

# APPEAL TRANSMITTAL TO CITY COUNCIL

<b>Case No.</b> VTT 69200-SL-2A	<b>Planning Staff Name(s) and Contact No.</b> Lateef Sholebo, (213) 978-1454	<b>C.D. No.</b> 13 <span style="float: right;">✓</span>
<b>Related Case No(s).</b> APCE 2006-8787-ZC	<b>Last Day to Appeal</b> 1/8/2009	

<b>Location of Project (Include project titles, if any.).</b>  2400 Allesandro Street, 2005 & 2021 W. Elmoran Street
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<b>Applicant(s) and Representative(s) Name(s) and Contact Information, if available.</b>	
Henry Nunez Henry Nunez Real Estate Co., Inc 11 E. Huntington Drive Arcadia, CA 91006 626-254-0417	Fisher Associates 21520 Yorba Linda Blvd., #G 563 Yorba Linda, CA 92887

<b>Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.</b>		
Diane Edwardson 2630 Corralitas Drive Los Angeles, CA 90039 213-910-9826	Cindy Ortiz 1940 Walcott Way Los Angeles, CA 90039 323-664-2412	Cheryl Parisi 1932 Walcott Way Los Angeles, CA 90039 323-669-0612

**Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)**

At its meeting on September 24, 2008 the following action was taken by the East Los Angeles Area Planning Commission:

1. **Granted** the appeal in part.
2. **Sustained** the Advisory Agency's approval of Vesting Tentative Tract 69200 for a 15-lot subdivision, plus one open space lot for a total of 16 lots under the Small Lot Ordinance No. 176,354.
3. **Adopted** Modified Conditions of Approval (attached).
4. **Adopted** Findings (attached).
5. **Adopted** ENV 2005-9337-MND-REC as modified.

<b>Items Appealable to Council</b>  Entire APC decision; VTT 69200-SL & ENV 2005-9337-MND-REC
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<b>Fiscal Impact Statement</b> <small>*If determination states administrative costs are recovered through fees, indicate "Yes."</small> <b>Yes</b>	<b>Env. No.</b> ENV 2005-9337-MND-REC	<b>Commission Vote:</b>  4-1
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In addition to this transmittal sheet, City Clerk needs:

- (1) Original & (1) copy of Appeal package, **plus**; (2) true copies of Commission Determination **or** Original & (1) copy of Determination for legislative actions;
- (2) Staff Recommendation Report (1);
- (3) Environmental document used to approve the project, if applicable (1);
- (4) Public hearing notice (1);
- (5) Commission determination mailing labels (1) note: Condo projects & Appeals only require a copy of the list(s), not the labels.
- (6) **Condo Conversion only:** (1) copy of Commission Determination mailing list (includes project's tenants; and 500 foot radius mailing lists)

Linda Gillespie, Commission Executive Assistant East Los Angeles Planning Commission	Date <b>JAN 12 2009</b>
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PLANNING & LAND JAN 12 2009  
 USE MANAGEMENT

CITY OF LOS ANGELES  
PLANNING DEPARTMENT  
MASTER APPEAL FORM

**ORIGINAL**

APPEAL TO THE: CITY COUNCIL

REGARDING CASE NO.: VTT 62900-SL-1A, . . . .  
APCE 2006-87872C

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.

**APPELLANT INFORMATION: PLEASE PRINT CLEARLY**

Name	<u>DIANE EDWARDSON</u>	<u>CINDY ORTIZ</u>	<u>CHERYL PARISI</u>
Mailing Address	<u>2630 CORRALITAS DR</u>	<u>1940 WALCOTT WAY</u>	<u>1932 WALCOTT WAY</u>
	<u>LA 90039</u>	<u>LOS ANGELES 90049</u>	<u>LA 90039</u>
Work Phone: ( <u>213</u> )	<u>9109826</u>	Home Phone: ( )	<u>323-669-0612</u>
			<u>323 664-2412</u>

- a) Are you or do you represent the original applicant?  
(Circle One) YES  NO
- b) Are you filing to support the original applicant's position?  
(Circle One) YES  NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?  
(Circle One) SELF  OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)

**REPRESENTATIVE**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Work Phone: ( ) \_\_\_\_\_ Home Phone: ( ) \_\_\_\_\_

**APPEAL INFORMATION**

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

Final Date to Appeal: 12-29-08

**REASONS FOR APPEALING**

Are you appealing the entire decision or parts of it?

Entire     Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

SEE ATTACHED

**ADDITIONAL INFORMATION**

- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. **A copy of the determination/decision letter is required.**
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- **Seven copies and the original appeal are required.**

I certify that the statements contained in this application are complete and true:

Appellant [Signature]

OFFICIAL USE ONLY

Receipt No 27556 Amount 104 Date 12-29-08

Application Received 0-18

Application Deemed Complete Ralph Avila

Copies provided:     Determination     Receipt (original applicant only)

Determination Authority Notified (if necessary)

**Diane Edwardson**

2630 Corralitas Drive, Los Angeles, CA 90039  
phone: (323) 666-1392, cell: (213) 910-9826  
[diane.edwardson@earthlink.net](mailto:diane.edwardson@earthlink.net)

**December 29, 2008**

**Addendum to appeal form CP7769**

**Appellants: Diane Edwardson, Cindy Ortiz & Cheryl Parisi**

**RE: VTT 62900-SL-1A  
ENV 2005-9337-MND-REC  
APCE 2006-8787ZC**

**Decision mailing date: December 19, 2008, VTT62900 postmarked: December 22, 2008**

**Reasons For Appealing the Entire Decision:**

**1. We are personally aggrieved or impacted by the decision in the loss of natural viewshed; loss of native and significant trees which will increase air pollution; disruption of the Rim of the Valley Corridor through our neighborhood; destruction of the character of our community; increased traffic, noise and pollution that increased density brings; increase in subsequent cumulative construction of the remaining vacant substandard lots in a densely zoned R-1 neighborhood with insufficient hillside infrastructure, thus increasing the public safety risk of being able to safely evacuate the hillside neighborhood in the event of fire; setting precedent for future development of other large parcels of hillside land in the area like the Corralitas Red Car Property; loss of a scenic vista will negatively impact our property values.**

**2. Why the decision maker erred or abused his discretion:**

**A) The original decision by the Advisory Agency was made without knowledge of the extent of the grading involved with the proposal. The effects of the grading plan on the hillside environment were not considered as required under CEQA. While the East Los Angeles Area Planning Commission (APC) cited the importance of CEQA and found the MND to be deficient in specific areas; they failed to make strong enough mitigations for the loss of wildlife habitat, native & significant trees.**

**B) While many of the significant administrative errors, omissions and conflicting conditions in the original decisions were rectified, there are still a few that need rectifying.**

**A) The original decision by the Advisory Agency was made without knowledge of the extent of the grading involved with the proposal. The effects of the grading plan on the hillside environment were not considered as required under CEQA.**

**While the East Los Angeles Area Planning Commission (APC) cited the importance of CEQA and found the MND to be deficient in specific areas; they failed to make strong enough mitigations for the loss of wildlife habitat, native & significant trees.**

The APC determined the public was denied due process since pertinent information contained in the Grading Determination Letter from Dept of Building & Safety, dated March 5, 2007, was NOT in the file prior to the close of public comment and public hearing on November 14, 2007.

Had that vital information been available to the public, we would have learned the true extent of the grading plan prior to the public hearing. Neighbors had no idea the plan was to remove almost every tree on the 3 acre hillside parcel and grade almost the entire parcel, even though the developer only plans to build on the lower portion of the lots, closest to Allesandro Ave.

**While we want anything constructed on this site to be safe, just because the Grading Dept. approves a plan does not mean it is an environmentally sound plan.**

The APC determined the MND was thus deficient, as the grading and tree removal would have significant short term & long term impacts on biological resources - if not adequately mitigated. They determined the MND should be revised via addendum to reflect this important Finding of Fact under CEQA. The MND has not been revised in the Findings of Fact under CEQA.

**The APC imposed what is now condition #27 under subhead CD13 requirements:**

Prior to the issuance of any building permits or grading permits, owner/developer shall to retain the services of a biologist to conduct a site assessment survey of existing wildlife habitat to be submitted to Los Angeles Department of City Planning to evaluate both the short term construction and long term impacts to habitat and migration patterns, if any. *To the greatest extent feasible, applicant shall work in good faith in collaboration with the planning Department and Council District 13 to implement the recommendations of the biologist.*

*Italics above should be replaced with: Any and all recommendations included in the biologist's report are to be included herein as additional Q conditions as was originally proposed by Commissioner Lowe, but the developer refused to comply with that condition. What good is a biologists' report if the developer is unwilling to comply with it? It is contradictory to the intent of CEQA.*

**Why you should either deny the application for subdivision and zone change or place additional mitigations and Q conditions on the project:**

The Semi-Tropic Spiritualists' Tract has an existing potential density at double the City Standard for an R-1 neighborhood. Examine the existing surrounding subdivision (map attached). It is already double the standard density for an R1 neighborhood, in a steep hillside location, with one access road leading to 175 - 2500sq ft lots surrounding the 3 large lots in question. Additionally, this subdivision conflicts with the original intent of the Semi-Tropic Spiritualists' Tract lot cut in which the 175 small lots surrounded the large lot (in question here) which use was designated for open space and recreational uses as evidenced in the 1905 Articles of Incorporation (submitted at the public hearing 11-14-07). The open space becomes more vital as the existing substandard lots with insufficient infrastructure are built.

**The parcel is a greenfield, in a completely natural state with a thriving food web on an urban hillside.** It is habitat for red tail hawk, Coopers hawk, red-shouldered hawk, kestrel, great horned owl, coyote, gray fox, raccoon, opossum, skunk, snakes, and various prey species to support the above predatory species. The parcel is in such a natural state that it is common to observe the normally nocturnal species hunting in broad daylight.

The project site is a portion of a wildlife corridor between Elysian Park and Griffith Park. Refer to the letter from the Dept. of Animal Services in ENV-2003-2898-EAF for their assessment of the same wildlife corridor running through the nearby Corralitas Red Car Property. **The proposed project will disrupt the wildlife corridor and habitat in both the short and long term.**

**The community will have to live with dramatically reduced tree canopy for decades.** Adjacent to the 2 Freeway (which, according to the MTA and CalTrans, will see increased traffic no matter which option is chosen in the State Route 2 Terminus Redesign, currently undergoing an EIR), these 3 acres of urban forest are vital to mitigate the effects of air and visual pollution of the 2 Freeway. Our count of the existing trees on the site turns up an additional 27 potentially significant and native trees over the number cited developer's tree report.

**The site is in a natural state with a mature trees and restored slopes filtering substantial volume of rain into the watershed.** The significant amount of cut & soil compaction involved in the proposed project will result in the loss of 3 acres of LA River watershed in an urban hillside environment. These issues were brought up on the record as early as February 22, 2006 in the response to ENV-2005-8337 in Edwardson's response to the original MND.

From "Using Smart Growth Techniques as Stormwater Best Management Practices,"  
[http://www.epa.gov/smartgrowth/pdf/sg\\_stormwater\\_BMP.pdf](http://www.epa.gov/smartgrowth/pdf/sg_stormwater_BMP.pdf) EPA 231-B-05-002:

*(Schueler, 1995, 2000; USDA, 2001). ... Research indicates that lawns and other residential landscape features do not function, with regard to water, in the same way as nondegraded natural areas. In part, the difference arises because developing land in greenfield areas involves wholesale grading of the site and removal of topsoil, which can lead to severe erosion during construction, and soil compaction by heavy equipment.*

Research has revealed a strong relationship between impervious cover and water quality (Arnold, 1996; Schueler, 1994; EPA, 1997). Impervious surfaces collect and accumulate pollutants deposited from the atmosphere, leaked from vehicles, or derived from other sources. During storms, accumulated pollutants are quickly washed off and rapidly delivered to aquatic systems. Studies have demonstrated that at 10 percent imperviousness, a watershed is likely to become impaired (Schueler, 1996; Caraco, 1998; Montgomery County, 2000).

**The APC brought up transplanting as the preferred method over tree replacement:** new information that we were unprepared to counter at the APCE hearing. However, studies show that oak and black walnut trees do not survive well after transplanting, if they survive the boxing:

From: Longcore, T., and C. Rich. 2003. Urban oaks and urban oak woodlands. *Oaks* (newsletter of the California Oak Foundation), pp. 3, 7. (attached)

Local jurisdictions and consultants preparing Environmental Impact Reports perpetuate the myth that mature oaks can be transplanted effectively. Scientific evidence to the contrary abounds. A study of 593 coast live oak trees transplanted to make way for residential development in Orange County showed that 71% of the trees died within seven years. Another study of 25 coast live oak trees relocated for development in Calabasas (Los Angeles County) showed that after five years, 32% were dead or dying, 44% were in decline, 24% were stable, and none were thriving. {**Status of Transplanted Coast Live Oaks (*Quercus agrifolia*) in Southern California, R. Dagit, A. J. Downer: USDA Forest Service Gen. Tech. Rep. PSW-GTR-160. 1997. (Attached)**} A major explanation for this is the root system loss that inevitably accompanies transplantation. As early as a statewide conference in 1993, assembled oak experts from the California Oak Foundation and the University of California Integrated Hardwood Range Management Program agreed that "*oak transplantation should not be considered a form of mitigation for land development impacts on woodlands.*" Nevertheless, transplantation is still accepted and even promoted by local jurisdictions.

**Project will have potentially significant adverse effects on the provisions of an adopted habitat conservation plan, natural community conservation plan, or other local, regional or state conservation plan which would call for additional mitigations. The project site falls within the Santa Monica Mountains Conservancy (SMMC) Rim of the Valley Trail Corridor. Please refer to the 1984 map filed by the SMMC with the Secretary of State pursuant to Section 33105.5 and 33204.5(b) of the Public Resources Code:**

33105.5 (a) For purposes of providing a recreational trail corridor, the zone shall also include hiking and equestrian trail connections and accessways generally following the Rim of the Valley Trail as identified in the Equestrian and Hiking Trails Guide of the City of Los Angeles.

**The MND does not reflect the significant effects on Rim of the Valley Trail Corridor. Nor does it make strong enough protections for a trail head from Allesandro, even if it were to use the paper street of El Moran for access. Consider that when the hillsides were originally subdivided, at the turn of the last century, the developers/subdividers built the public staircases which were granted to the City as part of their conditions for subdivision. The City should be engaging in similar requirements on discretionary actions today. A Mello-Roos district should be placed on the new subdivision to pay for the maintenance on the open space lot as well as a trailhead on the portion of El Moran connecting to Allesandro.**

**The APC requested the MND be amended to reflect the significant effects on the Rim of the Valley Trail Corridor. This does not appear to have occurred yet.**

**Should you choose to approve the project, the following Q condition should be placed on the project, as suggested by both CD13 and the APC, but the developer refused to agree with this condition:**

"The vesting of this tentative tract map & granting of any zone change is solely applicable to the tentative tract plan as currently proposed & the subject of these applications specifically including but not limited to density, lot sizes, massing and height limitations."

According to the Grading Plan, a 45' structure allowable under 1VL would create the effect of a 75' edifice from Allesandro and Rosebud because there would be a 45' structure on a 30' slope. We do not want a zone change that would allow for something other than what has been applied for to be built. There is also precedent for a Q condition on the height from another case on the same property: CPC 86-084-ZC: Q condition limiting height to 30' tied to the zone change (submitted by Edwardson at the 11-14-08 public hearing).

#### **B.) Administrative Errors**

There are some administrative errors in both the Vesting Tentative Tract and the related Q conditions for the Zone Change decision letters which would change the conditions imposed by the APC. The following should be rectified before any final decision on these 2 cases. Should you vote to deny the appeal, granting the Vesting Tentative Tract and Zone Change, the following corrections should be made:

**1. VTT 62900-SL-1A: For the record, while the "Determination Mailing Date" was stamped Dec.19, 2008, the letter was not mailed and postmarked until Dec 22, 2008 as evidenced by a copy of the attached envelope. The appellants were once again denied due process by shortening the period for a response. Considering the Determination Letter for the appurtenant zone change, APCE 2006-8787-ZC, also had the date stamp of Dec 19, 2008 but was mailed and postmarked on Dec 19, 2008, it appears to have been an intentional administrative move.**

There was also a discrepancy of Final Appeal Dates on both letters. The VTT has a final appeal date of Dec 29, 2008 while the Zone Change has a final appeal date of Jan 8, 2009.

**2. APC required the MND be amended as an addendum RD6-1vl to the ZC-- requires correction**

Correction - revise the MND via addendum to include the impact to biological resources as it relates to the existing wildlife habitat and potential inconsistency the SMMC comprehensive plan Rim of the Valley Trail corridor mater plan. They are potentially significant unless herein mitigated by the conditions Lowe set forth earlier. And specifically amendments to conditions number 7, 25 & 33 would reduce the impacts to a level of insignificance.

Condition #25 is now condition number 27 and condition # 33 is now condition #34. Numbers should be proofread and coordinated in both the VTT62900-SL-1A and APCE 2006-8787-ZC.

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

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 Initial Study prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, and risk of upset are concerned. Furthermore, the project site is located in an urban area and does not provide a natural habitat for either fish or wildlife.

This is incorrect and should be amended according to the above statement B.)2. from the APC.



**3. Error: Street Tree Division & Dept of City Planning: condition 17** continues to refer to the wrong ordinance: LAMC 153,478, an outdated oak tree ordinance. The **Protected Tree Ordinance 177404** should be appropriately cited, as it calls for different replacement ratios than the ones spelled out in the decision letter for VTT62900-SL-1A and APCE 2006-8787-ZC. The APC requested this correction in the public hearing.

**4. Parking during construction: condition #25, CM-22** should be revised to include *the italicized verbiage below per the APC condition discussed at the hearing 9-24-08:*

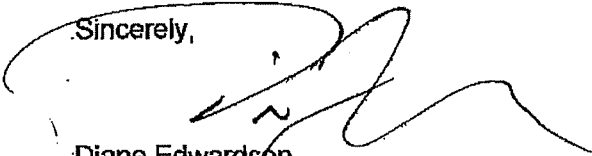
Owner or Contractor shall submit traffic and parking plan to Department of City Planning **and CD 13**. Workers' vehicles shall be parked on site and not on adjacent residential streets. Otherwise, parking shall be on another off-street parking site.

