

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

JANE ELLISON USHER
PRESIDENT

WILLIAM ROSCHEN
VICE-PRESIDENT

DIEGO CARDOSO
REGINA M. FREER
ROBIN R. HUGHES
FR. SPENCER T. KEZIOS
RICARDO LARA

CINDY MONTANEZ
MICHAEL K. WOO

GABRIELE WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE OFFICES

S. GAIL GOLDBERG, AICP
DIRECTOR
(213) 978-1271

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

JOHN M. DUGAN, AICP
DEPUTY DIRECTOR
(213) 978-1274

EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
(213) 978-1270

www.planning.lacity.org

Decision Date: November 4, 2008

Appeal Period Ends: November 14, 2008

Eric Hoffman (A)
Bisno Development Company, LLC
1880 Century Park East, Suite 1411
Los Angeles, CA 90067

BDC Ponte Vista Partners, LLC (O)
1880 Century Park East, Suite 411
Los Angeles, CA 90067

Allan Abschez (R)
Irell & Minella, LLP
1800 Avenue of the Stars
Los Angeles, CA 90067

Linda Siegel, P.E. (E)
Fusco Engineering
16795 Von Karman, Suite 100
Irvine, CA 92606

RE: Vesting Tentative Tract Map No: 63399
Address: 26900 South Western Avenue
Council District: 15
Existing Zone: R1-1XL and OS-1XL
Community Plan: Wilmington-Harbor City
CEQA No.: ENV-2007-4516-EIR

In accordance with provisions of Sections 17.03, 17.05 and 17.06 of the Los Angeles Municipal Code, the Advisory Agency disapproves Vesting Tentative Tract No. 63399 composed of 33 lots located at 26900 S. Western Avenue for a new multi-family residential development as shown on map stamp-dated August 8, 2007 in the Wilmington-Harbor City Community Plan. The Advisory Agency's disapproval is pursuant to the following Findings:

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the disapproval of Vesting Tentative Tract No. 63399, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.5, 66474.60, and

66474.61 of the State of California Government Code (the Subdivision Map Act), makes the prescribed Findings as follows:

- (a) THE PROPOSED MAP IS NOT CONSISTENT WITH THE APPLICABLE GENERAL AND SPECIFIC PLANS.

The proposed map does not conform to the planned land uses on the adopted Wilmington-Harbor City Community Plan which designates the subject property for two land uses, Low density Residential with the corresponding zones of RE9, RS, R1, RU, RD6 and RD5, and Open Space with corresponding zones of OS and A1. (Note: A cartographic error erroneously designated a portion of this property as Open Space and OS zone rather than the correct Low density Residential designation and R-1 zone.) The proposed 33 lot subdivision map as configured would result in a development of 1,950 units on 49.5 net acres, a density of 39 units per acre which is consistent with Medium density Residential. The current R-1 zoning allows up to 8 units per gross acre; however, once dedications and streets are accounted for the entire Project site can accommodate approximately 429 single-family units per Alternative A of the Environmental Impact Report (EIR). The Wilmington-Harbor City Community Plan states: Policy 1-1.6 "The City should promote neighborhood preservation, particularly in existing single family neighborhoods, as well as in areas with existing multiple family residences." Effort should be made to insure compatibility with development of this site and existing nearby residential development. The Plan supports preservation of the existing scale of a neighborhood and any plan, including a specific plan, shall provide for Plan consistency. Residential development to the west and southeast of the site is designated Low density Residential and developed with single family dwellings, and to the south it is primarily developed consistent with Low Medium I density Residential. Therefore, the proposed map consisting of a 33-lot Medium Density residential development with 1,950 units is not consistent with the adopted Objectives and Policies of the Wilmington-Harbor City Community Plan.

The proposed 33-lot subdivision is not satisfactory pursuant to Section 66474.61(a) of the State Subdivision Map Act which requires that a proposed tentative map be denied if the proposed subdivision is not consistent with the applicable general plan.

Pursuant to LAMC Section 17.05-C, the Advisory Agency Finds that the proposed map does not substantially conform to the elements of the General Plan, is not designed in compliance with the zone applying to the property, and furthermore finds that in order to promote the general welfare that the lots for any map for the subject site be of a density so as to be compatible with the surrounding residential development. In addition, in order for the proposed map

to be approved, a General Plan Amendment and Specific Plan are required and would need to be approved by the City Council.

Therefore, the Advisory Agency has disapproved this 33-lot subdivision application and vesting tentative map without prejudice.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE NOT CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Wilmington-Harbor City Community Plan states: Objective 1.2 "To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities; Policy 1-2.1 "Locate higher residential densities near commercial centers and major transit routes, where public facilities, utilities, and topography will accommodate this development." Toward this end, the Plan supports concentrating Medium density Residential development near transit corridors and commercial centers to discourage the use of automobiles.

The subject site is located on a major vehicular thoroughfare, Western Avenue, which is not a major transit route, and this street will be the only ingress/egress for the residents in the development. Though ancillary retail space will be provided within the subdivision, a majority of services will still need to be accessed via automobile. The closest commercial services are located along Western Avenue to the south of the site. However, walking or transit are generally not viable options to access these services since they are laid out in a linear fashion within strip malls or plaza shopping centers, with large parking lots in between the sidewalk and buildings. The land use pattern in this area promotes trips via automobile; therefore, Medium density Residential development on the site would not beneficially alter the travel mode split ratios towards the reduction of automobile trips.

