordation of the final map</u>, 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.
- SL-2. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency following the instructions of Form CP-6730 prior to obtaining any grading or building permits before the recordation of the final map. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site.

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.

#### **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.

- That any required slope easements be dedicated by the final map. g.
- h. That each lot in the tract map complies with the width and area requirements of the Zoning Ordinance.
- i. That 1-foot future streets and/or allevs 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.
- į. 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%.
- I. That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
  - Survey monuments shall be placed and permanently referenced to the satisfaction a. 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.
  - Any required bonded sewer fees shall be paid prior to recordation of the final map e. or that the construction be suitably guaranteed.
- S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction shall be suitably guaranteed:
  - a. Construct on-site sewers to serve the tract as determined by the City Engineer.
  - b. Construct any necessary drainage facilities.
  - Install street lighting facilities to serve the tract as required by the Bureau of Street C. Lighting.

1. Improvement Condition: Construct new streetlight: one (1) on Everett Street.

#### Notes:

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

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

- 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 Services.
- e. Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- f. Construct access ramps for the handicapped as required by the City Engineer.
- g. Close any unused driveways satisfactory to the City Engineer.
- h. Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 2010.
- i. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. Improve Everett Street adjoining the subdivision by the removal of the existing sidewalk and construction of a new full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.
  - b. Construct the necessary on-site mainline and house connection sewers satisfactory to the City Engineer.

#### NOTES:

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

Approval from the Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through the 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 map 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 nocost consultation service will be provided to the subdivider upon his request.

#### FINDINGS OF FACT (CEQA)

On March 18, 2022, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2021-6032-CE, for a Categorical Exemption, Class 32 (Chapter 3, Article 19, Section 15332, State CEQA Guidelines). I hereby adopt that action.

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

In connection with the approval of Vesting Tentative Tract Map No. 83390-SL-HCA, 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:

#### 1. The proposed map will be/is consistent with applicable general and specific plans.

The project site is located within the Silver Lake - Echo Park - Elysian Valley Community Plan, one of 35 Community Plans which form the land use element of the General Plan. The subject property is zoned [Q]R3-1VL with a Medium Residential land use designation, corresponding to the R3 Zone; thus, the subject property is consistent with the existing land use designation. The property has a street frontage of 51 feet along Everett Street. The property is not located within the boundaries of any relevant specific plan or interim control ordinance. The site not located within any other special hazard zone, liquefaction zone, flood, landslide, or tsunami inundation zone. The property is located in a Methane zone, a Hillside Area and within a Special Grading Area. Conditions have been included to ensure that the development site is physically suitable for the proposed project, per the Department of Building and Safety Grading Division.

The Vesting Tentative Tract Map describes and illustrates land uses consistent with the existing zoning and General Plan land use designations on the subject property. Single-family residences are permitted in the [Q]R3-1VL Zone and Medium Residential land use designation. The Qualified "Q" Conditions on the subject property, established under Ordinance No. 163,699 and effective July 15, 1988, limits density to one unit per 1,200 square feet of lot area and a maximum building height of 30 feet. Based on the total area of the property of approximately 8,192 square-feet, the applicant would be permitted to construct a maximum of six (6) units. With six (6) small lot homes proposed, the projects density does not exceed the maximum allowable density for the [Q]R3-1VL Zone. Accordingly, the project will maintain the desired residential uses along Everett Street as prescribed by the General Plan

At the time of submittal, the applicant requested a concurrent entitlement under Case. No. ZA-2021-6035-ZAA-CLQ. The applicant requested a Q Clarification to allow an additional

3 feet and 6 inches in height for a total of 33 feet and 6 inches in height, in lieu of the permitted 30 feet. Per the Los Angeles Municipal Code Section 12.32 H, Amendments to Council Instructions or Clarifications may be considered by the Director of Planning provided they conform to several guidelines adopted by the Planning Commission. In this case, the project would be considered because the change in height does not exceed five (5) feet. The proposed Zoning Administrator Adjustment allows for a reduced front yard setback of 0 feet in lieu of the otherwise required 5 feet. The property conforms with all of these requirements and is not located within the boundaries of any relevant specific plan or interim control ordinance.