#### **Conclusion**

The original decision by the Advisory Agency was made without knowledge of the extent of the grading involved with the proposal. The effects of the grading plan on the hillside environment were not considered as required under CEQA. While the East Los Angeles Area Planning Commission (APC) cited the importance of CEQA and found the MND to be deficient in specific areas; they failed to make strong enough mitigations for the loss of wildlife habitat, native & significant trees.

**We urge you to either grant the appeal of the entire decision, denying both applications for VTT62900-SL-1A and APCE 2006-8787-ZC or add stronger environmental mitigations that were requested by the APC, but the developer refused to comply with.**

Sincerely,



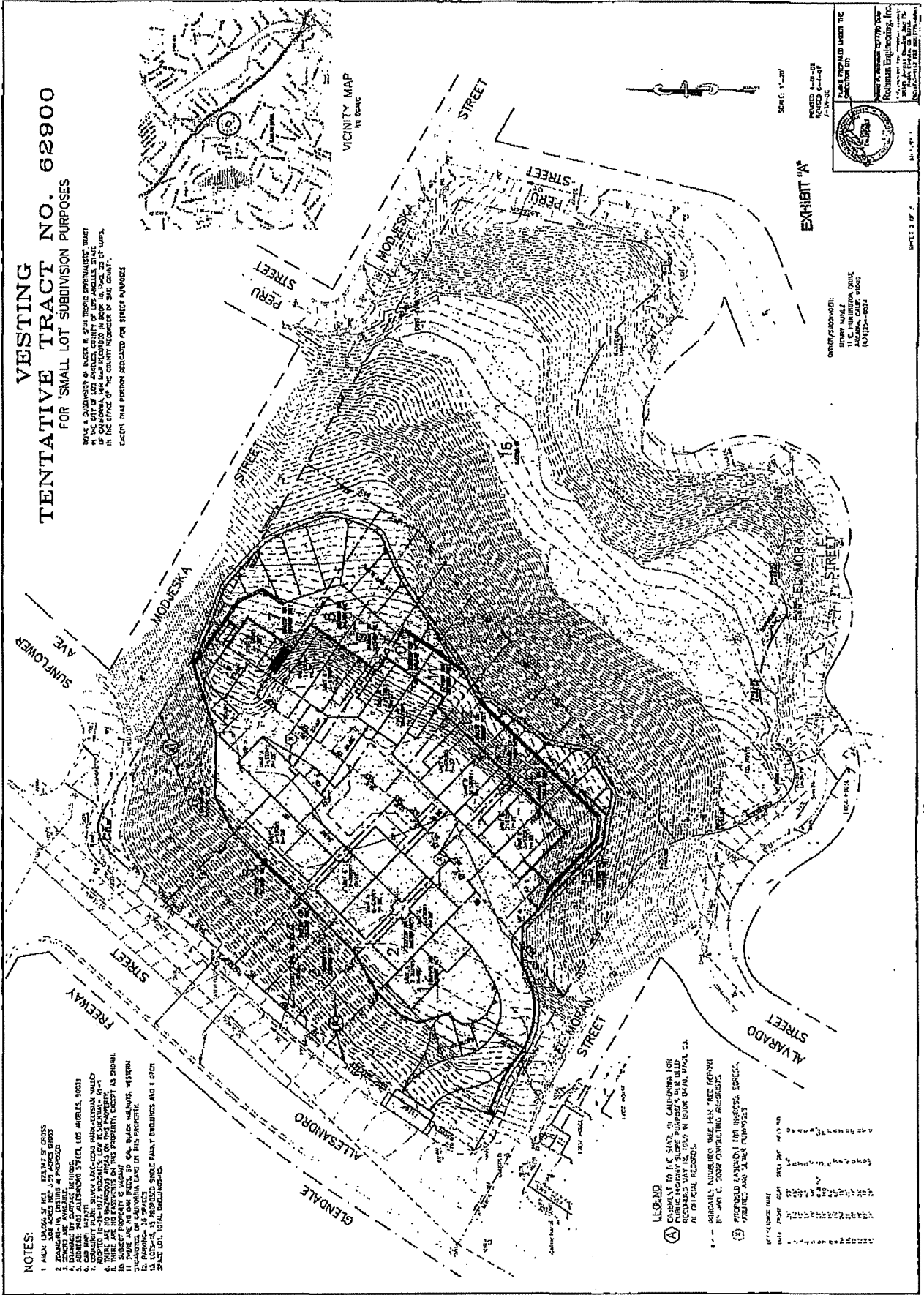
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VTT 62900-SL-1A, ENV 2005-9337-MND-REC, APCE 2006-8787-ZC: Edwardson, Parisi, Ortiz Appeal, 12-29-08

Extent of area to be graded, tress to be cut down



**VESTING TENTATIVE TRACT NO. 62900**  
FOR SMALL LOT SUBDIVISION PURPOSES

DATE & SUBDIVISION OF BLOCK & 5TH TRACT, COMMUNITY TRACT NO. 16, CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON THE MAPS OF THE COUNTY RECORDER OF SAID COUNTY, CALIFORNIA, THAT PERTAIN RELATED TO SAID TRACT

- NOTES:**
1. AREA TO BE GRADED, TREES TO BE CUT DOWN
  2. PROPOSED LOT LINES, LOT AREAS, EASEMENTS, ETC.
  3. BOUNDARY LINES, EASEMENTS, ETC.
  4. CORNER MARKERS, ETC.
  5. ADJACENT TRACTS, ETC.
  6. ADJACENT STREETS, ETC.
  7. ADJACENT PROPERTY, ETC.
  8. ADJACENT UTILITIES, ETC.
  9. ADJACENT ZONING, ETC.
  10. ADJACENT RECORDS, ETC.
  11. ADJACENT MAPS, ETC.
  12. ADJACENT DEEDS, ETC.
  13. ADJACENT RECORDS, ETC.
  14. ADJACENT RECORDS, ETC.
  15. ADJACENT RECORDS, ETC.

- LEGEND**
- (A) EXHIBIT TO THE STATE OF CALIFORNIA FOR PUBLIC RECORDS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON THE MAPS OF THE COUNTY RECORDER OF SAID COUNTY, CALIFORNIA, THAT PERTAIN RELATED TO SAID TRACT
  - (B) PROPOSED LOT LINES, LOT AREAS, EASEMENTS, ETC.
  - (C) BOUNDARY LINES, EASEMENTS, ETC.
  - (D) CORNER MARKERS, ETC.
  - (E) ADJACENT TRACTS, ETC.
  - (F) ADJACENT STREETS, ETC.
  - (G) ADJACENT PROPERTY, ETC.
  - (H) ADJACENT UTILITIES, ETC.
  - (I) ADJACENT ZONING, ETC.
  - (J) ADJACENT RECORDS, ETC.
  - (K) ADJACENT MAPS, ETC.
  - (L) ADJACENT DEEDS, ETC.
  - (M) ADJACENT RECORDS, ETC.
  - (N) ADJACENT RECORDS, ETC.
  - (O) ADJACENT RECORDS, ETC.
  - (P) ADJACENT RECORDS, ETC.
  - (Q) ADJACENT RECORDS, ETC.
  - (R) ADJACENT RECORDS, ETC.
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  - (U) ADJACENT RECORDS, ETC.
  - (V) ADJACENT RECORDS, ETC.
  - (W) ADJACENT RECORDS, ETC.
  - (X) ADJACENT RECORDS, ETC.
  - (Y) ADJACENT RECORDS, ETC.
  - (Z) ADJACENT RECORDS, ETC.

EXHIBIT 'A'

ONLY PERSONS WHOSE NAMES ARE LISTED ON THIS MAP ARE ENTITLED TO BE HEARD AT THE PUBLIC HEARING ON THIS MAP.

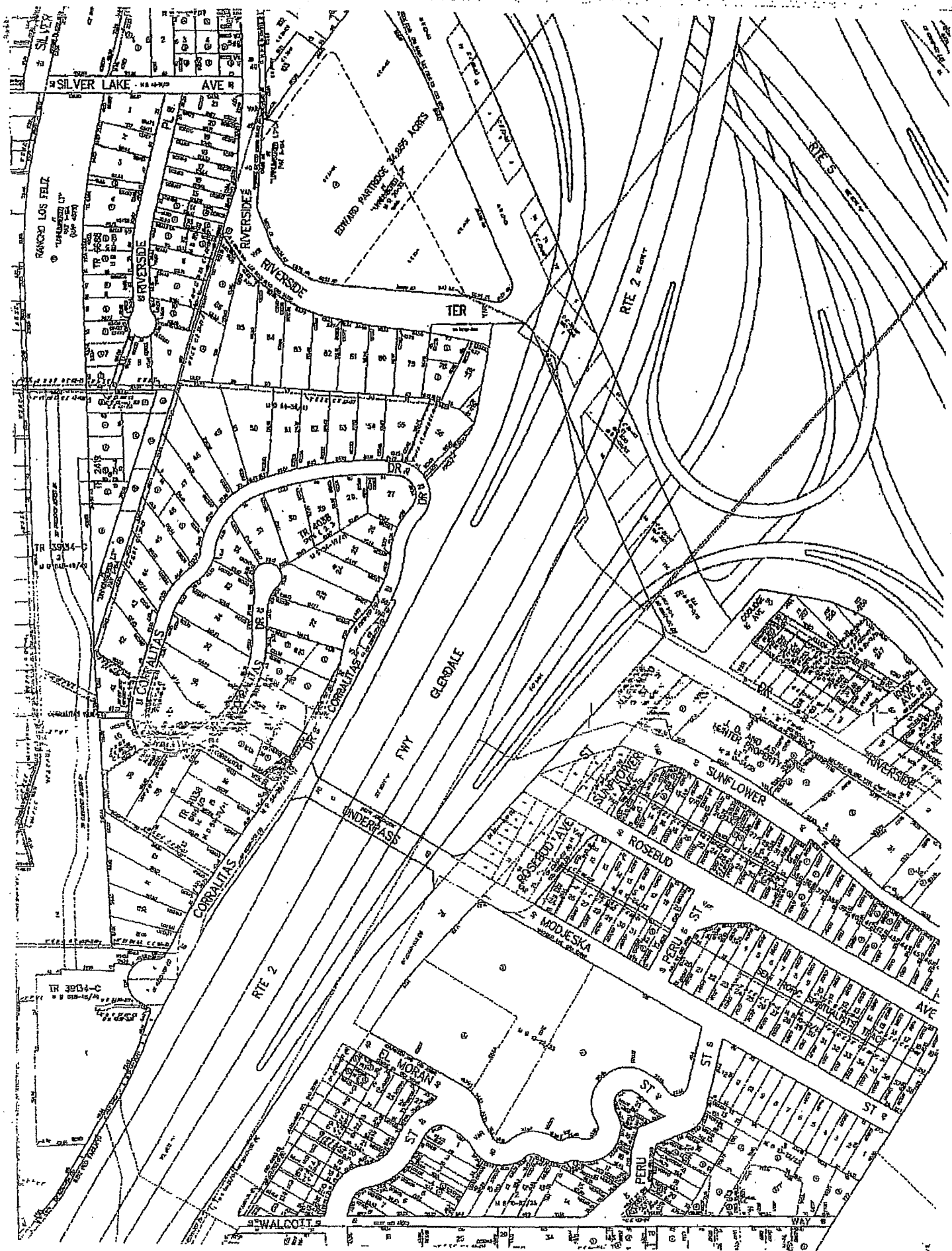


Robert Engineering, Inc.  
Professional Engineer License No. 12512  
10000 Wilshire Blvd., Suite 200  
Beverly Hills, CA 90210  
(310) 274-1111

SCALE: 1"=20'



VICINITY MAP  
IN BACK



# Status of Transplanted Coast Live Oaks (*Quercus agrifolia*) in Southern California<sup>1</sup>

Rosi Dagit<sup>2</sup> A. James Downer<sup>3</sup>

**Abstract:** Twenty-five coast live oaks (*Quercus agrifolia*) ranging in size from 15 to 100 cm (diameter at breast height), transplanted to accommodate housing developments at three different sites in Calabasas, Calif., were studied for 3 to 4 years after boxing. Transplanted trees, plus 15 native control trees, were monitored quarterly. Water potential, shoot and root growth, and visual condition were measured. Although all 15 controls remained healthy, 16 percent of the transplanted trees died, 20 percent were nearly dead, 24 percent were in decline, 32 percent were stable, and 8 percent were improving. If declining transplants fail to stabilize, then the projected long-term survival rate would be approximately 10 to 40 percent.

Transplantation of mature coast live oak trees (*Quercus agrifolia*) as mitigation for loss due to development has become increasingly controversial as the extent of oak woodlands in Southern California decreases. In addition to concern over the protection of one species while ignoring the complex associated community, there are also questions of cost effectiveness and long-term tree survival. The cost of moving an oak tree varies with box size and site accessibility, ranging from around \$1,000 to more than \$100,000.

To date, few studies have examined transplantation or the physiological consequences of root injury. Roberts and Smith (1980) did a one-year study of water potential and stomatal conductances of oak trees impacted by root removal due to trenching and terracing associated with development. Scott and Pratini (1992) followed 593 transplanted trees in Orange County, Calif., for more than 4 years. However, their observations did not include quantitative physiological evaluation. Our study used both quantitative and qualitative evaluation to assess establishment of transplanted oaks in landscaped settings.

## Calabasas Transplant Study

The City of Calabasas (Los Angeles County), California, Oak Tree Protection Ordinance discourages transplanting and requires mitigation for tree removal. In addition, monitoring of trees that are moved was required for 5 years. In January 1992, monitoring of transplanted trees began at Site 1, followed by the addition of two more sites in April 1993, either as the trees were being boxed, or immediately afterward. All portions of the sites to which trees were moved experienced extensive grading and drainage changes before replanting. Sites 1 and 2 were originally north-facing hillside drainages with intermittent streams, clay soil, and mixed chaparral vegetation. Site 3 was a level riparian area. The perimeter of all three sites had been affected by previous development. Trees were selected for transplanting by the tree-moving company and their associated arborists. Concurrent with root pruning and side boxing, the canopies of the selected trees were pruned, removing 30 to 70 percent of living tissues. Deadwood, inner foliage, and terminal buds were trimmed, leaving a thin shell of foliage on the perimeter of the canopy.

A backhoe was used to trench all four sides around each tree at once. Box sizes ranged from 1.5 × 1.5 × 1 m to 8.5 × 8 × 2.5 m. Bottom boxing was completed 3 to 6 months later. Irrigation while trees were boxed was carried out weekly or

<sup>1</sup>An abbreviated version of this paper was presented at the Symposium on Oak Woodlands: Ecology, Management, and Urban Interface Issues, 19-22 March 1996, San Luis Obispo, Calif.

<sup>2</sup>Conservation biologist, Resource Conservation District of the Santa Monica Mountains, 122 N. Topanga Canyon Blvd., Topanga, CA 90290.

<sup>3</sup>Farm advisor, University of California Cooperative Extension, 669 County Square Dr., Suite 100, Ventura, CA 93003.

more often by water trucks, as determined by the tree-moving company. All trees were planted in holes dug by backhoes, usually 1 to 2 m wider than the box and approximately the same depth as the root ball. The box bottoms were left in place, the sides removed, and backfilling done by backhoe and hand labor. Irrigation was installed at Site 2 and modified seasonally. The other two sites continued to be watered by truck once or more weekly.

## Monitoring Methods

The protocol included quantitative and qualitative observations of both transplanted and control trees on a quarterly, then on a semi-annual basis. Every time the trees were observed, each tree was given a vigor rating using the International Society of Arboriculture standard condition evaluation for landscape trees which is based on canopy, foliage, trunk, and root condition (table 1). Trees were categorized as very healthy (6), improving/fairly healthy (5), stable/no change (4), declining (3), nearly dead (2), dead (1).

Table 1.—Vigor rating scale

Vigor rating	Description	Criteria for evaluation
1	Dead	No living canopy, severe root and trunk defects, severe infestation or disease
2	Nearly dead	Less than 25 percent growing canopy, major root and trunk defects, severe infestation or disease
3	Decline	25-50 percent growing canopy, some root and trunk defects, moderate infestation or disease
4	Stable	Greater than 50 percent growing canopy, few active root or trunk defects, minor infestation or disease
5	Improving	Greater than 75 percent growing canopy, fairly healthy, no root or trunk defects, minimal infestation or disease
6	Very healthy	Well balanced, symmetrical canopy, no root or trunk defects, minimal infestation or disease

Water potential was measured to monitor water stress. On each tree, mid-day readings of five sample twigs (5 to 13 cm long) taken from four compass points in full sun were followed by five pre-dawn samples, using either a PMS Scholander Pressure Chamber (PMS Instrument Company, Corvallis, Oreg.), or Model 3005 Plant Water Status Consule (SoilMoisture Equipment Co., Santa Barbara, Calif.).

Soil probing (30-cm depth) for roots started 1 m from the trunk of transplanted trees. Probes were also taken halfway out to the crown, at the dripline, at the perimeter of root ball, just outside the box edge, and 1.5 m farther out. Control trees were probed halfway out to the crown, at the dripline and 1.5 m outside. Samples were examined in the field, noting presence, size, and density of roots.

## Results

Control trees maintained a stable, healthy condition during the 4-year study while transplanted trees declined steadily (fig. 1). By October 1995 four transplanted trees had died, five were nearly dead, six were in decline, eight were stable, and only two were improving.

