AGENDA REPORT

Meeting Date: February 12, 2015

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development
Ryan Gohlich, Senior Planner

Subject: Request of the City Council of the City of Beverly Hills to Consider Filing an Appeal of the City of Los Angeles Advisory Agency Approval of a Vesting Tentative Tract Map and Adoption of a Mitigated Negative Declaration to Allow Construction of a 31-unit Condominium Project located at 332-336 North Oakhurst Drive.

Attachments:
1. Los Angeles Advisory Agency Determination Letter
2. Required Findings for Project Approval

INTRODUCTION

A request has been made for the City Council to consider filing an appeal of project approvals granted by the City of Los Angles Advisory Agency allowing the construction of a 31-unit condominium building on the property located at 332-336 North Oakhurst Drive. This report presents information regarding the project and approval process, and seeks direction from City Council as to whether an appeal should be filed with the City of Los Angeles.

DISCUSSION

On February 3, 2015, the City of Los Angeles Advisory Agency approved Vesting Tentative Tract Map No. 70499-CN and adopted a Mitigated Negative Declaration for a new 31-unit condominium project located at 332-336 North Oakhurst Drive. The appeal period expires February 13, 2015. The subject property is split between Beverly Hills and Los Angeles, with 28% of the property in Beverly Hills and 72% of the property in Los Angeles. Of the 31 condominium units proposed, 7 are located within Beverly Hills and the remaining 24 are located in Los Angeles.

Because the property is split between jurisdictions (with the larger percentage being in Los Angeles), the City of Los Angeles has served as the "lead agency" in accordance with CEQA, meaning that Los Angeles is the jurisdiction responsible for preparing the CEQA documentation for the project. Beverly Hills serves as a "responsible agency" in accordance with CEQA, and is generally required to utilize the environmental

documentation prepared by the lead agency (Los Angeles). Beverly Hills staff have communicated with Los Angeles and the developer over the past several years, and in 2014 Beverly Hills staff requested that Los Angeles prepare an Environmental Impact Report (EIR) for the project. The request for an EIR was made due to concerns that the subject properties may contribute to a potential historic district on the east side of the block. Upon Beverly Hills staff making this request, the applicant placed the project on hold and indicated that it would be exploring options pertaining to the potential historic significance. Several days ago, staff learned that Los Angeles had further analyzed the properties, made a determination that there is no potential historic significance associated with the properties, and moved forward with its approval of the project.

If the approval granted by Los Angeles is not appealed, the City of Beverly Hills will be required to utilize the CEQA documents prepared by Los Angeles, which presently conclude that the project will not result in any unmitigable environmental impacts, including scale, mass, height, and historic resources. While it would have been preferable for Los Angeles and the developer to work more closely with Beverly Hills staff throughout the process, the developer would still need to obtain all necessary entitlements from the Beverly Hills Planning Commission and Architectural Commission for the portions of the project in Beverly Hills. Furthermore, the existing buildings cannot be demolished until the City of Beverly Hills has granted all necessary approvals for project construction.

The project is code-compliant and meets the respective setback, density, and height limitations in Beverly Hills and Los Angeles; however, the Beverly Hills Planning Commission and Architectural Commission would need to make specific findings in order to approve the project, and could also require project modifications if such modifications were deemed necessary to make the required findings. Attachment 2 includes a list of the required findings for project approval.

Should the City Council wish to appeal the action taken by Los Angeles, an appeal would need to be filed by the close of business this Friday, February 13th. Furthermore, while an appeal of the project and the CEQA determination would likely delay the project and possibly require additional historic documentation, it would not necessarily result in changes to the project. At the conclusion of any action in Los Angeles, the project would still be required to obtain approvals from Beverly Hills, and any action taken in Beverly Hills could be called up for review by the City Council.

RECOMMENDATION

Staff recommends that the City Council provide staff with direction as to whether an appeal should be filed with the City of Los Angeles.