Section 17.05 C of the LAMC enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). LAMC Section 17.06 B lists the map requirements for a tentative tract map. 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 LAMC. In addition, Section 12.22 C.27 of the LAMC (as amended by Ordinance No. 185,462, which became effective on April 18, 2018) details requirements for small-lot subdivisions. For the request herein, the LAMC requires that the proposed small lot subdivision comply with the required minimum lot width of 18 feet; lot area of 600 square feet; lot coverage limitation of 75%; and 10-foot setback requirements for the rear, five-foot setback requirements for the sides, and setback requirements aligning with those of the underlying zone for the front boundaries of the subdivision. As mentioned, the project is seeking a Zoning Administrator's Adjustment to permit a front yard setbacks of 0 feet (for Lot 1 through Lot 6) in lieu of the five feet required, under a separate entitlement (Case No. ZA-2021-6035-ZAA-CLQ). The project otherwise complies entirely with the requirements of a small lot subdivision. Therefore, the proposed map is substantially consistent with the applicable General Plan affecting the project site and demonstrates compliance with Sections 17.01, 17.05 C, 17.06 B and 12.22 C.27 of the Los Angeles Municipal Code.

### 2. The design and improvement of the proposed subdivision are consistent with applicable general and specific plans.

The project site is located within the Silver Lake - Echo Park - Elysian Valley\_Community Plan, one of 35 Community Plans which form the land use element of the General Plan. The subject property is zoned [Q]R3-1VL with a Medium Residential land use designation, corresponding to the R3 Zone; thus, the subject property is consistent with the existing land use designation. The property has a street frontage of 51 feet along Everett Street. The property is not located within the boundaries of any relevant specific plan or interim control ordinance. The site not located within any other special hazard zone, liquefaction zone, flood, landslide, or tsunami inundation zone. The property is located in a Methane zone, a Hillside Area and within a Special Grading Area. Although the site is located within a City of Los Angeles Hillside Area, the Department of Building and Safety, Grading Division, has confirmed the site does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards.

The Vesting Tentative Tract Map describes and illustrates land uses consistent with the existing zoning and General Plan land use designations on the subject property. Single-family residences are permitted in the [Q]R3-1VL Zone and Medium Residential land use designation. The Qualified "Q" Conditions on the subject property, established under

Ordinance No. 163,699 and effective July 15, 1988, limits density to one unit per 1,200 square feet of lot area and a maximum building height of 30 feet. Based on the total area of the property of approximately 8,192 square-feet, the applicant would be permitted to construct a maximum of six (6) units. With six (6) small lot homes proposed, the projects density does not exceed the maximum allowable density for the R3-1 Zone. Accordingly, the project will maintain the desired residential uses along Everett Street as prescribed by the General Plan

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 may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. In addition, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

Section 17.05 C of the LAMC enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). LAMC Section 17.06 B lists the map requirements for a tentative tract map. 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 LAMC. In addition, Section 12.22 C.27 of the LAMC (as amended by Ordinance No. 185,462, which became effective on April 18, 2018) details requirements for small-lot subdivisions. For the request herein, the LAMC requires that the proposed small lot subdivision comply with the required minimum lot width of 18 feet; lot area of 600 square feet; lot coverage limitation of 75%; and 10-foot setback requirements for the rear, six-foot setback requirements for the sides, and setback requirements aligning with those of the underlying zone for the front boundaries of the subdivision. The applicant has filed a concurrent entitlement request, under ZA-2021-6035-ZAA-CLQ, a Zoning Administrator's Adjustment, to allow for a reduced front vard setback (northerly side yard) of 0 feet in lieu of the otherwise required 5 feet and a Q Clarification to allow an additional 3 feet and 6 inches in height to allow a total building height of 33 feet and 6 inches in height. With the approval of these adjustments, which are permissible requests prescribed by the LAMC, the project is entirely consistent with the requirements of a vesting 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, 17.05 C, 17.06 B and 12.22 C.27 of the Los Angeles Municipal Code.

The design and improvement of the proposed subdivision are consistent with the Silver Lake - Echo Park - Elysian Valley Community Plan and are not subject to any Specific Plan requirements. For the purposes of approving a small lot subdivision, 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" refer to the infrastructure facilities serving the subdivision. Several public agencies, including the Department of Building and Safety, the Bureau of Engineering, the Los Angeles Department of Transportation, and the Bureau of Street

Lighting have reviewed the map and found the subdivision design satisfactory. These agencies have imposed improvement requirements and/or conditions of approval. 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 vesting map, building permit, grading permit, or certificate of occupancy. Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the intent and purpose of the Community Plan and the General Plan.