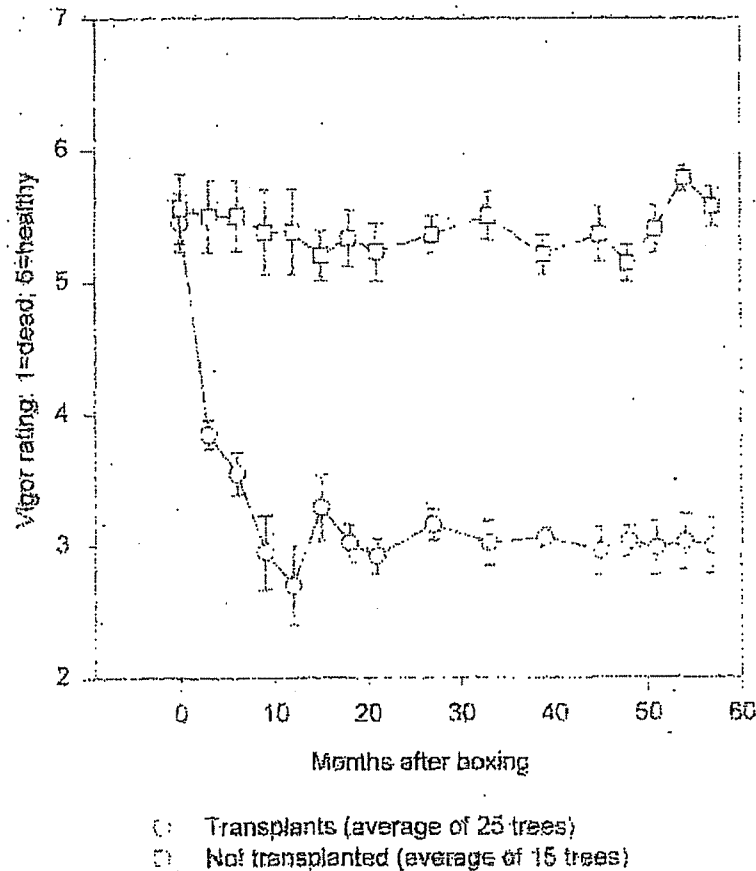


Figure 1—Effect of transplanting on vigor of *Quercus agrifolia*. \*Bar is standard error of the mean.

We found canopy condition and vigor to be closely related. Control trees maintained a dense canopy and normal branching structure, with few epicormic sprouts. Transplanted trees, on the other hand, had little apical growth. Instead, epicormic sprouts emerged from the trunk, scaffold branches, and all branches close to the tree interior (fig. 2). Transplanted tree canopies remained characteristically thin, open, and often chlorotic. Trees showing improvement had expanded epicormic growth from the center of the tree out toward the edge, and slowly increased their interior density.

The majority of control trees had visible growth cracks in the trunk bark, indicating active radial growth. Such cracks on the transplants were smaller and fewer in number. The diameter of eight control trees increased over 2-3 years, five remained the same, and only one tree became smaller. Conversely, only three transplanted trees expanded, 13 remained the same, and nine decreased (table 2).

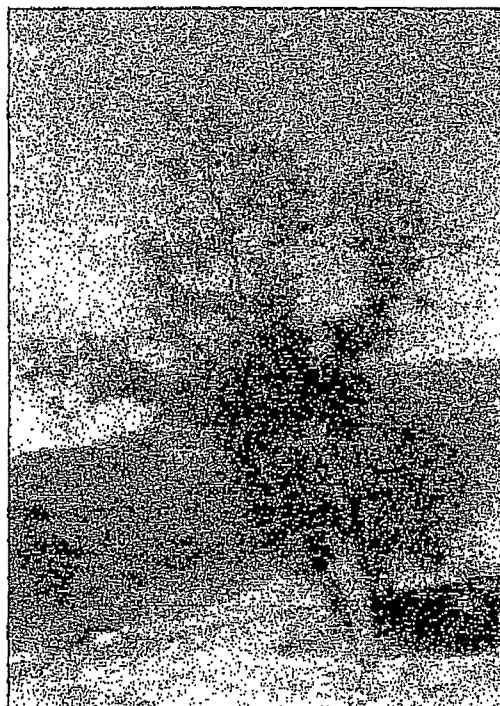
On the basis of the soil probe observations, only the two transplanted trees showing signs of improvement had roots extending outside the planting hole. Most transplanted tree roots were sparse and limited by the box size. By contrast, the control trees had dense mats of roots at all areas probed.

**Figure 2**—Trees indicating vigor and canopy condition: (a) Transplanted tree, vigor rating 1 (dead), (b) Transplanted tree, vigor rating 2 (nearly dead), (c) Transplanted tree, vigor rating 3 (declining), (d) Transplanted tree, vigor rating 4 (stable/ no change), (e) Transplanted tree, vigor rating 5 (improving/ fairly healthy), and (f) Control tree, vigor rating 6 (very healthy).

A



C

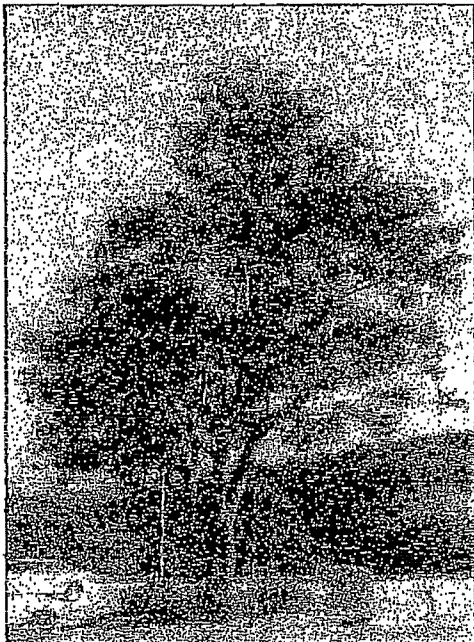


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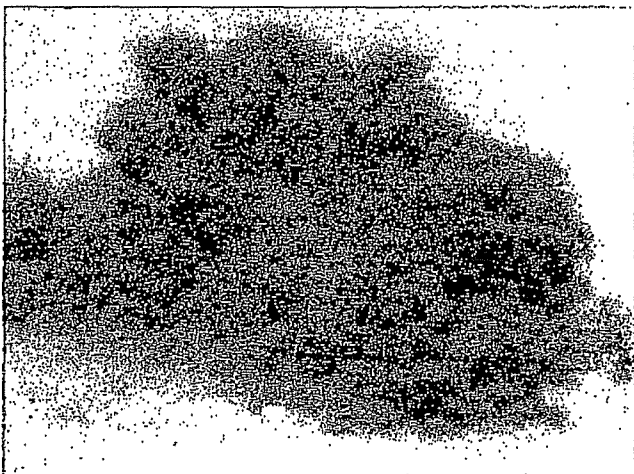




**B**



**D**



**F**



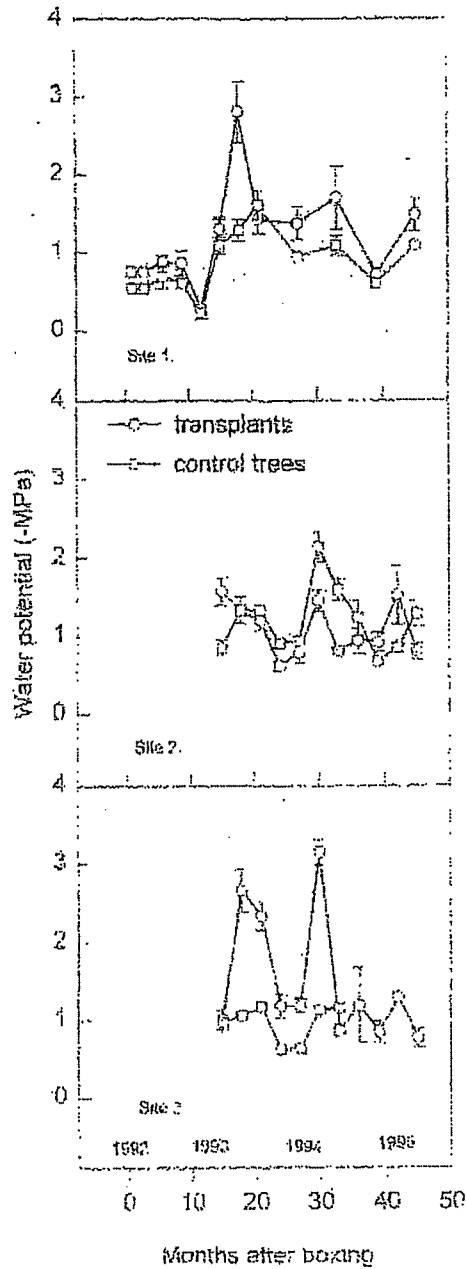
Water potentials of control trees did not correlate with final vigor ratings ( $r^2 = 0.0008$ ). However, a few trends were apparent. The data indicated a higher degree of

Table 2—Growth of *Quercus agrifolia* after boxing, 1992/93–Oct. 1995

Treatment	Change in dbh (cm <sup>2</sup> )		
	Site 1	Site 2	Site 3
Boxed	-0.59	0.39	-0.2 <sup>a</sup>
Controls (not boxed)	2.19	0.12	1.0 <sup>a</sup>

<sup>a</sup>Means are significantly different according to *t*-test at  $\alpha = 0.05$ .

Figure 3—Predawn stem xylem potentials. \*Bar is standard error of the mean.



variability among the transplants, with control trees remaining more consistent at any given time (fig. 3). Control trees did show more negative summer/fall water potential (July and October), but they rarely dropped below a pre-dawn potential of  $-2.5$  MPa. By contrast, declining transplanted trees routinely exceeded that limit and had much more negative water potential at mid-day. In nearly dead trees, pre-dawn water potentials exceeded those at mid-day.

## Discussion

Distributed throughout the coastal regions of the state, coast live oaks can be found in a wide variety of locations, from sea level to 1525 m. Despite tremendous adaptability, there appear to be physiological limiting factors that were difficult for the trees to exceed. In order to understand the response of this species to the impacts of transplantation, it was important to review relevant aspects of oak tree biology.

Adapted to the Mediterranean climate, coast live oaks are nonetheless greatly affected by the availability of water. Despite the worst statewide drought of this century, which has had severe impacts on native trees since 1986 (Tietje and others 1993), the control trees were able to utilize available water resources and thrive. Local rainfall patterns during this study have been above average. Torrential storms in 1991-92 deposited more than 130 cm of rainfall in the Calabasas area. The winter of 1992-93 was slightly above average at 40 cm. The rainy season for 1994-95 was heavy again, with more than 155 cm recorded in the area.

Vigor ratings were strikingly different between the control and transplanted trees. We observed steady tree decline associated with the large canopy and root mass loss resulting from transplantation. Neither root nor canopy recovery has occurred for the majority of transplanted trees. However, control trees remained vigorous.

Watson (1985, 1994) found that root recovery was related to stem diameter. For each 2.54 cm of trunk diameter, root replacement following removal took approximately one year in the Midwest. Given a longer growing season in southern California, optimal conditions may allow slightly faster recovery. However, our study found that only two trees (dbh = 44 cm, 64 cm) had evidence of roots extending outside the planting hole. The inability to extend rooting area could be due to the differences in boxed storage time, soil compaction, as well as delayed ability to regenerate lost roots and shoots following traumatic loss.

Hagen (1989) documented that root-related impacts are extremely damaging to most trees, including oaks. A study of coast live oak root pruning at North Ranch, Thousand Oaks (Ventura County), Calif., indicated that while initial water stress was not devastating, accumulation of stress could precipitate decline. "Drastic" root pruning immediately disrupted stem xylem tension, indicating that there were limitations to the amount of root damage that could be sustained before the tree died (Roberts and Smith 1980). In undamaged trees, absorbing roots can extend more than 30.5 m from the trunk (Gilman 1988, Perry 1982). Root-related impacts in southern California can cause stress in trees up to 300 feet away (Kelley 1995). Boxing was done in late summer and fall to take advantage of root growth at this time, stimulated by the auxins produced in the less active terminal buds.

In spring, the roots produce hormones stimulating shoot growth in the terminal buds (Coder 1994). Between three and five shoots erupt from each bud, reaching lengths of 30 to 60 cm if rain is plentiful. Griffin (1973) found that a typical response of oaks to water stress was failure of buds to mature. Transplanted trees in our study had limited apical growth (data not shown), supporting this observation.

Impacts on photosynthate production and resultant canopy condition have been shown to be important in maintaining overall vigor. It has been found that as new leaves photosynthesize, carbohydrate reserves were stored in the roots and trunk during wet years to help sustain the oaks through dry periods (Rundel 1980). Oaks moderated transpirational loss by stomatal regulation according to environmental stress (Roberts and Smith 1980). As summer progressed and soil moisture was limited, photosynthesis on the perimeter of the canopy was reduced while it continued in the humid interior. The photosynthetic activity of the larger, inner canopy leaves produced the extra carbohydrates needed to exceed the baseline metabolic requirements of the tree and provided reserves for storage (Hollinger 1992).

Other studies have used water potential as an indication of stress (Shackel 1993), which varied according to available soil moisture, as well as the ability of the tree to access that water. Low root density has been associated with high internal resistance of water moving through the xylem, even if the soil reached field capacity (Cowan 1965).

In this study, similar water potentials in both control and transplanted trees were noted. Until the transplants were nearly dead, it was not possible to accurately predict their survival using only water potential as an indicator.

While the seasonal trends of water potential between controls and transplants appeared close, the effect on tree vigor was dramatically different. Control trees periodically hit limits of  $-2.5$  MPa and still maintained overall health and vigor. It has been previously documented that water potentials more negative than  $-2.5$  MPa resulted in catastrophic emboli (air bubbles in the xylem water columns reducing conductance) causing more than 50 percent loss of conductance (Tyree and others 1994). When these limits were repeatedly exceeded, tree mortality resulted (Griffin 1973). In our study, however, control trees apparently had sufficient energy reserves to replace damaged tissue, and xylem function continued (Davis 1996). By contrast, transplanted trees in decline routinely had a water potential more negative than  $-2.5$  MPa and showed no signs of recovery, despite irrigation. If embolized tissues cannot be replaced, then continued dieback occurs. Our vigor ratings suggested that the transplants were not able to replace lost conducting vessels as easily, resulting in cumulative decline.

The transplanting techniques commonly used for oaks in southern California (simultaneous trenching on all 4 sides with extensive canopy reduction, followed by relocation within 3-6 months) do not appear to be conducive to long term survival. Transplanting techniques used in other areas (Himelick 1981) may offer some alternatives to improve establishment. Root preparation by trenching one side at a time more than 6-9 months may allow greater root recovery before relocation. Allowing the canopy to die back naturally to that which can be supported by the root mass may not disrupt photosynthesis and hormonal balance as much and may permit terminal buds to expand. Removal of deadwood and any severely injured branches should be sufficient canopy reduction. Careful storage of boxed trees until planting and placement in a suitable new location sharing soil, drainage, and exposure characteristics of the original site may also improve survival.

## Conclusion

Only 8 percent of the transplanted trees in this study showed signs of establishment. An additional 32 percent were stable, while the rest were declining. All continued to require extensive maintenance. Thus it appears that long-term survival for these transplants would be no more than 40 percent, and perhaps considerably less.

Our data were consistent with trends documented by Scott and Pratini (1992). They observed that between 40 and 60 percent of transplanted trees died soon after boxing, approaching 100 percent when root preparation was poorly done. This initial mortality was frequently ignored when statistics about tree survival were quoted.

Observations of vigor and canopy condition were valuable indicators of overall tree condition. Water potential measurements allowed irrigation modification and indicated tree recovery over time, but alone were not sufficient to predict survivability. Combined with vigor ratings and evaluation of canopy condition, a more complete assessment of tree status was obtained.

Even with improvements to the transplanting procedure, it may be that the highest attainable level of care would not be sufficient to overcome the trauma of transplantation for mature coast live oak trees. While the transplanted trees remained alive, they were no longer self-sustaining natives, but rather high-care exotics that required intensive, long-term maintenance.

Given the high cost of moving (over \$450,000 for 25 trees) and maintenance and monitoring (approximately \$40,000 per year), it appears that a low long-term survival rate fails to justify the expense. If the goal of mitigation is to replace lost resources, then the cost-effectiveness of transplanting oaks needs to be carefully examined.

## Acknowledgments

Drs. Steven Davis, Philip Rundel, and Alden Kelley assisted in developing the monitoring protocol, evaluating results, and editing the manuscript. Equipment was provided courtesy of the University of California at Los Angeles and Pepperdine University.

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## Urban Oaks and Urban Oak Woodlands

*Travis Longcore, Ph.D.*  
*Catherine Rich, J.D., M.A.*

From November 1, 2002 to January 10, 2003, environmental educator John Quigley lived in an ancient oak tree in the rapidly growing northern portion of Los Angeles County. Perhaps you saw him share Thanksgiving with his girlfriend (she brought him dinner in his aerie); his story generated a great deal of media interest. This tree, hundreds of years old, found itself in the way of road expansion — in the great tradition of sprawling development, a two-lane road is to become a four-lane highway. This road “improvement” will accommodate traffic between extensive new residential construction, including the planned, but not yet approved, massive Newhall Ranch development, and a major freeway. Many people, some of whom had never considered themselves “environmentalists,” rallied in support of “Old Glory,” the name Quigley had given to the tree. The developer completing the road expansion had earlier agreed with local conservationists to build the road around the tree, but walked away from the agreement. In the end, Quigley was forcibly removed from the tree (though he remained cooperative and peaceful throughout the removal), and the compromise of relocating the tree and planting a small park of sapling oaks was settled upon by County officials as the solution to the tree-sit crisis, over the protests of Quigley and oak experts. The probability of success from transplantation for a tree this large is vanishingly small; and although the tree may live for a number of years, it will very likely suffer a slow and inexorable decline until its death. As this is written, its roots are being cut to prepare it for boxing and relocation.

The fate of a single valley oak, while important, is primarily only symbolic of the challenges facing the conservation of oaks in California’s urban and urbanizing landscapes. In the decade leading up to the showdown over Old Glory, *over five hundred* mature oaks had been chainsawed within a two-mile radius of this tree, all fallen to the “scorched earth” approach to residential and commercial development in California (that is, the land is always cleared to allow for uniformity, rather than designing development to fit in to the landscape). The threats to urban oaks do not end with construction itself — for those oaks that do survive, disease, poor care, and ignorance lead to decline of vigor and habitat values, and eventually death. This essay illustrates the value of oaks and oak woodlands within urban areas, and discusses the reasons for their decline. As surely as oak conservation requires protection of large swaths of oak woodlands in “the country,” urban oaks and remnant oak woodlands deserve attention and energy to preserve their aesthetic, wildlife, and ecosystem values.