Susan Healy Keene, AICP
Approved By
Susan Healy Keene

ATTACHMENT 1

LOS ANGELES ADVISORY AGENCY DETERMINATION LETTER

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION
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INFORMATION
www.planning.lacity.org

Decision Date: February 3, 2015

Appeal Period Ends: February 13, 2015

Oakhurst, LLC (A)(O)
248 N. Glenroy Avenue
Los Angeles, CA 90049

Reynaldo T. De Rama (E)
Tala Associates
1916 Colby Avenue
Los Angeles, CA 90025

Matthew Hayden (R)
Three6ixty
4309 Overland Avenue
Culver City, CA 90230

RE: Vesting Tentative Tract No. 70499-CN
Address: 332-336 North Oakhurst Drive
Council District: 5
Existing Zone: [Q]R4-1-O
Community Plan: Wilshire
CEQA No.: ENV-2011-3325-MND-REC

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03 of the, the Advisory Agency approved Vesting Tentative Tract Map No. 70499-CN composed of 1-lot, located at 332-336 North Oakhurst Drive for a new maximum **31 residential condominium units** as shown on map stamp-dated December 13, 2013 in the Wilshire Community Plan. This unit density is based on the proposed [Q]R4-1-O Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Development Services Center call (213) 482-7077. 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 the portions of the tract within the City of Los Angeles and the City of Beverly Hills be shown as separate lots on the final map and that a Covenant and Agreement be recorded tying the lots together.

2. That the final map not be recorded until the tentative tract map has been filed with and approved by the City of Beverly Hills.

3. That any fee deficit under Work Order No. EXT00458 expediting this project be paid.

4. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of the existing sewer in the area.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

5. Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated January 27, 2012, Log No. 76058 and attached to the case file for Tract No. 70499. (MM)

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

6. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:

   a. Revise the submitted to show that the tract map is for the portion within the Los Angeles City only unless otherwise approved by the City of Los Angeles Planning Advisory Agency to include the portion within the City of Beverly Hills.

   b. Show all street/alley dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street/alley dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

   Notes:

   Tract subdivision approval from the City of Beverly Hills will be required for portion of the tract within the City of Beverly Hills.

   Compliance with the City of Beverly Hills Zoning requirements is will be required for portion of tract within the City of Beverly Hills.

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

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

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

7. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure: (MM)

   a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line.

   b. A parking area and driveway plan shall 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, Suite 400, Station 3.

FIRE DEPARTMENT

8. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)

   a. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.

   b. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

   c. No framing shall be allowed until the roadway is installed to the satisfaction for the Fire Department.

   d. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

   e. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But in no case

greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.

f. Entrance to the main lobby shall be located off the address side of the building.

g. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

h. Site plans shall include all overhead utility lines adjacent to the site.

i. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

j. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6504. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF WATER AND POWER

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

BUREAU OF STREET LIGHTING

10. In a letter dated, February 9, 2012, the Bureau of Street Lighting determined that no street lighting improvements were required for the project.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY AGENCY

12. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

DEPARTMENT OF RECREATION AND PARKS

13. That the Quimby fee be based on the R4 Zone. (MM)

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

14. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

    a. Limit the proposed development to a maximum of 31 residential units.

    b. Provide the number of parking spaces in accordance with LAMC Section 12.21-A,4.

       If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

       In addition, 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 (Development Services Center).

    c. The applicant shall install an air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better in order to reduce the effects of diminished air quality on the occupants of the project. (MM)

    d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

    e. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.

    f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. (MM)

g. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties. (MM)

15. That the subdivider shall record and execute a Covenant and Agreement to comply with [Q] Condition per Ordinance No. 167,711.

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

17. That the applicant 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 LAMC Section 47.07 relating to demolition. The covenant and agreement shall be executed and recorded within 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to each eligible tenant within five days of recordation of the covenant and agreement. (MM)

18. 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 the affirmative duty to abide by all provisions of the Ellis Act (Government Code § 7060, et seq.) and §§ 151.22-151.28 of the LAMC.

19. Adjustment. Pursuant to LAMC Section 17.03, the Advisory Agency has approved an adjustment to allow a 10% increase in the allowable FAR (3:1), or an FAR of 3.3:1.

20. City of Beverly Hills. Prior to the issuance of a demolition permit by the Department of Building and Safety, the applicant shall provide evidence in the form of a letter from the City of Beverly Hills, that the project has been reviewed for conformance with any and all applicable zoning regulations, and has made suitable arrangements for any necessary improvements relative to the public right-of-way, including sewers, street dedications and improvements, street trees, etc.

21. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

22. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 5, 7, 8, 13, 14c, 14f, 14g, 17, 23, and 24 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

23. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

MM-1 Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.