#### 3. The site is physically suitable for the proposed type of development.

The subject property consists of two existing lots encompassing approximately 4,906 square feet each and totaling approximately 8,192 square-feet combined. The property is located midblock along Everett Street on the west side, between Sunset Boulevard to the west and Marview Avenue to the east. The lot is mostly rectangular in shape, with a street frontage of approximately 51 linear-feet along the western side of Everett Street and a varying depth of approximately 165 linear-feet and 159 linear feet. The site is currently undeveloped and vacant. There are no significant trees on the project site or in the public right-of-way adjacent to the subject property.

The project site is located within the Silver Lake - Echo Park - Elysian Valley Community Plan, one of 35 Community Plans which form the land use element of the General Plan. The subject property is zoned [Q]R3-1VL with a Medium Residential land use designation. corresponding to the R3 Zone; thus, the subject property is consistent with the existing land use designation. The property has a street frontage of 51 feet along Everett Street. Accordingly, the project will maintain the desired residential uses along Everett Street as prescribed by the General Plan. The Qualified "Q" Condition on the subject property permits a density of one unit per 1,200 square feet of lot area and a maximum building height of 30 feet in the [Q]R3-1VL zone. Based on the total area of the property of approximately 8,192 square-feet, the applicant would be permitted to construct a maximum of six (6) units. As mentioned, the applicant has filed a concurrent entitlement request, under ZA-2021-6035-ZAA-CLQ, a Zoning Administrator's Adjustment, to allow for a reduced front yard (northerly side yard) setback of 0 feet in lieu of the otherwise required 5 feet and a Q Clarification to allow an additional 3 feet and 6 inches in height to allow a total building height of 33 feet and 6 inches. The property conforms with all of these requirements and is not located within the boundaries of any relevant specific plan or interim control ordinance.

The project proposes to subdivide the subject property into six (6) small lots for the construction of six (6) small lot homes The project will provide two (2) vehicle parking spaces per dwelling unit, for a total of 12 parking spaces. The project is required to have a common access driveway with a minimum of 16 feet in width (with a minimum of 10 feet in width clear and open to the sky); the tentative tract map displays a common access driveway accessed off of Everett Street with a width of 16 feet, with 10 feet and 6 inches clear and open to the sky.

The Department of Building and Safety Grading Division has reviewed the request herein and, in email correspondence dated October 4, 2021, has determined that geology/soils reports are not required prior to planning approval of the Vesting Tentative Tract Map as the property is not 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 geologic hazards. The property is not located within any other special hazard zone, flood, landslide, or tsunami inundation

zone. The property is located within a Hillside Area and within a Special Grading Area. Conditions have been included to ensure that the development site is physically suitable for the proposed project, per the Department of Building and Safety Grading Division.

The project site is in an established and urbanized neighborhood in the Silver Lake - Echo Park - Elysian Valley community. The surrounding area is primarily residential and is developed with various single- and multi-family residences. The surrounding area has experienced moderate redevelopment throughout the decades, with many properties featuring buildings of a variety of ages on-site. As a similar and compatible use, the proposed project is compatible with the surrounding area.

The Department of City Planning, on March 18, 2022, determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act designates the subject project as categorically exempt under Article III, Section I, Class 32). The Class 32 exemption is for infill developments meeting the following five criteria: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. Planning staff has determined that the project meets all of these criteria and thus qualifies for a Class 32 Categorical Exemption. Planning staff also evaluated the exceptions to the use of categorical exemptions for the proposed project listed under "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project.

Therefore, material evidence supports that the project site is physically suitable for the proposed type of development.

#### 4. 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 project site is located within the Silver Lake - Echo Park - Elysian Valley\_Community Plan, one of 35 Community Plans which form the land use element of the General Plan. The subject property is zoned [Q]R3-1VL with a Medium Residential land use designation, corresponding to the R3 Zone respectively; thus, the subject property is consistent with the existing land use designation. The property has a street frontage of 51 feet along Everett Street. Accordingly, the project will maintain the desired single-family uses along Everett Street as prescribed by the General Plan. The Qualified "Q" Condition on the subject property permits a density of one unit per 1,200 square feet of lot area and a maximum building height of 30 feet in the [Q]R3-1 zone. Based on the total area of the property of approximately 8,192 square-feet, the applicant would be permitted to construct a maximum of six (6) units.