The strong relationships between oaks and wildlife are well established. An oft-cited figure reports 320 species of vertebrates and 5,000 species of insects associated with oak woodlands. But numbers are inadequate to describe the sensory experience of an intact oak woodland — the calls and songs of unseen birds, the rustling of all manner of creatures, from lizards to small mammals, in the underbrush and leaf litter, the dappled light through leaves, the humming and buzzing of insects, the flashes of colored butterflies in a sunbeam. Many oaks are “keystone” species in their natural habitats, meaning that their importance to the ecosystem is far

greater than their numerical proportion in it, just as the keystone in a stone bridge is more important than all other stones. Many other species depend for their survival on oaks, and are lost when oaks are removed. For example, acorn woodpeckers (*Melanerpes formicivorus*) can persist in suburban and urban landscapes if oaks are still available to provide requisite acorns.

Other small vertebrates find habitat and refuge in oak trees, even in urban areas. Salamander species, such as the arboreal salamander (*Aneides lugubris*), live in and under oak trees, while insect-eating bat species may find roosts under loose bark. The dense foliage and associated insect life attract native birds, from foraging bushtits to nesting raptors. Some butterflies lay their eggs only on oaks, such as the rare Santa Monica Mountains hairstreak (*Satyrium auretorum fumosum*), the more common nut brown hairstreak (*Satyrium auretorum spadix*) and the California sister (*Adelpha bredowii californica*), and their larvae will eat only a diet of fresh oak leaves.

From a conservation perspective, oaks also may be considered "umbrella species." By protecting oaks, other associated species may be protected as well, even if they do not depend directly on oaks for their survival. For example, California's state butterfly, the California dogface (*Zerene eurydice*), feeds on a single plant species (false indigo, *Amorpha* spp.), which in turn grows in the understory of oak woodlands. If an oak woodland is protected, the butterfly is included under this protective "umbrella." But this requires the preservation of understory species in addition to oak trees themselves. An oak tree alone is worthy of protection, but less so if it is left surrounded by concrete in a shopping mall parking lot. Meaningful conservation of oak woodlands requires consideration of associated species.

Many members of the public, and elected officials, take comfort in the notion that oaks are already somehow protected. This is largely a myth. Although many local jurisdictions (both cities and counties) have "oak tree ordinances," and removal of native oak woodland customarily is considered under the California Environmental Quality Act (CEQA), most oak tree ordinances and even CEQA share a series of serious flaws that allow for the net loss and degradation of oak woodland habitat values. The first problem is that very few oak tree ordinances effectively prohibit the destruction of oak trees. More commonly, ordinances allow for oak removal under a substantial list of exceptions. For example, the City of Los Angeles bans the removal of oaks unless they impede the "reasonable" development of a property. In practice, this offers no protection to mature oak trees — the City has never determined that a development is not "reasonable." While some developments are reduced in scope under pressure from the ordinance, projects are never denied outright to protect oaks.

The second problem leading to long-term degradation of California's oak woodland habitat values is that various flawed mitigation schemes are accepted by both local ordinances and under CEQA. Local jurisdictions and consultants preparing Environmental Impact Reports perpetuate the myth that mature oaks can be transplanted effectively. Scientific evidence to the contrary abounds. A study of 593 coast live oak trees transplanted to make way for residential development in Orange County showed that 71% of the trees died within seven years. Another study of 25 coast live oak trees relocated for development in Calabasas (Los Angeles County)

showed that after five years, 32% were dead or dying, 44% were in decline, 24% were stable, and none were thriving. A major explanation for this is the root system loss that inevitably accompanies transplantation. As early as a statewide conference in 1993, assembled oak experts from the California Oak Foundation and the University of California Integrated Hardwood Range Management Program agreed that "*oak transplantation should not be considered a form of mitigation for land development impacts on woodlands.*" Nevertheless, transplantation is still accepted and even promoted by local jurisdictions.

Local jurisdictions also allow the removal of mature oaks in exchange for planting some greater number of smaller, sapling oaks. This contributes to the degradation of overall habitat values in three ways. First, the structural complexity of mature oaks will not be achieved by replacement specimens for decades. Second, mitigation plantings are often installed at sites that are not ecologically appropriate or in locations that will not be optimum for long-term viability. Monitoring of such mitigation plantings usually ceases after five years, far before replacement of the habitat values of the removed trees could even hope to be achieved. Third, mitigation plantings never include the associated understory species of an intact oak woodland.

Oaks that are allowed to remain in urban neighborhoods face a number of other threats. Ignorance of landowners, both residential and institutional, about the water needs of oak trees is a primary cause of decline and death. Summer watering can promote oak tree pathogens, in particular the oak root fungus, *Amarillaria mellea*, and other fungi. New property owners with no knowledge of oak ecology may unintentionally kill old trees by installing lawns and sprinklers under a tree's dripline. Ornamental rhododendrons are commonly planted under oaks, but these may spread sudden oak death, caused by the pathogen *Phytophthora ramorum*. Public education is critical.

Oak woodlands still exist in urban areas, sometimes in unexpected places. They contribute significantly to biological diversity, but are not afforded the priority they deserve in the conservation planning process. They are threatened by relentless urban development — projects reigned in only slightly by oak ordinances and environmental review — and remaining trees are degraded by poor tree care, understory removal, and careless landscape practices. These threats can be abated city by city and county by county, but it is time for a statewide program to ensure the viability of California's oak woodlands.

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*Catherine Rich is Executive Officer of The Urban Wildlands Group and a member of the California Oak Foundation Advisory Board.*

**Citation:**

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**Determination Mailing Date: DEC 19 2008**

**CASE NO.:** VTT 62900-SL-1A  
**CEQA:** ENV 2005-9337-MND-REC  
**Related Case:** APCE 2006-8787-ZC

**Location:** 2400 Allesandro Street, 2005 & 2021  
W. Elmoran Street  
**Council District:** 13  
**Plan Area:** Silver Lake-Echo Park-Elysian Valley  
**Zone:** R1-1VL

**Applicant:** Henry Nunez

**Appellant:** Herb Pacheco, Diane Edwardson, Cindy Ortiz and Cheryl Parisi

**At its meeting on September 24, 2008, the following action was taken by the East Los Angeles Area Planning Commission:**

1. **Granted** the appeal in part.
2. **Sustained** the Advisory Agency's approval of Vesting Tentative Tract 62900 for a 15-lot lot subdivision, plus one open space lot for a total of 16 lots under the small lot ordinance No. 176,354.
3. **Adopted** Modified Conditions of Approval (attached).
4. **Adopted** Findings (attached).
5. **Adopted** ENV 2005-9337-MND-REC as modified.

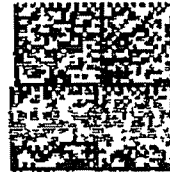
**Fiscal Impact Statement:** There is no General Fund impact as administrative costs are recovered through fees.

**This action was taken by the following vote:**

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Determination Mailing Date: DEC 19 2008

CASE NO.: APCE 2006-8787-ZC  
CEQA: ENV 2005-9337-MND-REC  
Related Case: VTT 62900-SL-1A

Location: 2400 Alessandro Street, 2005 & 2021  
W. Elmoran Street  
Council District: 13  
Plan Area: Silver Lake-Echo Park-Elysian Valley  
Zone: R1-1VL

Applicant: Henry Nunez  
Appellant: Herb Pacheco, Diane Edwardson, Cindy Ortiz and Cheryl Parisi

At its meeting on September 24, 2008, the following action was taken by the East Los Angeles Area Planning Commission:

1. **Granted** the appeal in part.
2. **Approved and recommend approval** of a Zone Change from R1-1VL to RD6-1VL for a 15-lot single family subdivision plus one (1) Open Space lot under the Small Lot Ordinance No. 176,354 with 36 residential parking spaces including 8 guest parking spaces.
3. **Adopted Modified Conditions of Approval** (attached).
4. **Adopted Findings** (attached).
5. **Adopted ENV 2005-9337-MND-REC** as modified.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through

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Representative			
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Telephone Number <u>213 910 9826</u>			
Case Number and Description	Task	SubTask	Ordinance Fee
<u>VIT62900-SL-7A</u>			<u>\$89</u>
<u>APCE2006-8787ZC</u>			\$
			\$
			\$
<b>Sub Total Fees Paid</b>			<u>\$89</u>
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Development Surcharge - 6%			<u>\$ 5</u>
Operating Surcharge - 7%			<u>\$ 8</u>
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Bad Check Fee			\$
Miscellaneous/Photocopy			\$
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LA 01 26 230720 12/29/08 10:12AM

- Cash
- Check # \_\_\_\_\_
- Money Order # \_\_\_\_\_

Council District <u>13</u>	PLAN & LAND USE	\$89.00
Plan Area <u>Silver Lake</u>	ONE STOP CITY PL	\$2.00
	DEVELOPMT SURCHG	\$5.00
	OPERATING SURCHG	\$8.00

Total Due:	\$104.00
Cash:	\$104.00

Processed by \_\_\_\_\_ 050  
Print & sign



# TRANSMITTAL TO CITY COUNCIL

Case No. <b>APCE 2006-8787-ZC</b>	Planning Staff Name(s) and Contact No. <b>Lateef Sholebo, (213) 978-1454</b>	C.D. No. <b>13</b>
Related Case No(s). <b>VTT 69200-SL-2A</b>	Last Day to Appeal <b>1/8/2009</b>	

Location of Project (Include project titles, if any.).  <b>2400 Allesandro Street, 2005 &amp; 2021 W. Elmoran Street</b>
--

Applicant(s) and Representative(s) Name(s) and Contact Information, if available.	
<b>Henry Nunez</b> Henry Nunez Real Estate Co., Inc 11 E. Huntington Drive Arcadia, CA 91006 626-254-0417	<b>Fisher Associates</b> 21520 Yorba Linda Blvd., #G 563 Yorba Linda, CA 92887


Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.

Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)
At its meeting on September 24, 2008 the following action was taken by the East Los Angeles Area Planning Commission:
<ol style="list-style-type: none"> <li>1. Approved and recommend approval of a Zone Change from R1-1VL to (T)(Q) RD6-1VL* for a 15 lot single family subdivision plus one (1) Open Space lot under the Small Lot Ordinance No. 176,354 with 36 residential parking spaces including 8 guest parking spaces.</li> <li>2. Adopted Modified Conditions of Approval (attached).</li> <li>3. Adopted Findings (attached).</li> <li>4. Adopted ENV 2005-9337-MND-REC as modified.</li> </ol>
Items Appealable to Council

<b>Fiscal Impact Statement</b> <small>*If determination states administrative costs are recovered through fees, indicate "Yes."</small> <b>Yes</b>	<b>Env. No.</b> <b>ENV 2005-9337-MND-REC</b>	<b>Commission Vote:</b>  <b>4-1</b>
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In addition to this transmittal sheet, City Clerk needs:

- (1) Original & (1) copy of Appeal package, plus; (2) true copies of Commission Determination or Original & (1) copy of Determination for legislative actions;
- (2) Staff Recommendation Report (1);
- (3) Environmental document used to approve the project, if applicable (1);
- (4) Public hearing notice (1);
- (5) Commission determination mailing labels (1) note: Condo projects & Appeals only require a copy of the list(s), not the labels.
- (6) *Condo-Conversion only: (1) copy of Commission Determination mailing list (includes project's tenants; and 500 foot radius mailing lists)*

 Linda Gillespie, Commission Executive Assistant East Los Angeles Planning Commission	Date <div style="text-align: center; font-weight: bold; font-size: 1.2em;">JAN 12 2009</div>
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# EAST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California 90012-4801, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

Determination Mailing Date: DEC 19 2008

## CORRECTED (Zone Change Information\*)

**CASE NO.:** APCE 2006-8787-ZC  
**CEQA:** ENV 2005-9337-MND-REC  
Related Case: VTT 62900-SL-1A

**Location:** 2400 Allesandro Street, 2005 & 2021  
W. Elmoran Street  
**Council District:** 13  
**Plan Area:** Silver Lake-Echo Park-Elysian Valley  
**Zone:** R1-1VL

**Applicant:** Henry Nunez

**Appellant:** Herb Pacheco, Diane Edwardson, Cindy Ortiz and Cheryl Parisi

**At its meeting on September 24, 2008, the following action was taken by the East Los Angeles Area Planning Commission:**

1. **Approved and recommend approval** of a Zone Change from R1-1VL to **(T)(Q) RD6-1VL\*** for a 15 lot single family subdivision plus one (1) Open Space lot under the Small Lot Ordinance No. 176,354 with 36 residential parking spaces including 8 guest parking spaces.
2. **Adopted** Modified Conditions of Approval (attached).
3. **Adopted** Findings (attached).
4. **Adopted** ENV 2005-9337-MND-REC as modified.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

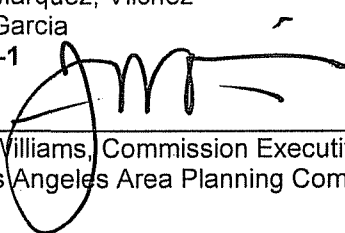
**Moved:** Lowe

**Seconded:** Lopez

**Ayes:** Marquez, Vilchez

**Noes:** Garcia

**Vote:** 4-1

  
\_\_\_\_\_  
James Williams, Commission Executive Assistant I  
East Los Angeles Area Planning Commission

**FINAL APPEAL DATE** \_\_\_\_\_ JANUARY 8, 2009 \_\_\_\_\_.

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.

Attachments: Modified Conditions of Approval and Findings  
City Planner: Lateef Sholebo

## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32-G of the Municipal Code, the (T) or [T] Tentative Classification shall be removed by the recordation of a final tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Procedure: The tentative classification shall be removed by the recordation of a final tract map, or by the posting of guarantees satisfactory to the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approvals or guarantees provided to the City Planning Department for attachment to the subject City Plan Case File. Recommendation that recordation of the final tract map may be made as a condition of the Zone Change Approval. The above language does not preclude the Advisory Agency from requiring the recordation of a final map for compliance with the subject conditions or similar conditions:

**Notice.** Certificate of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

1. **Covenant.** Prior to any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owners in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Furthermore, the agreement shall be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be given to the City Planning Department for attachment to the subject file.
2. **Street Dedications and Improvements.** Street Dedications and improvements shall be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.
3. **Sewer.** Construction of necessary sewer facilities, or payment of sewer fees, shall be Completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.
4. **Drainage.** Construction of necessary drainage and storm water runoff drainage facilities to be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.

5. **Driveway/Parking Area Plan.** Preparation of a parking plan and driveway plan shall be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
6. **Fire.** Incorporate into the building plans the recommendations of the Fire Department as indicated in the Vesting Tentative Tract No. 62900-SL relative to fire safety, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.
7. **Cable.** Make any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05-N to the satisfaction of the Department of Telecommunications.
8. **Recreation and Park Fees.** Payment of the appropriate recreation and park fees, as they relate to the approved zone, to the Department of Recreation and Parks.
9. **Lighting.** Street lighting facilities shall be provided as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the Bureau of Street Lighting.
10. **Street Trees.** All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

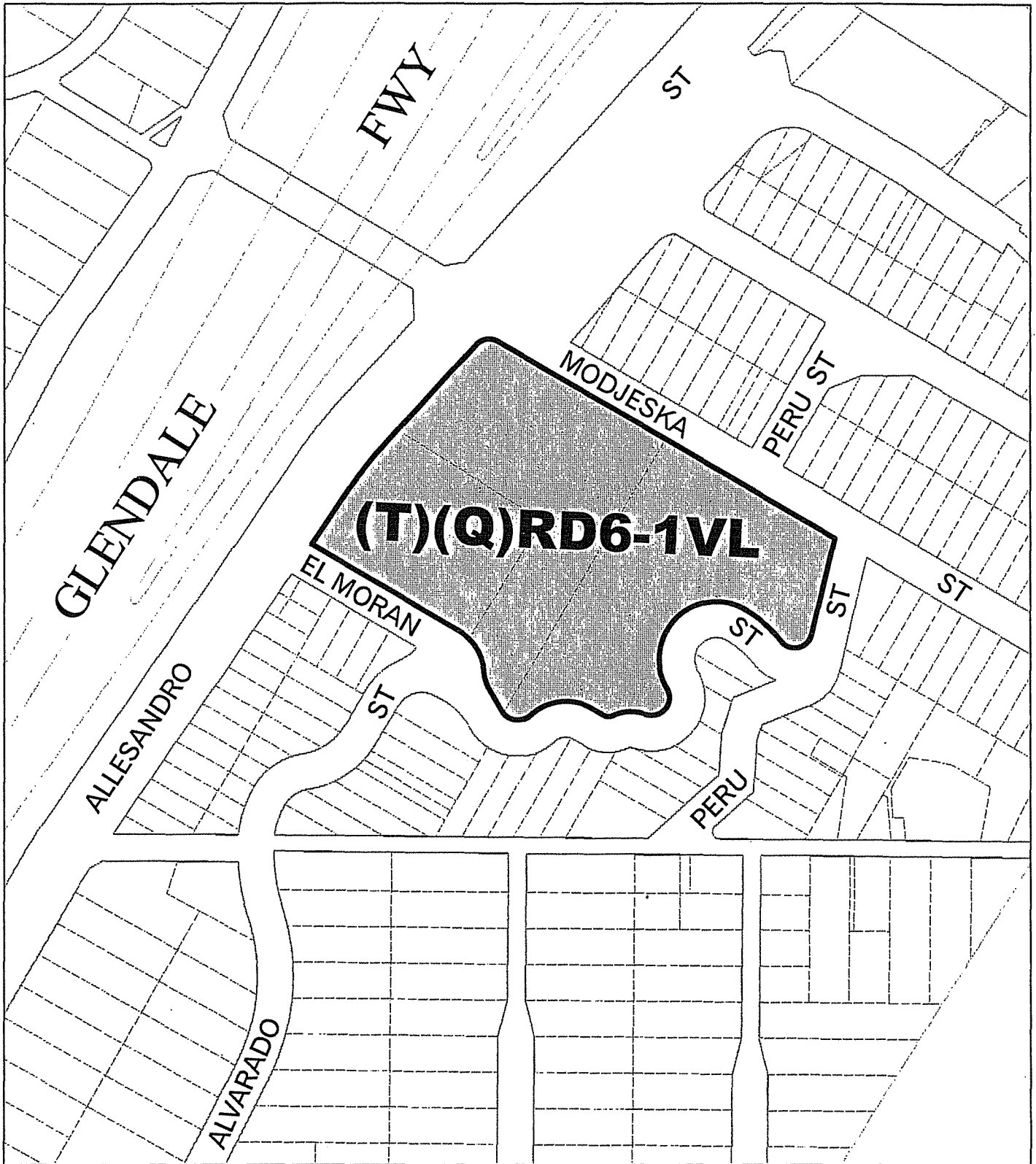
ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:





NOT TO SCALE

D.M. 147 A 211	APCE-2006-8787-ZC
LH/CE	100708

**(Q) QUALIFIED CONDITIONS OF APPROVAL**

Pursuant to Section 12.32-G of the Los Angeles Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified Classification.