The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from the street or alley, pursuant to Los Angeles Municipal Code Section 91.8104.15.

MM-2. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties pr the public right-of-way.

MM-3. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right-of-way.

All signiciant (8-inch or greater trunk diameter, or cumulative trunk diameter of multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inc box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of way, may be counted toward replacement tree requirements.

Removal or plating of any tree in the public right-of-way required approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division of the Department of Public Works, Bureau of Street Services.

MM-4. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

MM-5. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Publci Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.

Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMP's includes but is not limited to the following mitigation measures:

- Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

MM-6. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movements or reduction in foundation bearing soil-capacity, and discuss mitigation measures that may include building design consideration. Building design consideration shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacement or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project and as it may be subsequently amended or modified.

MM-7. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or registered civil engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movements or reduction in foundation bearing soil-capacity, and discuss mitigation measures that

may include building design consideration. Building design consideration shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacement or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project and as it may be subsequently amended or modified.

MM-8. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

MM-9. Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.

Prior to the issuance any permit for the demolition or alteration of any existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSA regulations.

Prior to the issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulations governing PCB removal and disposal.

MM-10. All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.

MM-11. Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

MM-12. a. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical

threshold standard is required.

b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.

c. Promote natural vegetation by using parking lot islands and other landscaped areas.

d. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

e. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is physical devise composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair, and maintain the outlet protection after each significant rain.

f. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.

g. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.

h. Legibility of stencils and signs must be maintained.

i. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

j. The storage area must be paved and sufficiently impervious to contain leaks and spills.

k. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.

l. Trash container areas must have drainage from adjoining roofs and pavement diverted around the areas.

m. Trash container areas must be screened or walled to prevent off-site transport of trash.

n. Reduce impervious surface area by using permeable materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block and granular materials, i.e. crushed aggregates, cobbles.

o. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.

p. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Department of Public Works, Stormwater Management Division.

q. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation, and flow reducers.

r. Prescriptive Methods detailing BMPs specific to this project category are available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the City's website at: www.lastormwater.org.

s. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

MM-13. The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the area.

MM-14. The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

MM-15. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

i. Weather-based irrigation controller with rain shutoff;
ii. Matched precipitation (flow) rates for sprinkler heads;
iii. Drip/microspray/subsurface irrigation where appropriate;
iv. Minimum irrigation system distribution uniformity of 75 percent;
v. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; and
vi. Use of landscape contouring to minimize precipitation runoff.
vii. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

MM-16. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.

Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

MM-17. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

Prior to the issuance of any demolition permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

24. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or 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:

CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.

a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.

b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.

c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.

CM-2. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.

CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

CM-6. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

CM-8. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-12. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

CM-13. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.

CM-14. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.

CM-15. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

CM-16. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

CM-17. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

CM-18. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

CM-19. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

CM-20. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

CM-21. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-2. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

C-3. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.

(b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

(c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.

(d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.

(e) That drainage matters be taken care of satisfactory to the City Engineer.

(f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.

(g) That any required slope easements be dedicated by the final map.

(h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.

(i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

(j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

(k) That no public street grade exceeds 15%.

(l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

(a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.

(b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.

(c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.

(d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.

(e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

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

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

(b) Construct any necessary drainage facilities.

(c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting, as follows:

(d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-485-5675) upon completion of construction to expedite tree planting.

(e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.

(f) Construct access ramps for the handicapped as required by the City Engineer.

(g) Close any unused driveways satisfactory to the City Engineer.

(h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.

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

a. Improve the alley adjoining the subdivision by the reconstruction of alley intersection with 3rd Street including any necessary removal and reconstruction of the existing bad order alley improvements.

NOTES:

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

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

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

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

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

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

A public hearing was held on March 19, 2014 in City Hall, Room 1020. In attendance were the applicant, the applicant's representative, the applicant's architect, and area residents and property owners. The representative for the project stated for the record that the project would be eligible to meet LEED Silver certification, is providing bicycle parking and is providing 5,000 square feet of open space, in excess of what is required by code. The applicant clarified the request for the 10% increase in Floor Area, stating that the request was meant to provide bigger units without expanding the building foot print or height. They detailed their outreach efforts, stating that they met with the Mid City West Neighborhood Council, and held an informational meeting for tenants on March 1, 2014. The applicant provided some letters of support from adjacent property

owners. In addition, the representative stated that the applicant was prepared to provide a historic assessment of the property at the request of the community, the Council Office, and the Planning Department.