At the time of submittal, the applicant requested a concurrent entitlement under Case. No. ZA-2021-6035-ZAA-CLQ. The applicant requested a Q Clarification to allow an additional 3 feet and 6 inches in height for a total of 33 feet and 6 inches in height, in lieu of the permitted 30 feet. Per the Los Angeles Municipal Code Section 12.32 H, Amendments to

Council Instructions or Clarifications may be considered by the Director of Planning provided they conform to several guidelines adopted by the Planning Commission. In this case, the project would be considered because the change in height does not exceed five (5) feet. The Zoning Administrator Adjustment allows for a reduced front yard (northerly side yard) setback of 0 feet in lieu of the otherwise required 5 feet. The property conforms with all of these requirements and is not located within the boundaries of any relevant specific plan or interim control ordinance.

The Vesting Tentative Tract Map describes and illustrates land uses consistent with the existing zoning and General Plan land use designations on the subject property. Single-family residences are permitted in the [Q]R3-1VL Zone and Medium Residential land use designation. The Qualified "Q" Conditions on the subject property, established under Ordinance No. 163,699 and effective July 15, 1988, limits density to one unit per 1,200 square feet of lot area. The site area measures approximately 8,192 square feet, which allows a maximum of six (6) units. With six (6) small lot homes proposed, the projects density does not exceed the maximum allowable density for the R3-1 Zone.

The project site is in an established and urbanized neighborhood in the Silver Lake - Echo Park - Elysian Valley\_community. The surrounding area is primarily residential and is developed with various single family, multi-family residences, and commercial properties. The surrounding area has experienced moderate redevelopment throughout the decades, with many properties featuring buildings of a variety of ages on-site. As a similar and compatible use, the proposed project is compatible with the surrounding area. The development of six (6) small-lot homes are appropriate and permitted uses on the subject property in the respectively zoned areas and desirable in an urban neighborhood developed with a variety of other similar residential uses. There are no special circumstances that would preclude the proposed density on the subject property. Therefore, the site is physically suitable for the proposed density of development.

5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Both the project site and the surrounding area are urbanized, have been developed and improved with structures for many decades, and do not provide a natural habitat for either fish or wildlife. Additionally, the project was identified as being Categorically Exempt from further CEQA review pursuant to Class 32 for infill development, and that it would not result in significant impacts relating to biological resources. As such, the project will not cause substantial environmental damage or injury to wildlife or their habitat.

6. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

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

The Department of Building and Safety Grading Division has reviewed the request herein and, in email correspondence dated October 4, 2021, has determined that geology/soils reports are not required prior to planning approval of the Vesting Tentative Tract Map as the property is not 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 geologic hazards. The property is not located within any other special hazard zone, flood, landslide, or tsunami inundation zone. The property is located within a Hillside Area and within a Special Grading Area. Conditions have been included to ensure that the development site is physically suitable for the proposed project, per the Department of Building and Safety Grading Division.

The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. Additionally, 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. Therefore, no adverse impacts to the public health or safety would occur as a result of the design and improvement of the site, and the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

7. 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 is surrounded by private properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The project site does not adjoin or provide access to a public resource, natural habitat, public park, or any other officially recognized public recreation area. Necessary public access for roads and utilities will be acquired by the City prior to recordation of the proposed map. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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8. The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. (Ref. Section 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcels to be subdivided, and other design and improvement requirements. A final solar report will be submitted to the Advisory Agency prior to the recordation of the final map as a condition of approval of the request herein.

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 vesting tentative tract map was filed. 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 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 83390-SL-HCA.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 83390.

Vincent P. Bertoni, AICP Advisory Agency

Kevin Golden

Deputy Advisory Agency

Kevin Golden

The above action shall become effective upon the decision date noted at the top of this letter unless an appeal has been submitted to the Los Angeles City Planning Commission within 10 calendar days of the decision date. If you wish to appeal, a Master Appeal Form No. CP-7769, must be submitted, accepted as complete, and appeal fees paid by 4:30 PM on May 9, 2022\* at one of the Department's Development Services Centers, located at:

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

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

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

#### Forms are also available on-line at <a href="http://cityplanning.lacity.org/">http://cityplanning.lacity.org/</a>

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 Public Counter staff at (213) 482-7077, (818) 374-5050, or (310) 231-2598.

No sale of separate parcels is permitted prior to recordation of the final parcel map. The owner is advised that the above action must record within 36 months of the date of approval, unless an extension of time has been requested in person before 4:30 p.m.

No requests for time extensions or appeals received by mail shall be accepted.

<sup>\*</sup>Please note the cashiers at the public counters close at 3:30 PM.