**Administrative Conditions**

1. **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.
2. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions will be recorded in the County Recorder's Office. The agreement will run with the land and will be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date will be provided to the Planning Department.
3. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, will be provided to the Planning Department for placement in the subject file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions will mean the agencies, public offices, legislation or their successors, designees or amendments to any legislation.
5. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property will be complied with, except as such regulations are herein specifically varied or required.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions will be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

7. **Mitigation Monitoring.** Prior to the issuance of any building permit the applicant will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770.M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by conditions 2-15. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (preconstruction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

### **Entitlement Conditions**

8. **Use.** Limit the proposed development to a maximum of 15-lot small lot subdivision , plus one open space lot for a total of 16 lots.
9. That no structure built on the subject site shall exceed **35 feet in height** above the natural grade (to the peak of the roof)
10. That prior to the issuance of building permits, detailed development plans, including a complete landscaping and irrigation plans, shall be submitted to the Department of City Planning for approval.
11. The project shall provide an air filtration system to reduce the air quality effects on the proposed inhabitants
12. **Infrastructure**
  - a. Construction materials and equipment shall not be permitted to be stored in the public right-of-way in any manner that reduces roadway clearance to less than 20-feet in width. Storage of construction materials and equipment on public property requires a street use permit from the Bureau of Street Services.
  - b. Construction vehicles shall be subject to the restrictions established by the Los Angeles Fire Department Red Flag - No Parking Program. Restricted parking signs shall be procured and installed along the project site at the owner/developer's expense when required by the LAFD and/or LADOT.
13. **Building Design**
  - a. Second story setbacks or terraced structures and other design articulations are to be used to ensure that new development is compatible with existing neighborhood identity, character and scale.
  - b. Building materials match architectural style of new development.
  - c. Architectural design elements of the front and rear building elevations including articulation of facades, modulations of walls, shape, type details and

the location of windows, doors, columns, balconies and garage doors vary from the adjacent/abutting buildings.

- d. Design of new structures shall meet one of the following standards:
- i. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area, where "Base Floor" shall be defined as set forth in Section 12.03 of the Los Angeles Municipal Code for the purposes of this regulation; or
  - ii. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines; or
  - iii. The buildings of the project shall consist of 3 or more building elements, each with its own associated roof form. A building element CPC-2008-1182- ZC 0-2 may also be a major horizontal mass, setback or forward from the face of other masses.
- e. Structures within 50 linear feet of identified ridgelines, as shown on attached map marked 'Northeast LA Ridgelines', are limited to 15 feet in height. The 50 linear feet must be labeled on all plans accordingly

## Environmental Conditions

### 12. Grading

- MM-1 Grading shall be kept to a minimum.
- MM-2 Natural features, such as prominent knolls or ridge lines, shall be preserved.
- MM-3 The project shall comply with the City's Hillside Development Guidelines.
- MM-4 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ordinance No. 170,978), Guidelines K - Vehicular Use Areas.
- MM-5 Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards. To the greatest extent feasible,**

transplant and preservation option is to be preferred option over tree replacement in the landscape plan.

**MM-6** The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.

**MM-7** The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.

**MM-8** The City Engineer shall use the provisions Section 17.08 as its procedural guide in satisfaction of said bond requirement and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division of the Bureau of Street Services that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.

### **13. Seismic**

**MM-9** The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

### **14. Storm Water**

**MM-10** 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.

**MM-11** Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.

**MM-12** Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.

**MM-13** Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.

- MM-14 Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- MM-15 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 a physical device 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.
- MM-16 Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- MM-17 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.
- MM-18 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.
- MM-19 Legibility of stencils and signs must be maintained.
- MM-20 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 structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-21 The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-22 The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-23 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.

## **15. Public Services**

- MM-24 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the

submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

MM-25 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 project area.

MM-26 Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

**MM-27 The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.**

**MM-28 The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91,8104.15. Also the applicant shall cover the walls with clinging vines or screened by vegetation capable of spreading over the entire wall within one year of planting. Adequate irrigation shall be provided if vines or vegetation is provided on or along the walls.**

## 16. Construction Mitigation Conditions

### Air Quality

CM-1 That a sign shall be installed 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.**

- Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing.
- 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.
- 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 The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. **This shall include but not limited to the provision of 8' to 10' dust screen fencing around the perimeter of the site. The height and location of which is to be finally determined by Department of Building and Safety.**

CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

CM-5 All clearing, grading, 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-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

#### **Noise**

CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 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-8 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-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.



- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-11 The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-12 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.
- CM-13 Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include 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.
- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-15 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.

### **General Construction**

- 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 shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- CM-17 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- CM-19 Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20 Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.

- CM-21 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- CM-22 Owner or Contractor shall submit traffic and parking plan to Department of City Planning. Workers' vehicles shall be parked on site and not on adjacent residential streets. Otherwise, parking shall be on another off-street parking site.**
- CM-23 Owner/contactor shall provide documentation verification of waste disposal to licensed regulated disposal and recycling sites as a monitoring measure to prevent illegal toxic waste dumping and recycling compliance.
- CM-24 That after the uncertified fill is removed from the development site, as is required by the Department of Building and Safety, great care is taken by the developer in restoring native vegetation to all affected areas on parcel 16 to encourage and enhance existing wildlife habitat.

**Prior to the issuance of any building permits or grading permits, owner/developer shall to retain the services of a biologist to conduct a site assessment survey of existing wildlife habitat to be submitted to Los Angeles Department of City Planning to evaluate both the short term construction and long term impacts to habitat and migration patterns, if any. To the greatest extent feasible, applicant shall work in good faith in collaboration with the planning Department and Council District 13 to implement the recommendations of the biologist.**

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

KAREN E. KALFAYAN, Interim City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

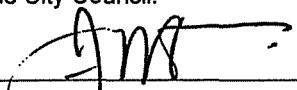
\_\_\_\_\_  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By \_\_\_\_\_  
ATTORNEY'S NAME IN ALL CAP  
Attorney's title (e.g., Deputy City Attorney)

Pursuant to Section 555 of the City Charter,  
the East Los Angeles Area Planning  
Commission on September 24, 2008,  
recommended this Ordinance be adopted by  
the City Council.

  
\_\_\_\_\_  
James Williams  
Commission Executive Assistant I

File No. \_\_\_\_\_

Date \_\_\_\_\_

File No. \_\_\_\_\_

## FINDINGS

### General Plan/Charter Findings

The subject property is located within the area covered by Silver Lake-Echo Park-Elysian Valley Community Plan, adopted by the City Council August 11, 2004 (pursuant to City Plan Case No. 1995-0357-CPU and Council File No. 00-2217). The Plan designates the subject property for Low Residential land use with corresponding zones of RE9, RS, R1, RU, RD6 and RD5. The Zone Change request IS CONSISTENT with the land use designation on the plan map and IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

### Zone Change Findings

Pursuant to Section 12.32-C,7 of the Los Angeles Municipal Code, these findings and recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice. The recommended (T)(Q)RD6-1VL is consistent with the Low Residential land use designation which listed RD6 as a corresponding zone.

The Silver Lake-Echo Park-Elysian Valley Community Plan text includes the following relevant land use objectives, policies, and programs:

- 1) Objectives 1-1 Achieve and maintain a housing supply sufficient to meet the diverse economic and socioeconomic needs of current and projected population to the year 2010.
- 2) Policies 1-1.1 Maintain an adequate supply and distribution of multiple family, low income and special needs housing opportunities in the Community Plan Area.
- 3) Program: Encourage use of Los Angeles Housing Department (LAHD) housing development programs which provide financing for the construction of new and the acquisition and rehabilitation of existing multiple family housing.
- 5) Policies 1-1.6 Promote the preservation of existing single and multiple family neighborhoods.
- 6) Program: The Community Plan establishes residential land use categories and makes an appropriate designation for each neighborhood in the Community Plan Area. All zone changes, subdivisions, parcel maps, variances, conditional uses, specific plans, community and neighborhood revitalization programs for residential projects shall be consistent with Community Plan Land use designations.

The Zone Change request has been filed incidental to related case VTT-62900-SL for a 15-lot small lot subdivision, plus one open space lot for a total of 16-lots . The Zone Change will allow a development that is consistent and compatible with the Community Plan and with the character of the existing neighborhood. The project will provide needed housing.

### **CEQA Findings**

A Mitigated Negative Declaration (ENV-2005-9337-MND-REC) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby **recommend** the adoption of the Mitigated Negative Declaration and the imposition of the conditions shown in that document on this approval.



## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



### EAST LOS ANGELES AREA PLANNING COMMISSION

**Date:** September 24, 2008  
**Time:** 4:30 p.m.  
**Place:** Ramona Hall Community Center, Main Hall  
4580 N. Figueroa Street, CA 90065

**Public Hearing:** November 14, 2007  
**Appeal Status:** Further appealable to City  
Council  
**Expiration Date:** October 9, 2008  
**Multiple** Section 12.32-C L.A.M.C.  
**Approval:**

**Case No.:** APCE-2006-8787-ZC  
**CEQA No.:** ENV-2005-9337-MND-  
REC

**Incidental**  
**Cases:**  
**Related Cases:** VTT- No. 62900-SL  
**Council No.:** 13  
**Plan Area:** Silver Lake-Echo Park-  
Elysian Valley  
**Specific Plan:** None  
**Certified NC:** Greater Echo Park  
Elysian  
**GPLU:** Low Residential  
**Zone:** R1-1VL

**Applicant:** Henry Nunez  
**Representative** Fisher Associate Inc.  
:

**PROJECT** 2400 Allensandro Street, 2005 W. El Moran Street and 2021 W. El Moran Street  
**LOCATION:**

**PROPOSED** Vesting Tentative Tract for 15-lot single family subdivision plus one (1) Open Space  
**PROJECT:** lot under the Small Lot Ordinance No. 176,354 with 36 residential parking spaces  
including 8 guest parking spaces.

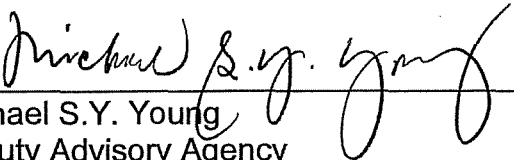
**REQUESTED** Zone Change from R1-1VL to RD6-1VL.  
**ACTION:**

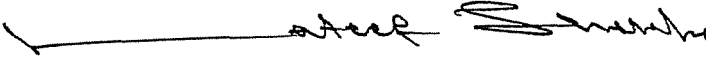
### RECOMMENDED ACTIONS:

1. **Deny** requested zone change from R1-1VL to RD6-1VL
2. **Approve** and **Recommend** that the City Council adopt a Zone Change from R1-1VL to (T)(Q)RD6-1VL, subject to the attached Conditions of Approval.
3. **Adopt** Mitigated Negative Declaration No. ENV 2005-9337-MND-REC.
4. **Adopt** the attached Findings.

5. **Recommend** that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative Classification and "Q" Qualified Classification are specified in Section 12.32-G of the Los Angeles Municipal Code ( L.A.M.C.) Conditions must be satisfied prior to the issuance of any building permits and that the (T) Tentative Classification must be satisfied and removed in the manner indicated on the attached page.
6. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
7. Advise the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

S. GAIL GOLDBERG, AICP  
Director of Planning

  
\_\_\_\_\_  
Michael S.Y. Young  
Deputy Advisory Agency  
Telephone: 213-978-1387

  
\_\_\_\_\_  
Lateef Sholebo  
City Planning Associate  
Telephone: 213-978-1454

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## PROJECT ANALYSIS

### Project Summary

This is a request for the approval of a Zone Change incidental to the approval of tentative tract map for a small lot subdivision of 15 single family dwellings, plus one open space for a total of 16 lots. The subdivision request is on a 3.08 net acre (134,066 net square-feet) site, zoned R1-1VL and designated for Low Residential density land use in the Silver Lake-Echo Park-Elysian Valley Community Plan with corresponding zones of RE9, RS, RU, RD6, and RD5. The site address is 2400 Allesandro Street, 2005 W. El Moran Street and 2021 W. El Moran Street.

### Background

The property is an irregular shaped hillside parcel of land having a frontage of 433 feet on Modjeska Street and 290 feet on Allesandro Street. The subject site contains a total of 134,066 net square-feet of lot area after the required dedications. The proposed zone change allows the applicant to develop the site with a small lot subdivision and is allowed under the land use designation of the site.

The proposed project consists of 15 new single-family dwellings under the Small Lot Ordinance plus one open space lot for a total of 16 lots. Lot sizes will range from 5,145 square-feet to 23,720 square-feet, thereby meeting the minimum 600 square-foot lot size of the Small Lot Ordinance. The site plan indicates that lot widths will range from 25 feet, to 56 feet, thereby meeting the minimum lot width requirement of 16 feet per Section 12.22-C,.27 of the Los Angeles Municipal Code (LAMC) as required by the ordinance. The proposed project is consistent with the density requirements of the RD2 Zone.

According to the site plan, each unit will be two stories with attached parking. Each unit will have a private two-car garage accessed via the private driveway and 8 guest parking spaces will be provided.

The property is currently vacant. Surrounding properties to the north of Allesandro Street are zoned R1-1 and are vacant or developed with single family residences. Adjoining properties to the south and east of El Moran Street and Peru Street are zoned RD2-1VL, R2-1VL and R1-1VL and are vacant or developed with single family residences. Adjoining property to the west across Allesandro Street is improved with the Glendale Freeway (Route 2).

The project engineer has certified that the subject site is not located within any flood hazard, or special hazard. The project is, however, in a hillside grading area. There are 6 existing oak trees on the site which will be affected.

According to the project applicant Engineer, the total quantity of dirt to be removed during grading is approximated to 6,150 cubic yards of dirt. Specific number of cuts and fills were not indicated. A Haul Route Request is addressed under VTT 62900-SL.

Project site is subject to ZI-1423 Council Office Notification (Silver Lake-Echo Park Trail) and to the ZI-2340 Tree analysis requirement for Environmental Clearance.

On November 14, 2007, at the Public Hearing, the Deputy Advisory Agency approved Tentative Tract No. 62900-SL for a 15-lot small lot subdivision, plus one open space lot, denied Zone Change as requested, recommended approval of the Zone Change request from R1-1VL to (T)(Q)RD6-1VL.

### **Public Hearing And Communications**

The Public Hearing for the Zone Change and Tentative Tract was held concurrently by the Advisory Agency on November 14, 2007, as follows:

#### **Speakers:**

At the hearing, there were several speakers in support and in opposition to the project. Council District 13 representative Mitch O' Farrell, indicated conditions should be imposed to address some of the concerns of the neighborhood residents.

At the conclusion of the public hearing, the decision on this matter was taken under advisement for one month to allow the applicant, neighborhood residents and the council office to meet and address the issues articulated at the hearing.

**Communications Received:** Communications were received via phone and written correspondents prior to the preparation of the staff report both in support and in opposition to the project from the neighborhood residents. The Greater Echo Park Elysian Neighborhood Council supports the project with conditions.

The new (T)(Q)RD6 zone will afford construction of new housing units in a character and appearance of the existing neighborhood. It will result in an increase in housing opportunities. The Hearing Officer recommends approval of the Zone Change from R1-1VL to (T)(Q)RD6-1VL zone.

### **Conclusion**

Staff recommends that the East Los Angeles Area Planning Commission recommend approval of the Zone Change request from R1-1VL to (T)(Q)RD6-1VL with (T) and (Q) conditions.

## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32-G of the Municipal Code, the (T) or [T] Tentative Classification shall be removed by the recordation of a final tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Procedure: The tentative classification shall be removed by the recordation of a final tract map, or by the posting of guarantees satisfactory to the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approvals or guarantees provided to the City Planning Department for attachment to the subject City Plan Case File. Recommendation that recordation of the final tract map may be made as a condition of the Zone Change Approval. The above language does not preclude the Advisory Agency from requiring the recordation of a final map for compliance with the subject conditions or similar conditions:

**Notice.** Certificate of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

1. **Covenant.** Prior to any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owners in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Furthermore, the agreement shall be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be given to the City Planning Department for attachment to the subject file.
2. **Street Dedications and Improvements.** Street Dedications and improvements shall be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.
3. **Sewer.** Construction of necessary sewer facilities, or payment of sewer fees, shall be Completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.
4. **Drainage.** Construction of necessary drainage and storm water runoff drainage facilities to be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.

5. **Driveway/Parking Area Plan.** Preparation of a parking plan and driveway plan shall be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
6. **Fire.** Incorporate into the building plans the recommendations of the Fire Department as indicated in the Vesting Tentative Tract No. 62900-SL relative to fire safety, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.
7. **Cable.** Make any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05-N to the satisfaction of the Department of Telecommunications.
8. **Recreation and Park Fees.** Payment of the appropriate recreation and park fees, as they relate to the approved zone, to the Department of Recreation and Parks.
9. **Lighting.** Street lighting facilities shall be provided as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the Bureau of Street Lighting.
10. **Street Trees.** All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

**(Q) QUALIFIED CONDITIONS OF APPROVAL**

Pursuant to Section 12.32-G of the Los Angeles Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified Classification.

**Administrative Conditions**

1. **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.
2. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions will be recorded in the County Recorder's Office. The agreement will run with the land and will be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date will be provided to the Planning Department.
3. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, will be provided to the Planning Department for placement in the subject file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions will mean the agencies, public offices, legislation or their successors, designees or amendments to any legislation.
5. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property will be complied with, except as such regulations are herein specifically varied or required.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions will be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

7. **Mitigation Monitoring.** Prior to the issuance of any building permit the applicant will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770.M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by conditions 2-15. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (preconstruction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

### **Entitlement Conditions**

8. **Use.** Limit the proposed development to a maximum of 15-lot small lot subdivision, plus one open space lot for a total of 16 lots.
9. That no structure built on the subject site shall exceed 45 feet in height above the natural grade (to the peak of the roof)
10. That prior to the issuance of building permits, detailed development plans, including a complete landscaping and irrigation plans, shall be submitted to the Department of City Planning for approval.
11. The project shall provide an air filtration system to reduce the air quality effects on the proposed inhabitants

### **Environmental Conditions**

#### **12. Grading**

- MM-1 Grading shall be kept to a minimum.
- MM-2 Natural features, such as prominent knolls or ridge lines, shall be preserved.
- MM-3 The project shall comply with the City's Hillside Development Guidelines.
- MM-4 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ordinance No. 170,978), Guidelines K - Vehicular Use Areas.