Also in attendance at the public hearing were tenants, area residents and nearby property owner, with speakers in opposition citing concerns with traffic, the proposed height of the project, construction impacts on adjacent older properties, air quality and health impacts associated with construction, and changes to the character of development along the immediate block of Oakhurst Avenue.

Shawn Bayliss, of Council District 5, asked that the case be placed under advisement pending the completion of a historic resources assessment of the property. The case was placed under advisement pending the preparation and submittal of a Historic Resource Assessment, which was submitted to the department electronically on May 1, 2014. The Historic Resource Evaluation was prepared by Kaplan Chen Kaplan and dated April 21, 2014, and concluded that the properties at 332, and 334-336 North Oakhurst Drive do not meet the criteria for designation to the National Register of Historic Places, the California Register of Historical Resources, or as a City of Los Angeles Historic Cultural Monument of historic district. Moreover, that the buildings do not meet the criteria for designation as a City of Beverly Hills Landmark nor as a City of Beverly Hills Historic District. Following that report, the City of Beverly Hills provided a two-page memo prepared by the Historic Resources Group and dated May 29, 2014, contesting the findings of the report, arguing that there is potential for the creation of a historic district along North Oakhurst Drive and requesting that the City of Los Angeles prepare and EIR. Planning staff then requested that a report be provided to address the potential historic district issue along North Oakhurst Drive. This report, dated December 3, 2014 and prepared by Kaplan Chen Kaplan, determined that there is no potential for the establishment of a City of Los Angeles Historic Preservation Overlay Zone, and that while no buildings have been identified as individual landmarks, an argument could be made for the establishment of a potential district within the City of Beverly Hills based on commonalities of two architectural styles (Spanish Colonial Revival and Minimal Traditional/Regency) common to the 1930's and for which structures remain.

FINDINGS OF FACT (CEQA)

The subject property is located in two jurisdictions, with one third of the site being located within the City of Beverly Hills. In a letter dated, November 7th, 2011, the City of Beverly Hills stated that their City Attorney reviewed the project and that the City of Los Angeles would be the lead agency as it would process the application first. With respect to environmental impacts, they identified traffic as being "the category that presents the greatest potential for environmental impact."

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2011-3325-MND on March 28, 2012 for a 5- and 6-story residential condominium with 37 units. Based on the Department of Transportation's (DOT) Traffic Study Exemption Thresholds, the 37-unit project was below the threshold of 48 units for residential condominiums, resulting in a less than significant impact. The tract map was placed on hold and the new owner revised the tract map proposing a reduced project of a 4- and 5-story residential condominium with 31 units. A Reconsideration of ENV-2011-3325-MND was issued on February 7, 2014. Upon issuance of both the originally issued

Mitigated Negative Declaration (MND) and the subsequent Reconsideration of the MND, no comments were submitted by the City of Beverly Hills relative to the environmental analysis or the mitigation measures.

At the public hearing held on March 19, 2014, several public speakers, including a representative from Council Office 5, expressed concern about the potential historic value of the existing buildings. The applicant volunteered to hire a consultant and the Advisory Agency placed the case under advisement pending the submittal of a historic resource assessment.

A Historic Resource Evaluation prepared by Kaplan Chen Kaplan (dated April 21, 2014), concluded that "the buildings at 332 North Oakhurst Drive, 334 North Oakhurst Drive, and 336 North Oakhurst Drive, do not meet the criteria for designation to the National Register of Historic Places, the California Register of Historic Resources or as a City of Los Angeles Historic Cultural Monument or as a historic district." In particular, the report found that 332 North Oakhurst was built in 1931 in the Spanish Colonial Revival style by architect Paul Needham, of whom nothing has been identified about his body of work. The property at 334-336 North Oakhurst was designed by Edith Norman, in the Monterey sub-style of the Spanish Colonial revival style. Architect Edith Mortensen Northman, practiced architecture in Los Angeles in the 1930's beginning with multi-family buildings, having moved onto commercial and institutional buildings and factories, including over 50 service stations for the Union Oil Company and military engineering fortifications for the U.S. Army Corps of Engineers. While there are some references to Northman in the Los Angeles Times together with other practicing architects, there are "no newspaper references to any contemporaneous awards or recognition of her work" and "no references to Northman in the Avery Index to Architectural Periodicals".