Furthermore, the adopted Wilmington-Harbor City Community Plan states: Policy 15-2.2 "Driveway access points onto major and secondary highways, arterial, and collector streets should be limited in number and be located to insure the smooth and safe flow of vehicles..." The map as proposed has three access points from Western Avenue. Access should be limited to two access points along Western Avenue, as currently configured, to minimize the conflicts with traffic generated from the subdivision.

The proposed 33-lot subdivision is not satisfactory pursuant to Section 66474 (b) of the State Subdivision Map Act which requires that a proposed vesting tentative map be denied if the proposed subdivision is not consistent with the applicable general plan.

(c) THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The elevation of the site ranges from approximately 101 to 248 feet above mean sea level (msl), sloping downward to the southeast. The highest area of the Project site occurs along a steep cut slope that forms the site's northern boundary. The northernmost portion of the site is identified as Lot 5 on the proposed map. It is defined as Open Space on the proposed map; however, it is not suitable as open space per LAMC Section 12.21 G.2. This section states: "Usable open shall mean an area which is designed and intended to be used for active or passive recreation." To reduce the steep slope, the applicant proposes using retaining walls, including double retaining walls of up to 10 feet each in height. Combined with the fact that a 2:1 slope is proposed makes the lot incompatible with any reasonable activity that may be defined as recreational.

LAMC Section 12.21 G.2 requires that common open space "be readily accessible to all residents of the site." The proposed retaining walls along the southern edge of Lot 5, some of which are up to 10 feet in height, do not allow ready accessibility to residents. There is no improvement shown on the proposed map that identifies how residents would access this lot.

The proposed 33-lot subdivision is not satisfactory pursuant to Section 66474 (c) of the State Subdivision Map Act which requires that a proposed vesting tentative map be denied if the site is not suitable for this type of development.

(d) THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

In the City's General Plan Framework, Policy 3.2.4 states "Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods" The adopted Wilmington-Harbor City Community Plan designates the subject property for two land uses, Low density Residential with the corresponding zones of RE9, RS, R1, RU, RD6 and RD5, and Open Space with corresponding zones of OS and A1. (Note: A cartographic error erroneously designated a portion of this property as Open Space and OS zone rather than the correct Low density Residential designation and R-1 zone). The current R-1 zoning allows up to 8 units per gross acre; however, once dedications and streets are accounted for the entire Project site can accommodate approximately 429 single-family units per Alternative A of the EIR. In contrast, the proposed 33 lot subdivision map as configured would result in a development of 1,950 units on 49.5 net acres, a density of 39 units per acre which is consistent with Medium density Residential. Residential development to

the west and southeast of the site is designated Low density Residential and developed with single-family dwellings, and to the south it is primarily developed consistent with Low Medium I density Residential. Consequently, the density as shown on the proposed map is too excessive and incompatible with the existing surrounding residential development.

The proposed 33 lot subdivision is not satisfactory pursuant to Section 66474 (d) of the State Subdivision Map Act which requires that a proposed vesting tentative map be denied if the site is not suitable for the proposed density of the development.

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

As set forth in the Project's EIR, the characteristics of both the Project site and the surrounding vicinity are dominated by disturbed vegetation and existing development. With implementation of mitigation measures, Project-specific impacts to biological resources would be less than significant. The Project would have incorporated a Mitigation Monitoring Program (MMP) that is designed to monitor implementation of all mitigation measures that are adopted.

However, since the density of the proposed vesting tentative map is not consistent with the General Plan the vesting tentative map is disapproved.

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

Analysis in the EIR indicates that the Project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities. As part of the Project applicant's application for the proposed Vesting Tentative Tract Map, Los Angeles Department of Public Works approval of required permits and plans for the Project will be required.

However, since the density of the proposed vesting tentative map is not consistent with the General Plan the vesting tentative map is disapproved.

- (g) THAT THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY

THE PUBLIC AT LARGE, FOR ACCESS THROUGH OR USE OF, PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The proposed subdivision and its improvements do not conflict with any existing easements or access. The LADWP is maintaining a 49 1/2-inch steel trunk water main within an 18 feet wide easement located along the southerly line of the specified project site. LADWP requires the site developer to avoid construction of permanent structures, planting trees and large shrubbery, parking vehicles or storing materials directly over water mains within said easement. Furthermore, the existing grade along easements shall be maintained to allow proper surface drainage in case of water main breaks. The Department also requires that LADWP personnel and equipment shall have access to this easement at all times.

However, since the density of the proposed vesting tentative map is not consistent with the General Plan the vesting tentative map is disapproved.

FINDINGS OF FACT (CEQA)

The Department of City Planning issued Environmental Impact Report ENV-2005-4516-EIR on June 13, 2008.

The EIR concluded that potentially significant impacts would not occur in the following categories:

Aesthetics; Agricultural Resources; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; Recreation; and Utilities (wastewater and solid waste)

The EIR for the Project identified potentially significant impacts requiring mitigation measures which would reduce the projects impacts to a less than significant level for the following impacts:

Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials, Transportation/Traffic, and Water

The EIR identifies one category that results in significant unavoidable impacts for the proposed project that cannot be mitigated to a level of less than significant:

Air Quality (construction and operational)

The Advisory Agency has denied the approval of Tentative Tract No. 63399 for facts other than environmental and having disapproved the subject tract, therefore did not

Certify the proposed environmental clearance or impose the proposed mitigation measures.

S. Gail Goldberg, AICP
Advisory Agency



JON FOREMAN
Deputy Advisory Agency

JF:DO

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department 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 Bl., 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 Subdivision staff at (213) 978-1197.