#### **13. Seismic**

- MM-5 The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

**14. Storm Water**

- MM-6 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.
- MM-7 Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- MM-8 Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- MM-9 Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- MM-10 Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- MM-11 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 a physical device 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.
- MM-12 Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- MM-13 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.
- MM-14 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.
- MM-15 Legibility of stencils and signs must be maintained.

- MM-16 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 structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-17 The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-18 The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-19 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.

## **15. Public Services**

- MM-20 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- MM-21 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 project area.
- MM-22 Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.



**16. Construction Mitigation Conditions****Air Quality**

- CM-1 That a sign shall be installed 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.**
- Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing.
  - 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.
  - 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 The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-5 All clearing, grading, 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-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

**Noise**

- CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 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-8 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-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-11 The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-12 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.
- CM-13 Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include 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.
- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-15 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.

**General Construction**

- 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 shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- CM-17 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- CM-19 Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20 Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.
- CM-21 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

## FINDINGS

### General Plan/Charter Findings

The subject property is located within the area covered by Silver Lake-Echo Park-Elysian Valley Community Plan, adopted by the City Council August 11, 2004 (pursuant to City Plan Case No. 1995-0357-CPU and Council File No. 00-2217). The Plan designates the subject property for Low Residential land use with corresponding zones of RE9, RS, R1, RU, RD6 and RD5. The Zone Change request IS CONSISTENT with the land use designation on the plan map and IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

### Zone Change Findings

Pursuant to Section 12.32-C,7 of the Los Angeles Municipal Code, these findings and recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice. The recommended (T)(Q)RD6-1VL is consistent with the Low Residential land use designation which listed RD6 as a corresponding zone.

The Silver Lake-Echo Park-Elysian Valley Community Plan text includes the following relevant land use objectives, policies, and programs:

- 1) Objectives 1-1 Achieve and maintain a housing supply sufficient to meet the diverse economic and socioeconomic needs of current and projected population to the year 2010.
- 2) Policies 1-1.1 Maintain an adequate supply and distribution of multiple family, low income and special needs housing opportunities in the Community Plan Area.
- 3) Program: Encourage use of Los Angeles Housing Department (LAHD) housing development programs which provide financing for the construction of new and the acquisition and rehabilitation of existing multiple family housing.
- 5) Policies 1-1.6 Promote the preservation of existing single and multiple family neighborhoods.
- 6) Program: The Community Plan establishes residential land use categories and makes an appropriate designation for each neighborhood in the Community Plan Area. All zone changes, subdivisions, parcel maps, variances, conditional uses, specific plans, community and neighborhood revitalization programs for residential projects shall be consistent with Community Plan Land use designations.

The Zone Change request has been filed incidental to related case VTT-62900-SL for a 15-lot small lot subdivision, plus one open space lot for a total of 16-lots . The Zone Change will allow a development that is consistent and compatible with the Community Plan and with the character of the existing neighborhood. The project will provide needed housing.

### **CEQA Findings**

A Mitigated Negative Declaration (ENV-2005-9337-MND-REC) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby **recommend** the adoption of the Mitigated Negative Declaration and the imposition of the conditions shown in that document on this approval.



## EAST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California 90012-4801, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

**Determination Mailing Date: DEC 19 2008**

**CASE NO.:** APCE 2006-8787-ZC  
**CEQA:** ENV 2005-9337-MND-REC  
Related Case: VTT 62900-SL-1A

**Location:** 2400 Allesandro Street, 2005 & 2021  
W. Elmoran Street  
**Council District:** 13  
**Plan Area:** Silver Lake-Echo Park-Elysian Valley  
**Zone:** R1-1VL

**Applicant:** Henry Nunez

**Appellant:** Herb Pacheco, Diane Edwardson, Cindy Ortiz and Cheryl Parisi

**At its meeting on September 24, 2008, the following action was taken by the East Los Angeles Area Planning Commission:**

1. **Granted** the appeal in part.
2. **Approved and recommend approval** of a Zone Change from R1-1VL to RD6-1VL for a 15-lot single family subdivision plus one (1) Open Space lot under the Small Lot Ordinance No. 176,354 with 36 residential parking spaces including 8 guest parking spaces.
3. **Adopted** Modified Conditions of Approval (attached).
4. **Adopted** Findings (attached).
5. **Adopted** ENV 2005-9337-MND-REC as modified.

**Fiscal Impact Statement:** There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

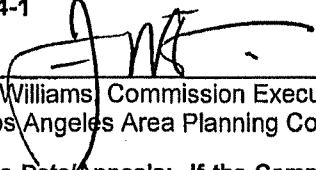
**Moved:** Lowe

**Seconded:** Lopez

**Ayes:** Marquez, Vilchez

**Noes:** Garcia

**Vote:** 4-1

  
\_\_\_\_\_  
James Williams, Commission Executive Assistant I  
East Los Angeles Area Planning Commission

**Effective Date/Appeals:** If the Commission has disapproved the Zone Change request, in whole or in part, only the applicant may appeal that disapproval to the City Council within 20 days after the mailing date of this action. All appeals shall be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).

**FINAL APPEAL DATE** JAN 08 2008

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.

Attachments: Modified Conditions of Approval and Findings  
City Planner: Lateef Sholebo

## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32-G of the Municipal Code, the (T) or [T] Tentative Classification shall be removed by the recordation of a final tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Procedure: The tentative classification shall be removed by the recordation of a final tract map, or by the posting of guarantees satisfactory to the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approvals or guarantees provided to the City Planning Department for attachment to the subject City Plan Case File. Recommendation that recordation of the final tract map may be made as a condition of the Zone Change Approval. The above language does not preclude the Advisory Agency from requiring the recordation of a final map for compliance with the subject conditions or similar conditions:

**Notice.** Certificate of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

1. **Covenant.** Prior to any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owners in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Furthermore, the agreement shall be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be given to the City Planning Department for attachment to the subject file.
2. **Street Dedications and Improvements.** Street Dedications and improvements shall be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.
3. **Sewer.** Construction of necessary sewer facilities, or payment of sewer fees, shall be Completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.
4. **Drainage.** Construction of necessary drainage and storm water runoff drainage facilities to be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.

5. **Driveway/Parking Area Plan.** Preparation of a parking plan and driveway plan shall be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
6. **Fire.** Incorporate into the building plans the recommendations of the Fire Department as indicated in the Vesting Tentative Tract No. 62900-SL relative to fire safety, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.
7. **Cable.** Make any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05-N to the satisfaction of the Department of Telecommunications.
8. **Recreation and Park Fees.** Payment of the appropriate recreation and park fees, as they relate to the approved zone, to the Department of Recreation and Parks.
9. **Lighting.** Street lighting facilities shall be provided as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the Bureau of Street Lighting.
10. **Street Trees.** All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

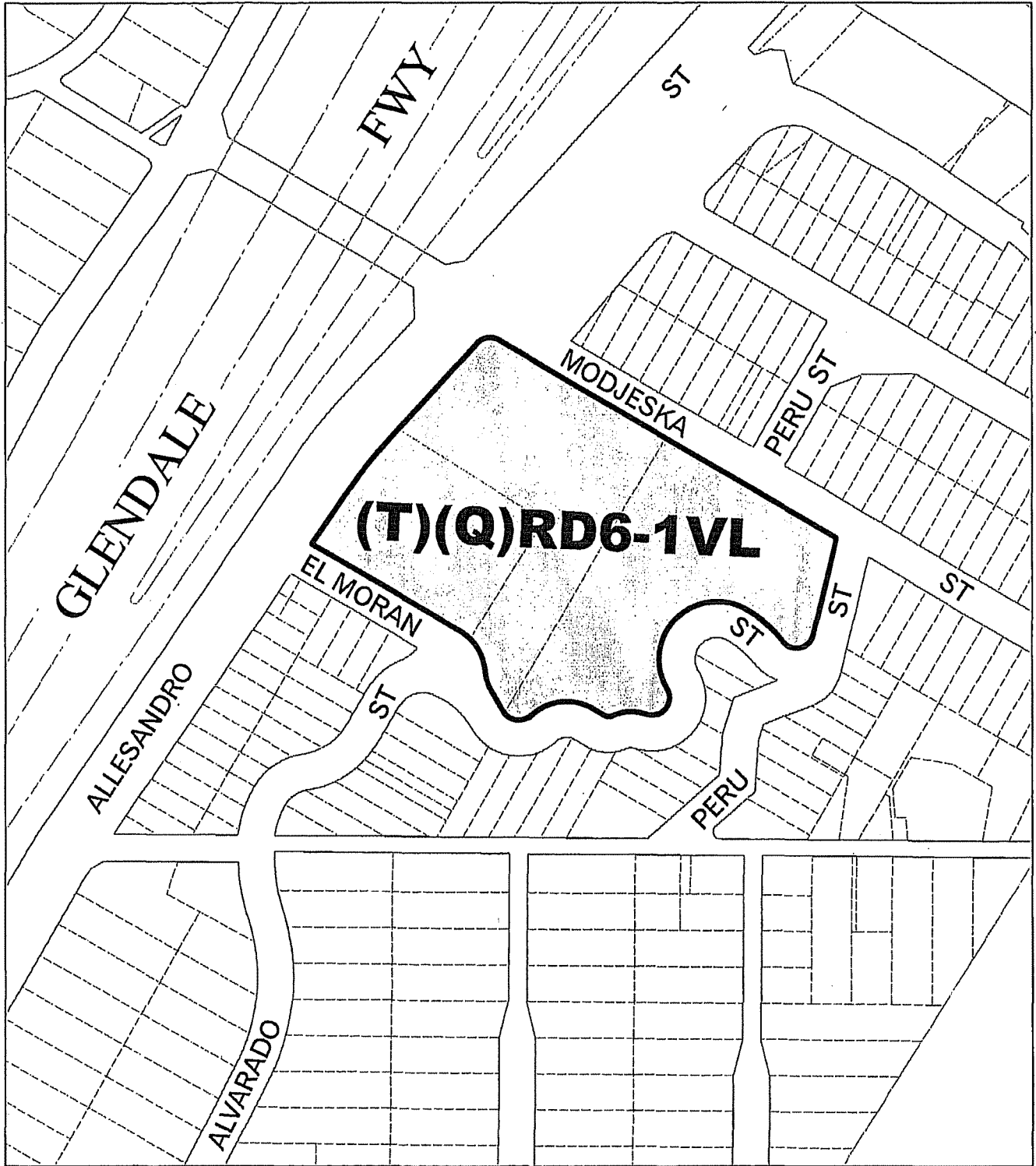


ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section .12,04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



NOT TO SCALE

D.M. 147 A 211	APCE-2006-8787-ZC
----------------	-------------------

LHI *[Signature]*

100708

**(Q) QUALIFIED CONDITIONS OF APPROVAL**

Pursuant to Section 12.32-G of the Los Angeles Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified Classification.

**Administrative Conditions**

1. **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.
2. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions will be recorded in the County Recorder's Office. The agreement will run with the land and will be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date will be provided to the Planning Department.
3. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, will be provided to the Planning Department for placement in the subject file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions will mean the agencies, public offices, legislation or their successors, designees or amendments to any legislation.
5. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property will be complied with, except as such regulations are herein specifically varied or required.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions will be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

7. **Mitigation Monitoring.** Prior to the issuance of any building permit the applicant will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770.M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by conditions 2-15. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (preconstruction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

### **Entitlement Conditions**

8. **Use.** Limit the proposed development to a maximum of 15-lot small lot subdivision , plus one open space lot for a total of 16 lots.
9. That no structure built on the subject site shall exceed **35 feet in height** above the natural grade (to the peak of the roof)
10. That prior to the issuance of building permits, detailed development plans, including a complete landscaping and irrigation plans, shall be submitted to the Department of City Planning for approval.
11. The project shall provide an air filtration system to reduce the air quality effects on the proposed inhabitants
12. **Infrastructure**
- a. Construction materials and equipment shall not be permitted to be stored in the public right-of-way in any manner that reduces roadway clearance to less than 20-feet in width. Storage of construction materials and equipment on public property requires a street use permit from the Bureau of Street Services.
  - b. Construction vehicles shall be subject to the restrictions established by the Los Angeles Fire Department Red Flag - No Parking Program. Restricted parking signs shall be procured and installed along the project site at the owner/developer's expense when required by the LAFD and/or LADOT.
13. **Building Design**
- a. Second story setbacks or terraced structures and other design articulations are to be used to ensure that new development is compatible with existing neighborhood identity, character and scale.
  - b. Building materials match architectural style of new development.
  - c. Architectural design elements of the front and rear building elevations including articulation of facades, modulations of walls, shape, type details and

the location of windows, doors, columns, balconies and garage doors vary from the adjacent/abutting buildings.

- d. Design of new structures shall meet one of the following standards:
- i. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area, where "Base Floor" shall be defined as set forth in Section 12.03 of the Los Angeles Municipal Code for the purposes of this regulation; or
  - ii. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines; or
  - iii. The buildings of the project shall consist of 3 or more building elements, each with its own associated roof form. A building element CPC-2008-1182- ZC 0-2 may also be a major horizontal mass, setback or forward from the face of other masses.
- e. Structures within 50 linear feet of identified ridgelines, as shown on attached map marked 'Northeast LA Ridgelines', are limited to 15 feet in height. The 50 linear feet must be labeled on all plans accordingly

## Environmental Conditions

### 12. Grading

- MM-1 Grading shall be kept to a minimum.
- MM-2 Natural features, such as prominent knolls or ridge lines, shall be preserved.
- MM-3 The project shall comply with the City's Hillside Development Guidelines.
- MM-4 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ordinance No. 170,978), Guidelines K - Vehicular Use Areas.
- MM-5 **Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards. To the greatest extent feasible,**

**transplant and preservation option is to be preferred option over tree replacement in the landscape plan.**

**MM-6 The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.**

**MM-7 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.**

**MM-8 The City Engineer shall use the provisions Section 17.08 as its procedural guide in satisfaction of said bond requirement and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division of the Bureau of Street Services that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.**

### **13. Seismic**

**MM-9 The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.**

### **14. Storm Water**

**MM-10 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.**

**MM-11 Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.**

**MM-12 Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.**

**MM-13 Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.**

- MM-14 Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- MM-15 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 a physical device 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.
- MM-16 Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- MM-17 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.
- MM-18 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.
- MM-19 Legibility of stencils and signs must be maintained.
- MM-20 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 structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-21 The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-22 The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-23 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.

## **15. Public Services**

- MM-24 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the

submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

MM-25 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 project area.

MM-26 Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

**MM-27 The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.**

MM-28 The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91,8104.15. Also the applicant shall cover the walls with clinging vines or screened by vegetation capable of spreading over the entire wall within one year of planting. Adequate irrigation shall be provided if vines or vegetation is provided on or along the walls.

## 16. Construction Mitigation Conditions

### Air Quality

CM-1 That a sign shall be installed 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.**



- Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing.
- 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.
- 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 The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. **This shall include but not limited to the provision of 8' to 10' dust screen fencing around the perimeter of the site. The height and location of which is to be finally determined by Department of Building and Safety.**

CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

CM-5 All clearing, grading, 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-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

#### **Noise**

CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 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-8 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-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-11 The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-12 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.
- CM-13 Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include 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.
- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-15 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.

#### **General Construction**

- 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 shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- CM-17 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- CM-19 Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20 Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.

- CM-21 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- CM-22 Owner or Contractor shall submit traffic and parking plan to Department of City Planning. Workers' vehicles shall be parked on site and not on adjacent residential streets. Otherwise, parking shall be on another off-street parking site.**
- CM-23 Owner/contactor shall provide documentation verification of waste disposal to licensed regulated disposal and recycling sites as a monitoring measure to prevent illegal toxic waste dumping and recycling compliance.
- CM-24 That after the uncertified fill is removed from the development site, as is required by the Department of Building and Safety, great care is taken by the developer in restoring native vegetation to all affected areas on parcel 16 to encourage and enhance existing wildlife habitat.

**Prior to the issuance of any building permits or grading permits, owner/developer shall to retain the services of a biologist to conduct a site assessment survey of existing wildlife habitat to be submitted to Los Angeles Department of City Planning to evaluate both the short term construction and long term impacts to habitat and migration patterns, if any. To the greatest extent feasible, applicant shall work in good faith in collaboration with the planning Department and Council District 13 to implement the recommendations of the biologist.**

Sec. \_\_. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

KAREN E. KALFAYAN, Interim City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

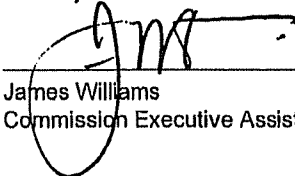
Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By \_\_\_\_\_  
ATTORNEY'S NAME IN ALL CAP  
Attorney's title (e.g., Deputy City Attorney)

Pursuant to Section 555 of the City Charter, the East Los Angeles Area Planning Commission on September 24, 2008, recommended this Ordinance be adopted by the City Council.

File No. \_\_\_\_\_

  
James Williams  
Commission Executive Assistant I

Date \_\_\_\_\_

File No. \_\_\_\_\_

## FINDINGS

### General Plan/Charter Findings

The subject property is located within the area covered by Silver Lake-Echo Park-Elysian Valley Community Plan, adopted by the City Council August 11, 2004 (pursuant to City Plan Case No. 1995-0357-CPU and Council File No. 00-2217). The Plan designates the subject property for Low Residential land use with corresponding zones of RE9, RS, R1, RU, RD6 and RD5. The Zone Change request IS CONSISTENT with the land use designation on the plan map and IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

### Zone Change Findings

Pursuant to Section 12.32-C,7 of the Los Angeles Municipal Code, these findings and recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice. The recommended (T)(Q)RD6-1VL is consistent with the Low Residential land use designation which listed RD6 as a corresponding zone.