Moreover, the report asserted that while the buildings are reflective of the Spanish Colonial Revival style prevalent in the 1930's, there are no noteworthy architectural features or characteristics, and no association with historic events or historic persons, that elevated these structures beyond being typical representations of the Spanish Colonial Revival architectural style. The historic resource report concluded that the properties at 332, and 334-336 North Oakhurst Drive do not meet the criteria for designation to the National Register of Historic Places, the California Register of Historical Resources, or as a City of Los Angeles Historic Cultural Monument or historic district. Moreover, the report stated that the buildings do not meet the criteria for designation as a City of Beverly Hills Landmark nor as a City of Beverly Hills Historic District.

Following the submittal of the report, the City of Beverly Hills submitted a letter (dated June 11, 2014), together with a two-page memo prepared by the Historic Resources Group (HRG) contesting the findings of the report and requesting that the City of Los Angeles prepare an EIR. The HRG memo, dated May 29, 2014, argued that nine properties along North Oakhurst Drive were "identified as a potential historic district during the preliminary reconnaissance for the survey update," finding that the area included lots that were uniform, rectangular, modest, with a consistent setback, sharing concrete walkways, detached garages, concrete sidewalks and parkways, and mature Jacaranda trees with "a notable concentration of Period Revival style multi-family residences from the 1930's". While the City of Beverly Hills contends in their June 11,

2014 letter that "100 percent of the buildings located along the east side of North Oakhurst between Alden Drive and West 3rd Street contribute to a potential historic district," the HRG report only analyzed 9 of the 11 properties that constitute the entirety of the east side of the North Oakhurst block between Arden Drive and 3rd Street, with no mention of the two properties on the west side of North Oakhurst Drive and entirely within the City of Beverly Hills, that share these same characteristics. In addition, the report prepared by HRG provides no analysis as to how the properties meet the criteria used to establish historic districts, including important events, association with the lives of significant persons, or any distinctive characteristics of the structures. The memo found only one architect to correspond to the list of master architects for a property located at 344 North Oakhurst Drive (not the project site). In addition, aside from the "potential district" having originally been subdivided in 1922 by the Rodeo Land and Water Company, the report offered little information relative to development of the 1930's residences, any distinctive characteristics, the level of integrity, or its relationship to the history or prehistory of the Beverly Hills. Moreover, the report fails to establish, without substantial evidence in the record, how the potential district would meet the criteria of the California Register of Historic Resources, or what methodology was used to reach its conclusion.

With respect to the California Environmental Quality Act (CEQA), the consideration of historic resources or potential historic resources is discussed in CEQA in Section 21084.1, which states:

> "A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, and historical resources is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not including in a local register of historical resources, or not deemed significant pursuant to a criteria set for in the subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for the purposes of this section."

In determining the significance of a project not yet listed or determined to be eligible for listing, subsection (g) of Section 5024.1 of CEQA states:

(g) A resource identified as significant in an historical resource survey may be listed in the California Register if the survey meets all of the following criteria:
   (1) The survey has been or will be included in the State Historic Resources Inventory.
   (2) The survey and survey documentation were prepared in accordance with office procedures and requirements.

(3) The resources is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523.
(4) If the survey is five or more years old at the time of its nomination for inclusion in the California Register, the survey is updated to identify historical resources which have become eligible or ineligible due to changed circumstances or further documentation and those which have been demolished or altered in a manner that substantially diminishes the significance of the resource.

None of the individual properties along north Oakhurst between Alden Drive and West 3rd Street have been identified for historic significance, and until recently, no argument has been made as to the potential of a historic district. The information provided by both consultants, Historic Resources Group and Kaplan Chen Kaplan, provides little substantive information to support how the features of the potential district meet a standard of significance under local and state criteria. For example, in determining the significance of impacts on historical resources, Section 15064.5 of CEQA, the term "historical resources" includes a resource listed in the California Register of Historical Resources, listed in a local register of historical resources, or is characterized as a site, structure, or area determined to be historically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California provided the determination is substantiated be the evidence in light of the whole record. In this instance, the resource must meet the criteria for listing the California Register of Historical Resources, including: being associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; is associated with the lives of persons important in our past; embodies distinctive characteristics of a type, period, region, method of construction, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or, has yielded, or may be likely to yield, information important in prehistory or history.

To address the potential historic district issue, planning staff requested that an additional historic resources report be prepared to further analyze the project site and North Oakhurst Drive between Alden Drive and 3rd Street. The report prepared by Kaplan Chen Kaplan and dated December 3, 2014, reviewed North Oakhurst Drive between Alden Drive and West 3rd Street against the criteria used to establish a City of Los Angeles Historic Preservation Overlay Zone (HPOZ) and as an Historic District within the City of Beverly Hills. The report determined that the west side of Oakhurst Drive, which is entirely within the jurisdictional boundaries of the City of Beverly Hills would not qualify as an historic district as only two buildings (20 percent) retain potential historic significance, and which would not qualify for designation as individual landmarks under City of Beverly Hills criteria. Of the potentially contributing properties on the east side, there are five Spanish Colonial Revival buildings and five Minimal Traditional/Regency style buildings and one contemporary building, with the principal facades of the structures being located in the City of Beverly Hills, and the remainder of the structures sitting within the jurisdictional boundaries of the City of Los Angeles.

The criteria for the designation of a HPOZ within the City of Los Angeles looks for an area that: adds to the historic architectural qualities or associations for which a property is significant during a period of significance, represents an established feature of the neighborhood, community or city due to its unique location or singular physical

characteristics, and retaining the building, structure, landscaping, or natural feature would contribute to the preservation and protection of a historic place or area of historic interest in the City. The report finds that there is no potential for the establishment of a City of Los Angeles HPOZ as the portions of the buildings on the 300 block having their street-facing facades, where the primary architectural features are found, are within the City of Beverly Hills. The area within the bounds of the City of Los Angeles is otherwise limited.

For designation of a Historic District within the City of Beverly Hills, the project must meet seven criteria, including:

(1) At least 70% of the properties in the proposed district have been identified as contributing properties.

(2) Must meet at least two of the following criteria:

a. Is identified with important events in the main currents of national, state, or local history, or directly exemplifies or manifests significant contributions to the broad, social, political, cultural, economic, recreational, or architectural history of the Nation, State, City, or community;

b. Is directly associated with the lives of Significant Persons important to national, state, City or local history;

c. Embodies distinctive characteristics of a style, type, period, or method of construction;

d. Represents a notable work of a person included on the City's List of Master Architects or possesses high artistic or aesthetic value;

e. Has yielded or has the potential to yield, information important in the prehistory or history of the Nation, State, City or community;

f. Is listed or has been formally determined eligible by the National Park Service for listing on the National Register of Historic Places, or is listed or has been determined eligible by the State Historical Resources Commission for listing on the California Register of Historical Resources.

(3) The proposed District retains integrity of location, design, setting, materials, workmanship, and association. A proposed Contributing Property's or District's deferred maintenance, dilapidated condition, or illegal alterations shall not, on their own, be construed to equate loss of integrity.

(4) The nominated District is of significant architectural value to the community beyond its simple market value, and its designation as a District is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this Article.

(5) The District is a contiguous or non-contiguous grouping of thematically related properties, or a definable area possessing a concentration of historic, scenic, or thematic Sites, which contribute to each other and are unified aesthetically by plan, physical development, or architectural quality.

(6) The district reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning.

(7) The proposes designation is in conformance with the purpose of the city's historic preservation provisions set forth in this article and the city's general plan.

None of the existing properties within the City of Beverly Hills on the North Oakhurst Block between Arden Drive and 3rd street have been designated and would not qualify as individual landmarks and have not yet been identified as contributing buildings to a potential historic district by the City of Beverly Hills. No historic events or significant persons have been identified that would characterize the significance of the district as a whole, and only one structure has been found to correspond with the City of Beverly Hills' list of Master Architects. In addition, the architectural styles identified are common to the era in which they were constructed and lack a high level of cohesiveness, diverging from Spanish Colonial Revival to Minimal Traditional/Regency, and no unique or distinctive features have been identified which distinguish these residences from similar structures of the era.

Nevertheless, if the City of Beverly Hills should choose to consider a potential district relative to these architectural styles, the 20% (two) properties that remain on the west side of Oakhurst together with ten of the 11 structures on the east side of Oakhurst, could potentially constitute an historic district with a total of 12 structures in the Spanish Colonial Revival and Minimal/Traditional Regency styles. With the development of property at 332 and 334-336 North Oakhurst, more than 70% of the properties would remain, thereby meeting the 70% threshold per the City of Beverly Hills criteria for an Historic District.