The Silver Lake-Echo Park-Elysian Valley Community Plan text includes the following relevant land use objectives, policies, and programs:

- 1) Objectives 1-1 Achieve and maintain a housing supply sufficient to meet the diverse economic and socioeconomic needs of current and projected population to the year 2010.
- 2) Policies 1-1.1 Maintain an adequate supply and distribution of multiple family, low income and special needs housing opportunities in the Community Plan Area.
- 3) Program: Encourage use of Los Angeles Housing Department (LAHD) housing development programs which provide financing for the construction of new and the acquisition and rehabilitation of existing multiple family housing.
- 5) Policies 1-1.6 Promote the preservation of existing single and multiple family neighborhoods.
- 6) Program: The Community Plan establishes residential land use categories and makes an appropriate designation for each neighborhood in the Community Plan Area. All zone changes, subdivisions, parcel maps, variances, conditional uses, specific plans, community and neighborhood revitalization programs for residential projects shall be consistent with Community Plan Land use designations.

The Zone Change request has been filed incidental to related case VTT-62900-SL for a 15-lot small lot subdivision, plus one open space lot for a total of 16-lots . The Zone Change will allow a development that is consistent and compatible with the Community Plan and with the character of the existing neighborhood. The project will provide needed housing.

### **CEQA Findings**

A Mitigated Negative Declaration (ENV-2005-9337-MND-REC) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby **recommend** the adoption of the Mitigated Negative Declaration and the imposition of the conditions shown in that document on this approval.

LOS ANGELES CITY PLANNING DEPARTMENT  
APPEAL STAFF REPORT

ITEM 4

EAST LOS ANGELES AREA PLANNING COMMISSION

DATE: September 24, 2008  
TIME: after 4:30 p.m. \*  
PLACE: Ramona Hall Community Center  
Main Hall  
4580 N. Figueroa Street  
Los Angeles, CA 90065.

CASE: VTT-62900-SL-1A

ENV: 2005-9337-MND-REC  
Location: 2400 Allesandro Street  
2005 & 2021 W. El Moran Street  
Related Case: APCE-2006-8787-ZC  
Council District: 13  
Plan: Silver Lake-Echo Park-Elysian Valley  
Plan Land Use: Low Residential  
Zone: R1-1VL  
District Map: 147A211  
Legal Description: Lot BKL B Tract: SEMI TROPIC  
SPIRITUALS

Expiration Date: October 9, 2008

Public Hearing required

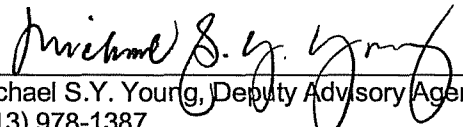
PROJECT: A vesting tentative tract for 15-lot lot subdivision, plus one open space lot for a total of 16 lots under the Small Lot Ordinance No. 176,354.

REQUEST: APPEAL FROM the entire decision of the Advisory Agency approving Vesting Tentative Tract No. 62900-SL

APPELLANT: Herb Pacheco, Diane Edwardson, Cindy Ortiz and Cheryl Parisi.

APPLICANT: Henry Nunez (O)

RECOMMENDATION: That the decision of the Advisory Agency be sustained and that the appeal be denied.

  
\_\_\_\_\_  
Michael S.Y. Young, Deputy Advisory Agency  
(213) 978-1387

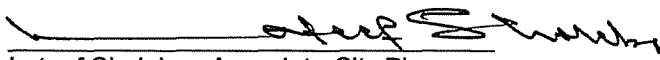
  
\_\_\_\_\_  
Lateef Sholebo, Associate City Planner  
(213) 978-1454

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Summary of Appeal and staff response/recommendation

Exhibits

Vicinity Map, Radius Map, Tentative Tract  
Appeal Application  
Decision Letters (date)  
Environmental Document

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Area Planning Commission Secretariat, 200 North Spring Street, Room 500, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

**BRIEF SUMMARY OF APPEAL(S)**

Background.....3  
Appeal(s) .....4  
Staff Response/Comments..... 4-5  
Recommendation.....6

**Exhibits:**

1. Vicinity Map
2. Radius Map
3. Tentative Map
4. Appeal Document(s)
5. Decision Letters
6. Environmental Document
7. Photographs



## STAFF APPEAL REPORT

### Background

The subject property is an irregular shaped hillside parcel of land having a frontage of 433 feet on Modjeska Street and 290 feet on Allesandro Street. The subject site contains a total of 134,066 net square feet of lot area after the required dedications. It is currently zoned for R1-VL and is designated for Low Residential land use in the Silver Lake –Echo Park-Elysian Valley Community Plan Area with corresponding zones of RE9, RS, R1, RU, RD6, and RD5. The applicant has requested for a zone change from R1-1VL to RD6-1VL concurrently with the tract application.

The proposed project consists of 15 new single-family dwellings plus one open space lot for a total of 16 lots under the Small Lot Ordinance. Lot sizes will range from 5,145 square feet to 23,720 square feet, thereby meeting the minimum 600 square-foot lot size of the Small Lot Ordinance. The site plan indicates that lot widths will range from 25 feet, to 56 feet, thereby meeting the minimum lot width requirement of 16 feet (§12.22 C.27). As required by the Ordinance, the proposed project is consistent with the density requirements of the RD2 Zone.

Based on the site plan, each unit will be two stories with attached parking. Each unit will have a private two-car garage accessed via the private driveway and 8 guest parking spaces will be provided for the entire development.

The subject property is currently vacant. Abutting streets to the north are Allesandro Street and Modjeska Street. Properties further north are zoned R1-1 and are mostly vacant. Abutting property to the south and east are El Moran Street and Peru Street respectively. Properties further south of El Moran Street are zoned RD2-1VL, R2-1VL and R1-1VL and properties further east of Peru Street are zoned R1-1VL.

The project engineer has certified that the subject site is not located within any flood hazard, or special hazard. The project is, however, in a hillside grading area. There are six (6) existing oak trees on the site which will be affected.

According to the Applicant's Engineer, the total amount of earth to be removed during grading is approximated to 6,150 cubic yards. Specific number of cuts and fills were not indicated.

Project site is subject to ZI-1423 Council Office Notification (Silver Lake-Echo Park Trail) and to the ZI-2340 Tree analysis requirement for Environmental Clearance.

On April 29, 2008 the Deputy Advisory Agency approved Vesting Tentative Tract 62900-SL with conditions and recommended the approval of the zone change request.

## THE APPEAL

**Appellant: Diane Edwardson, Cindy Ortiz, Cheryl Parisi and Herb Pacheco.**

### **Appellant's statements:**

1. We are personally aggrieved or impacted by the decision in the loss of natural viewshed; loss of native and significant trees which; increased air pollution through loss of significant trees; disruption of the Rim of the Valley Corridor through our neighborhood; destruction of the character of our community; increased traffic, noise and pollution that increased density brings; increase in subsequent cumulative construction of the remaining vacant substandard lots in a densely zoned R-1 neighborhood with insufficient hillside infrastructure, thus increasing the public safety risk of being able to safely evacuate the hillside neighborhood in the event of fire; setting precedent for future development of other large parcels of hillside land in the area like the Corralitas Red Car Property; loss of a scenic vista will negatively impact our property values.
  - A) This decision was made without knowledge of the extent of the grading involved with the proposal. The effects of the grading plan on the hillside environment were not considered as required under CEQA. A full Environmental Impact Report should be required to properly evaluate the impacts of the grading and landscape plan.
  - B) The decision to approve the Zone Change should not be made by Building & Safety alone. It should remain a City Planning decision due to the unique layout of the existing surrounding tract.
  - C) There are significant errors and omissions throughout the decision letter and conditions from City Planning indicating facts and public testimony were not evaluated properly in this case.
  - D) There are substantial errors in the Findings of Fact and Mandatory Findings of Significance.

The decision was made without knowledge of the extent of the grading involved in the proposal. The effects of the grading plan on the hillside were not considered as required under CEQA.

Just because the Grading Division approved the plan, doesn't necessarily mean it is environmentally sound decision.

You cannot mitigate for the level of destruction of native trees, significant trees and habitat, and the loss of almost 3 acres of watershed in a hillside area as required by this plan. (See Edwardson letter from 2-22-06 in the City Planning case file.)

The hearing examiner clearly stated at the public hearing on November 14, 2007: there was no report from the Grading Division in the file, nor was there a representative from neither Grading nor Building & Safety present at the hearing.

The information contained in the soils report and the Soils Report Approval Letter from the Grading Division dated March 5, 2007 is vital information the decision maker needed in making his decision.

Since the soils report and the Soils Report Approval Letter were NOT available to the public prior to the public hearing or the close of the public comment period, the public was denied due process.

Due to the hillside nature of this greenfield development, the community consistently requested details in regards to grading, as well as section cuts illustrating the current and finished slope contours and elevations of the site (as required in the application for the vesting tentative tract and zone change). Section cuts were never in the City Planning case file. (See correspondence in the City Planning case file from Diane Edwardson dated: 2-22-06, 11-28-06, 11-14-07, 2-7-08 as well as from the Silver Lake Neighborhood Council, dated 12-11-07.)

February 20, 2008, City Planning Staff, Lateef Sholebo, requested from Diane Edwardson (a member of the public) a copy of the Soils Report Approval Letter. It still was not in the City Planning case file. A copy of Edwardson's email response and the Soils Report Approval Letter is attached.

Also attached is the soils report obtained from the Grading Division in January 2008. The soils report is still not in the City Planning case file.

The decision to approve the Vesting Tentative Tract was made without the knowledge that almost every tree on the site must be cut down and almost the entire proposed "open space lot (Lot 16)" be graded 2: 1, thus losing any potential functional open park space and losing any value as watershed.

**Staff's response:**

On October 27, 2006 the Environmental Staff Advisory Committee issued a Reconsideration Mitigated Negative Declaration ENV-2005-9337-MND-REC for the proposed project which fully addresses all the possible areas of environmental impacts of the proposed project. These possible areas of impacts includes Aesthetics, Tree removal (Locally designated Species-Oak Trees, None -Oak Trees), Seismic, Grading, Construction Impacts (air quality, noise, grading) Storm water run-off, Public Services (fire, school) Recreation (Open Space)

The Mitigated Negative Declaration also identifies all the appropriate Mitigation Measures which will mitigate all the identified impacts to a less than significant level. These mitigation measures are part of the conditions of approval of the project by the Advisory Agency.

There is no justification for preparation of an Environmental Impact Report as requested by the appellant as the City's Professional Environmental Staff determined that a Mitigated Negative Declaration adequately addresses all the environmental concerns.

The appellant allegations that the grading report was not taking into consideration is totally untrue.

Condition No. 8 of the Decision Letter under Grading; makes reference to the Department of Building and Safety Grading Division letter dated March 5, 2007 and recommendations in that letter addressing all the grading impacts are part of the conditions of approval of the Advisory Agency's Decision letter.

**Appellant's statements:**

2. **The decision to approve the Zone Change should not be made by Building and Safety alone. It should remain a City Planning decision due to the unique layout of the existing surrounding tract.**

There was no representative of the Dept. of Building and Safety present at the Advisory Agency public hearing held on November 14, 2007. The Semi-Tropic Spiritualists' Tract is a unique hillside tract with the typical lot size of 2500 square-foot. or less, all are legal lots. This R1 neighborhood is already at double the maximum potential density of an average R1 zoned neighborhood. (See Edwardson letters: 11-28-06 and 11-14-07.)

**Staff's response:**

Approval of zone change is not under the jurisdiction of the Department of Building and Safety. It is under the Department of City Planning. While it is advisable to have the Department of Building and Safety staff present at the Public Hearing, it is not mandatory that they do so.

The subject property is currently zoned for R1-VL and is designated for Low Residential land use in the Silver Lake-Echo Park-Elysian Valley Community Plan Area with corresponding zones of RE9, RS, R1, RU, RD6, and RD5. The applicant's request for a zone change from R1-1VL to RD6-1VL is consistent with the zoning and the Community Plan Designation.

In addition, the surrounding streets to the north are Allesandro Street and Modjeska Street. Properties further north of the streets are zoned R1-1 and are mostly vacant. Abutting streets to the south and east are El Moran Street and Peru Street respectively. Properties further south of El Moran Street are zoned RD2-1VL, R2-1VL and R1-1VL and properties further east of Peru Street are zoned R1-1VL. Therefore, the zone change request is consistent with the existing surrounding land uses.

**Appellant's statements:**

3. There are significant errors and omissions throughout the decision letter from City Planning indicating facts and public testimony were not considered in this case.

**Specific Conditions:**

CONFLICTING CONDITIONS - Bureau of Engineering: page 2, condition 7 contradicts condition 24 under subsection CD13 (pg 15) with regards to Lot 16, the open space lot. It also conflicts with condition 18a under subsection Dept of City Planning - Site Specific Conditions (pg 6). Condition 7 should be eliminated.

CONFLICTING CONDITIONS - Dept of City Planning - Site Specific Conditions: pg 6, condition 18a conflicts with condition 7 on pg 2 with regards to Lot 16, the open space lot. Condition 7 should be eliminated.

CONFLICTING CONDITIONS - Council Office Required Conditions (CD-13): pg 15, condition 24 conflicts with condition 7 on pg 2 with regards to Lot 16, the open space lot. Condition 7 should be eliminated.

**Staff's response:**

There are no areas of conflict identified as stated by the appellant. There may be a misconception on the part of the appellant. Since the appellant did not specify the areas of conflict, it is had for staff to clearly response or addresses the alleged conflicts.

**Appellant's statements:**

4. OMISSION: There is no mention of a public hearing being held, public comment, and public correspondence, nor Echo Park and Silver Lake Neighborhood Councils' correspondence received. There is also no mention of prior cases (CPC-86-084-ZC) nor related Greenfield hillside cases. These are important elements of the public record and their omission creates the appearance of this decision being made without due process.

**Staff's response:**

The appellant should note that all correspondence received subsequent to the preparation of the staff report cannot be reflected in the staff report. However all comments are taken into consideration in making the final decision. While the appellant may disagree with Advisory Agency's decision, it does not mean that all comment received are not taken into consideration. In addition, the Advisory Agency took testimonies from every party that attended the public hearing and all their comments are taken into consideration in making the final decision.

**Appellant's statements:**

5. OMISSION - Dept of Building & Safety: pg 2, condition 8 should note that the soils approval letter was not in the case file prior to **February 20, 2008** and thus was not available for the public nor the decision maker to review prior to the close of public comment.

**Staff's response:**

The Department of Building and Safety, Grading Division has forwarded its recommendation with regards to the project to the Advisory Agency as normally required. The Advisory Agency has taken the recommendation into consideration as reflected in the decision letter. It is unclear as to what is omitted as stated by the appellant.

**Appellant's statements:**

6. OMISSION - Street Tree Division & Dept of City Planning: does not mention replacement requirements for significant trees (trunk diameter greater than 8"). There are a number of significant trees on the site (See photo 3, Edwardson letter 11-14-07).

OMISSION - Street Tree Division & Dept of City Planning: does not mention requirement to plant street trees in the Allesandro parkway.

OMISSION - Dept of City Planning - Environmental Mitigation Measures: pg 10, no mention of replacement of native trees under the native tree ordinance.

OMISSION - Dept of City Planning - Environmental Mitigation Measures: pg 10, no mention of replacement of significant trees (trunk diameter greater than 8").

OMISSION - Dept of City Planning - Environmental Mitigation Measures: pg 10, no mention of planting of street trees in Allesandro Ave parkway.

OMISSION - Dept of City Planning - Environmental Mitigation Measures: pg 10, all standard landscaping conditions are omitted from the decision.

OMISSION- Dept. of City Planning-Standard Single family conditions: page 16, SF-2 again does not mention significant tree or native trees replacement ratios.

**Staff's response:**

Per Condition No. 17 of the Decision Letter, the applicant is required to prepare a Tree Report and a Landscape Plan which will identify all trees on the site including all protected and significant trees. All oak trees are to be replaced on a 2:1 ratio. All other significant trees with trunk diameter greater than 8" are also to be replaced satisfactory to the Advisory Agency and the Street Tree Division. The requirement of the landscape plan is a mitigation measure for the tree impacts which the applicant will have to comply with. (See Condition No. 17 of the Decision Letter).

As such there is no omission on the part of Advisory Agency as stated by the appellant.

**Appellant's statements:**

7. OMISSION - Council Office Required Conditions (CD-13): pg 15, condition 28 does not specify ADA accessible sidewalks nor public access.

OMISSION - Council Office Required Conditions (CD-13): pg 16, condition 33 should specify the manner of public access via El Moran from Allesandro. It is currently a paper street on a steep slope with a number of Coast Live Oaks growing on it. It should be required for the developer to construct this access either a functional trail or staircase as called for in the Silver Lake Echo Park Elysian Valley Community Plan. It should also require a covenant for the maintenance association to pay for the staircase or trail maintenance.

**Staff's response:**

Comment noted.

**Appellant's statements:****FINDINGS OF FACT (CEQA)**

8. The environmental review is inadequate and did not account for the level of environmental destruction of the complete scraping of the open space lot and grading plan. A complete EIR should be required. (See Edwardson letter 2-22-06)

OMISSION: Grading was NOT identified as having potential significant impact when indeed it has the MOST significant impact. (See Edwardson letters 2-22-06, 11-28-26, 11-1407,2-7-08.) The removal of all uncertified fill from the open space lot will destroy native habitat which will not return to a manufactured slope.

OMISSION: The Findings of Fact does not delineate the loss of significant trees (over 8" trunk diameter), as opposed to natives trees.

**Staff's response:**

The Environmental Determination ENV-2005-9337-MND-REC analyzed the project impact and identifies grading as one of the possible environmental impacts. The appropriate mitigation measures have been imposed under Condition No. 22 MM-1, MM-2 and MM-3 which will mitigate all the grading impacts to a less than significant level. In addition, the Department of Building and Safety, Grading Division under Condition No. 8 has also imposed additional 41 conditions referenced in the letter dated March 5, 2007 as part of the mitigation measures. There is no justification for preparation of EIR as stated by the appellant as the Department's professional environmental staff have determined that the Mitigated Negative Declaration adequately addresses all the environmental impacts.

With reference to the trees impact, Condition No.17 required the applicant to prepare a tree report and landscape plan which will identify all the trees on the site and will require the replacement of all trees removed or affected. In addition, the tree report and the landscape plan are also subject to the approval of City Planning Department and the Urban Forestry Division of the Bureau of Street Services.