As such, this assessment coincides with Mitigated Negative Declaration, ENV-2011-3325-MND(REC), which determined that "the project site is not designated a historic monument nor listed as a significant historic resource" thereby having a less than significant impact and not resulting a "substantial adverse change in the significance of a historic resources as defined in Section 15064.5."

With the reconsideration of the reduced project, the Department of City Planning found that no additional negative impacts would occur from the project's implementation. Moreover, mitigation measures have been imposed to reduce impacts to less than significant levels in the areas of:

Aesthetics;
Biological Resources;
Geology/Soils;
Hydrology & Hazardous Materials;
Noise;
Population/Housing;
Public Services;
Transportation/Traffic;
Utilities/Service Systems

The Advisory Agency hereby certifies that Mitigated Negative Declaration No. ENV-2011-3325-MND(REC) reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant

level through implementation of Condition **Nos. 5, 7, 8, 13, 14c, 14f, 14g, 17, 23, and 24** of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with residential structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 23.

Furthermore, the Advisory Agency hereby finds that modification(s) to and/or correction(s) of specific mitigation measures have been required in order to assure appropriate and adequate mitigation of potential environmental impacts of the proposed use of this subdivision.

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

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 70499-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

The adopted Wilshire Community Plan designates the subject property for High Medium Residential land use with the corresponding zone of R4-1. The property is not located in any specific plan area. The property is comprised of three parcels with approximately .531 net acres (23,165 net square feet after required dedication) and is presently zoned [Q]R4-1. The property has a frontage of 154.5 feet along Oakhurst Drive and a lot depth of 150 feet, and is located north of 3rd Street and south of Alden Drive. Approximately one-third of the property, with an approximate depth of 46 feet from the westerly property line, is located within the municipal boundaries of the City of Beverly Hills. The remaining two-thirds of the site is located within the City of Los Angeles. The subject site is currently developed with three two-story apartment buildings on three respective parcels with a total of 17 units.

The proposed development of 31 dwelling units is allowable under the current adopted zone and the land use designation. The project will provide much needed new home ownership opportunities for the Community Plan area. The

existing tenants will be provided with relocation assistance pursuant to the Los Angeles Housing Department's applicable ordinances.

The 'Q' condition on the site has numerous development limitations, including, but not limited to the following:

Height: No building abutting a single-family zoned lot shall exceed 45 feet

Side yards: The minimum side yard shall be 8 feet for developments that exceed 80 feet of street frontage.

Parking: Guest parking shall be provided at 0.25 per unit and tandem parking shall only be used to serve a single residential unit.

Garage: A parking garage of one level shall be permitted above the natural existing grade with a maximum height of ten feet.

Trees: Trees not less than 24-inch box in size shall be planted on the property at a ratio of one tree for every 1,000 square feet of lot area.

Articulation: The continuous width of any exterior wall shall not exceed 40 feet without a change in the plane of at least 5 feet for a minimum distance of 8 feet before returning to the original plane.

The subject property does not abut a single-family residential zone and the designated Height District 1 has no height limitation for the subject property. As such, the building is proposed to be four stories in height on the portion of the property located within the City of Beverly Hills and five stories within the boundaries of the City of Los Angeles, and includes two levels of subterranean parking.

With the exception for the request seeking an increase in the allowable FAR by 10%, the project complies with the aforementioned 'Q' conditions for the site.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas).

Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

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

The project fronts Oakhurst Drive, which is in the jurisdiction of the City of Beverly Hills. The alley to the east is located within the City of Los Angeles and is dedicated to a 20-foot width at the project's rear frontage. The Bureau of Engineering requires no dedication along Oakhurst and is only requesting improvements to the existing alley dedication. While the project is not subject to

any Specific Plan requirements, the proposed project will meet the height, side yard setback, parking, garage, tree ratio, and articulation conditions specified in the 'Q'. Moreover, the development will provide 68 parking spaces and 14 guest parking spaces in conformance with the L.A.M.C. Advisory Agency's policy for residential condominium projects. As conditioned the design and improvements of the proposed project are consistent with the applicable General and Specific Plans. As conditioned, the design and improvements of the proposed project are consistent with the applicable General and Specific Plans.

As previously mentioned, the property sits within the boundaries of the City of Beverly Hills for a lot depth of approximately 46 feet. The portion within Beverly Hills includes the primary frontage, together with the sidewalks and the adjoining parkway, street trees, and street lights. The project's design has been reviewed by the City of Beverly Hills on at least two occasions. In a letter dated September 15, 2011, planning staff for the City of Beverly Hills reviewed the Conceptual Review application for the originally proposed 37-unit project, discussing the required entitlements, fees to be paid, and provided a series of recommendations to update the plans, by providing clarity on open space calculations, setbacks, and parking, to name a few. It also provided requirements intended to address street trees, fire, storm water, traffic, and building and safety issues. Aside from architectural review, development review and an R-4 permit for parking and paving, no other entitlements were listed as being required, and aside from traffic, no other issues were raised by the City of Beverly Hills relative to project impacts. In a November 20, 2013 report to the Architectural Commission, Beverly Hills planning staff presented the project to Architectural Commission as "well-articulated with appropriate massing, modulation, and fenestration", providing "a good use of color variation and horizontal banding," and requesting that the applicant present a night rendering for purposes of understanding the "streetscape context of the building in both day and evening hours."

The project meets the regulations of the underlying zone, land use designation, and the 'Q' conditions relative to the development of the site. Moreover, while preliminary reviews of the design by the City of Beverly Hills are preliminarily favorable, a condition has been included herein requiring that the applicant seek the necessary entitlements to satisfy the public improvements to develop within that portion within the jurisdiction of the City of Beverly Hills.

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

The site is currently developed with three existing apartment buildings. The site is designated for High Medium Residential Density by the Wilshire Community Plan which allows for a density of 400 square feet per dwelling unit. The 23,165 square-foot site would allow a maximum of 57 residential units. As proposed, the 31-unit residential condominium project is well below the maximum permitted density. The development of this tract is an infill of an otherwise multiple-family neighborhood.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits.

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

Properties to the north along Oakhurst Drive are improved with multi-family residences ranging in density from 4 units to 8 units in the [Q]R4-1-O Zone. Immediately to the south properties are improved with a duplex, and single-family residences on small substandard lots of less than 2,400 square feet and lot widths of 45 feet in the [Q]R4-1-O Zone. Properties to the east across the alley are improved with multi-family residences ranging in density from 6 units to 42 units. To the west across Oakhurst Drive properties are improved with small single-family residences along 3rd Street and multi-family residences along Oakhurst Drive ranging in density from 4 units to 21 units within the City of Beverly Hills. The proposed project will comply with all LAMC requirements for parking, yards, and open space. As conditioned the proposed tract map is physically suitable for the proposed density of the development.

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

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife with no natural open spaces or areas of significant biological resource value.

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

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision. A Mitigated Negative Declaration, ENV-2011-3325-MND, and a Reconsideration for a reduced project was prepared for the project, which determined that the project would not have a significant effect upon the environment provided the mitigation measures listed in ENV-2011-3325-MND are implemented and incorporated herein as conditions of approval.

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 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.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.

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

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

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

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

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

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

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 70499-CN.

Michael LoGrande
Advisory Agency

JAE KIM
Deputy Advisory Agency

JK:LI:jjq

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the Central Area Planning Commission, it must be accepted as complete by the Development Services Center of the Department of City Planning and appeal fees paid, prior to

expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

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

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

Forms are also available on-line at www.lacity.org/pln.

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

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

ATTACHMENT 2

REQUIRED FINDINGS FOR PROJECT APPROVAL

REQUIRED FINDINGS

1. The proposed plan is consistent with the general plan and any specific plans adopted for the area.

2. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

3. The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

5. The proposed plan will not be detrimental to the public health, safety or general welfare.

6. The plan for the proposed building or structure is in conformity with good taste and good design and, in general, contributes to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality.

7. The plan for the proposed building or structure indicates the manner in which the structure is reasonably protected against external and internal noise, vibrations, and other factors which may tend to make the environment less desirable.

8. The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

9. The proposed building or structure is in harmony with the proposed developments on land in the general area, with the general plan for Beverly Hills, and with any precise plans adopted pursuant to the general plan.

10. The proposed development is in conformity with the standards of this code and other applicable laws insofar as the location and appearance of the buildings and structures are involved.