**Appellant's statements:**

9. OMISSION: Hydrology and Water Quality not identified as being potential significantly impacted as studies (sited in Edwardson letter 2-22-06) show residential landscape features and manufactured slopes do not serve the same function in the watershed as natural undegraded slopes.

OMISSION: Land Use and Planning was not identified as being potential significantly impacted as project will have potentially significantly impact by conflicting with applicable land use plan, policy or regulation of an agency with jurisdiction over the project. .. adopted for the purpose of avoiding or mitigating an environmental effect. It will conflict with applicable habitat conservation plan or natural community conservation plan. The project site falls within the Santa Monica Mountains Conservancy (SMMC) Rim of the Valley Trail Corridor. Please refer to the 1984 map filed by the SMMC with the Secretary of State pursuant to Section 33105.5 and 33204.5(b) of the Public Resources Code. (See SMMC letter 2-27-06 and Edwardson letters 222-08, 11-28-06, 11-14-07).

**Staff's response:**

The Mitigated Negative Declaration ENV-2005-9337-MND issued for the project identified potential impacts relative to hydrology and water quality. This is reflected in the mitigation Conditions No. 22 MM-6 through MM-19.

The Silver Lake-Echo Park –Elysian Valley designated the site for Low Residential land use with corresponding zones of RE9, RS, R1, RU,RD6 and RD5. The proposed residential subdivision is consistent with the land use designation and zoning with the approval of the zone change request.



**Appellant's statements:**

10. ERROR - Street Tree Division and Dept of City Planning: pg 5 condition 17 refers to the wrong ordinance: refers to LAMC 153,478, an outdated oak tree ordinance. The native tree ordinance requires different tree replacement ratios for 4 native species. This is particularly of note since there are significant numbers of California black walnut on the slope to be removed.

**Staff's response:**

Comment noted. Ordinance No. 153,478 will be replaced with the new ordinance No.177,404 in the final letter of decision.

**Appellant's statements:**

11. ERROR - Dept of City Planning - Site Specific Conditions: pg 6, condition 18d is inappropriate for the site due to graffiti and size of site - both of which were pointed out at the public hearing as well as by GEPENC.

**Staff's response:**

This condition is a site specific standard requirement for all new tracts and not an error as stated by the appellant. If warranted, the commission can add the following graffiti conditions as follows:

The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91,8104.15. Also the applicant may cover the walls with clinging vines or screened by vegetation capable of spreading over the entire wall within one year of planting. Adequate irrigation shall be provided if vines or vegetation is provided on or along the walls.

**Appellant's statements:**

12. ERROR - Dept of City Planning - Site Specific Conditions: pg 7, condition 18g, a maintenance association would not cover the driveway if it is not owned "in common." According to the developer's filed plan, the driveway is divided among the individual owners with shared access thus it would not be community property. If it is owned in common, then driveway is required to be a separate lot (it would be lot 17). (See also Edwardson letters 2-28-06, 11-14-07.)

**Staff's response:**

The primary intent of this condition is for community maintenance of all common areas such as trees, landscaping, trash, parking, community driveway etc. There is no error in the condition as stated by the appellant. Any area that is not commonly own will require maintenance by the individual owner.

**Appellant's statements:**

13. ERROR - Dept of City Planning - Site Specific Conditions: pg 7, condition 20: HAUL ROUTE: Newell St. is a collector street in Elysian Valley. A more appropriate street to use would be Fletcher

**Staff's response:**

The Advisory Agency reviewed and approved the Haul Route with the use of Newell Street as appropriate rather than Fletcher Street. However, the Commission can review the Advisory Agency's Haul Route approval and make changes if found appropriate.

**Appellant's statements:**

14. ERROR - Dept of City Planning - Environmental Mitigation Measures: pg 10, condition 22 MM-1 & MM-2 conflicts with the filed grading plan. The developer intends to take out a ridgeline and prominent plateau and grade almost the entire slope.

ERROR - Dept of City Planning - Environmental Mitigation Measures: pg 10, condition 22 MM3, the project cannot comply with the City's Hillside Development Guidelines.

ERROR - Dept of City Planning - Environmental Mitigation Measures: pg 11, condition 22 MM7, the development cannot comply with "leaving the remaining land in a natural undisturbed condition," because the grading plan calls for considerable cut and grading of the slope of Lot 16.

ERROR - Dept of City Planning - Environmental Mitigation Measures: pg 11, condition 22 MM8, the filed grading plan and tree report violates this condition. They have to remove a significant number of native trees and vegetation and grade almost the entire 3-acre site.

ERROR - Dept of City Planning - Environmental Mitigation Measures: pg 11, condition 22 MM10, cannot replace the native vegetation since natives don't grow in manufactured slopes.

**Staff's response:**

Condition No. 22 requires the subdivider to prepare and record a Covenant and Agreement to comply with all the conditions stated by the appellant above, bidding him and all the successors. The appellant statement that the applicant cannot comply with the conditions is more of a speculative nature rather than facts. There is no error on the part of the Advisory Agency decision as stated by the appellant and the applicant has not indicated that he cannot comply with the conditions.

**Appellant's statements:**

15. ERROR - Dept of City Planning - Environmental Mitigation Measures: pg12, condition 22 MM19, should exceed standard BMPs for stormwater runoff due to local hillside conditions. (See Edwardson letters: 2-22-06, 11-14-07.)

**Staff's response:**

There is no error in the Environmental Mitigation measure as stated by the appellant. The condition meets the minimum BMPs for stomwater runoff standard.

**Appellant's statements:**

16. ERROR - Bureau of Engineering - Standard Conditions: pg 19 S-3 (d) Trees should not be removed from the street dedications of El Moran, Modjeska, or Peru. They are vital to the watershed and their removal from these mostly paper streets would be devastating to the community. CLARIFY planting street trees in the Allesandro Ave parkway.

**Staff's response:**

Bureau of Street Services, Urban Forestry Division will be provided with the tree report which will be reviewed and analyzed as required under Condition No. 17. Removal of any existing trees will be carefully considered.

**Appellant's statements:**

17. MAJOR ERROR - Bureau of Engineering - Standard Conditions: pg 19 S-3 (i) "Improve Peck Ave. being dedicated and adjoining the subdivision by the construction of the following ... " There is no Peck Ave anywhere in the neighborhood. What street is this intended for? How can the public or the developer evaluate this properly?

**Staff's response:**

This was an error in the Decision Letter that was originally issued and has been subsequently corrected in a letter of correction issued on June 6, 2008 as follows.

**Correct Condition No. S-3.(i) to read:**

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

- 1) After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer, drainage facilities may be required satisfactory to the City Engineer.
- 2) Construct the necessary on-site mainline sewer satisfactory to the City Engineer."

**Appellant's statements:**

18. There are substantial errors in the Findings of Fact and Mandatory Findings of Significance.

ERRORS: FINDINGS OF FACT (CEQA) pg 21:

ERROR: "The Initial Study ... identifies no potential adverse impacts on fish or wildlife resources as far as earth, air, water, plant life, risk of upset are concerned." Complete environmental destruction involved in the grading plan would indicate otherwise. (See Edwardson letters 2-22-06, 2-7-08.)

ERROR: "Furthermore, the project site, as well as the surrounding area is presently developed with residential structures and does not provide a natural habitat for either fish or wildlife." A look at the photos in the file (including Edwardson photos: 11-14-07) would indicate an almost rural neighborhood. The site itself is undeveloped and in a natural state. It is within a few hundred feet of Elysian Park and is a wildlife corridor. There are very few developed lots in the entire Semi-Tropic Spiritualists' Tract.

ERROR: (c) "The site is physically suitable for the proposed type of development." Complete environmental destruction, scraping the slope clean and grading 2:1 is NOT environmentally sound.

ERROR: (d) "The site is one of the few underimproved properties in the vicinity. The development of this tract is an infill of an otherwise mixed density residential neighborhood." Photos and ZIMAS show the entire Semi-Tropic Spiritualists' Tract is underimproved. The project is NOT infill; it is greenfield development. (See photos and Edwardson letters 2-22-06, 11-28-06, 11-14-07.)

ERROR: (d) "The site is level and is not located in a slope stability study area .. " The site is NOT level. Photos and topo map indicate otherwise.

ERROR: (e) "The design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat" Photos indicate the natural state of the neighborhood. There are significant trees, native habitat and a thriving food web on the site. See the General Plan Framework (as referenced in Edwardson letters 2-22-06 and 11-14-07):

ERROR: (e) "The initial study prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as earth, air, water plant life, animal life and risk of upset are concerned." You cannot mitigate for cutting down almost every tree on the site and scraping the land clean to a compacted slope graded 2: 1 on the "open space lot." (See Edwardson letter 2-22-06).

ERROR: (e) "Furthermore, the project site is located in an urban area and does not provide natural habitat for either fish or wildlife." It is an urban hillside neighborhood that is very rural. (See photos and Edwardson letter 2-22-06 as well as public testimony throughout the process.) The property supports a thriving food web.

### **Staff's response:**

The Environmental staff Advisory Committee issued Mitigated Negative Declaration ENV-2005-9337-MND on October 27 2006. The MND identifies all the possible areas of impacts of the project with appropriate mitigation measures to reduce the impacts to a less than significant level.

The appellant's error statements are subjective and are not reflective of the mitigation measures imposed by the MND.

### **Appellant's statements:**

19. Chapter 6: Open Space Conservation Policy 6.1.2c. - Preserving Natural viewsheds in hillside & coastal areas:

Policy 6.1.6: Consider preservation of private land open space to the maximum extent feasible. In areas where open space values determine the character of the community, development should occur with special consideration of these characteristics.

6.4.4 - Consider open space as an integral ingredient of the neighborhood character. .. in order that open space resources contribute positively to the City's neighborhoods.

**Staff's response:**

The project as proposed as small lot subdivision actually uses less area because the lots are concentrated in one area leaving more room for open space.

**Appellant's statements:**

20. ERROR: (g) "The design of the subdivision and the proposed improvements will not conflict with easement acquired by the public at large for access through or use of the property within the proposed subdivision." The approval is invalid until this finding can be made. There is no evidence the CalTrans easement has been removed.

**Staff's response:**

There is no any indication that the easement to the State of California for public highway located on the site will be encroached upon by the proposed development. The easement is located behind the retaining wall in the open space area of the site. The easement is therefore not affected.

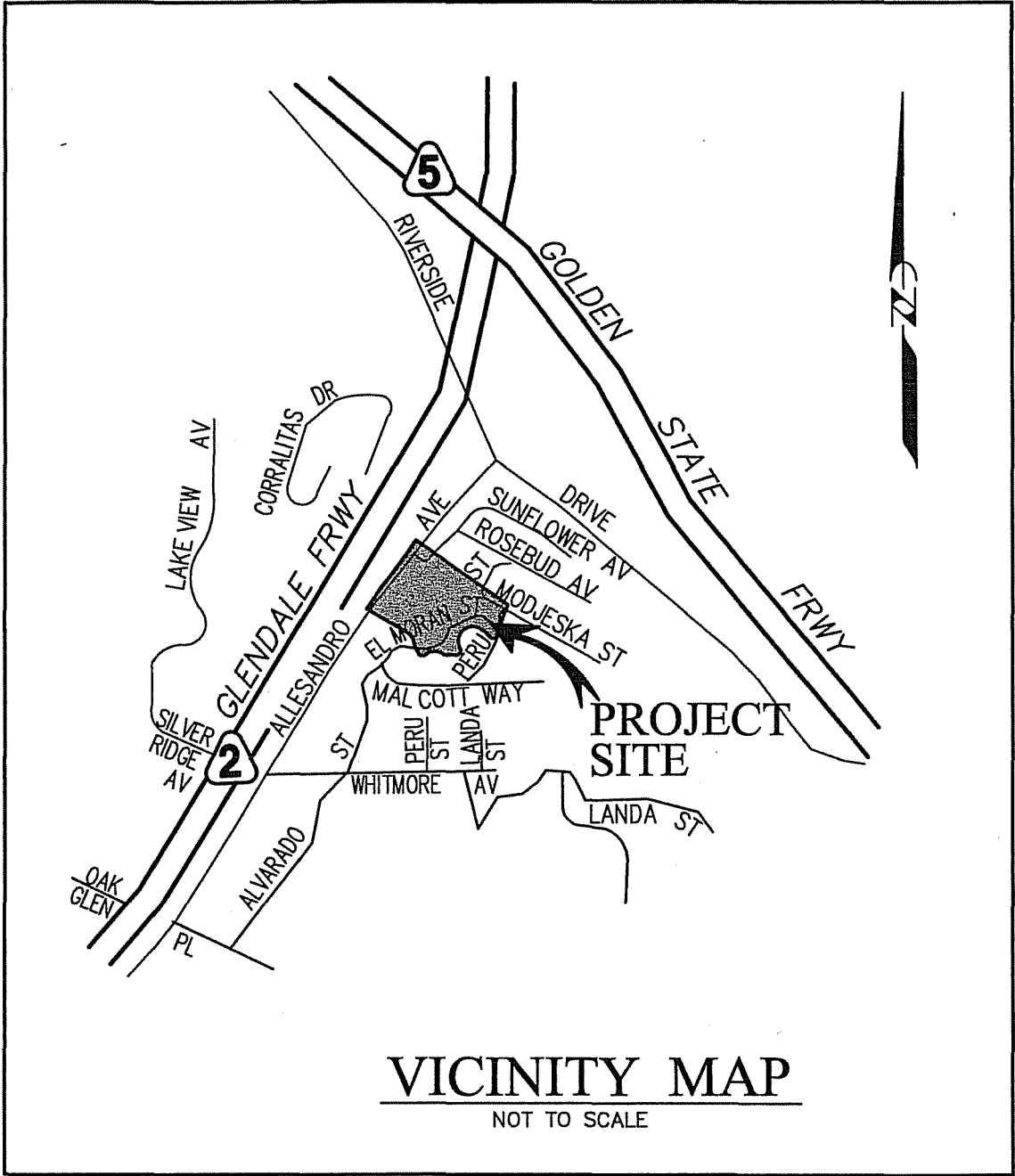
**Staff Recommendation:**

In consideration of the foregoing, it is submitted that the Advisory Agency acted reasonably in approving VTT-62900-SL and staff recommend that the decision of the Advisory Agency be sustained and the appeal be denied.

Prepared by:

Lateef Sholebo  
Associate City Planner  
MSYY:LS:mkc

# EXHIBIT 1



## LEGEND & ABBREVIATION



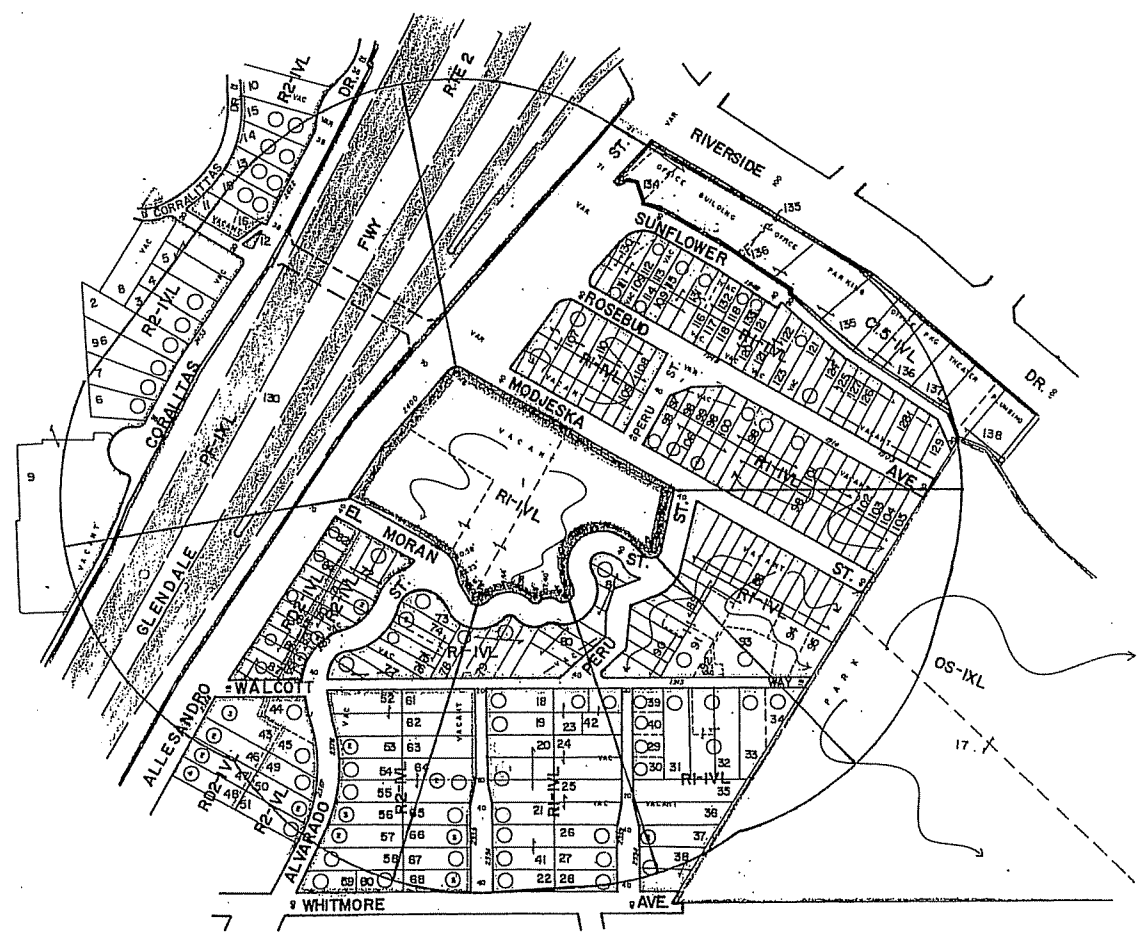
EXISTING TREES

795.5

SPOT ELEVATION

Link DSH Inches
16
22
23
15
~24
~30
6
33 @ 18"
14
14
14
~8
16, 14, 11
2, 8 @ 4'
38 @ 2'
8
9
8
10
26 @ 2'
11, 8
12
14
12
11
9
10
11

# EXHIBIT 2



## TENTATIVE TRACT NO. 62900



**Quality Mapping Service**  
Zoning Consultants

14549 Archwood St., Suite 301  
Van Nuys, California 91405  
Phone (818) 897-7949 - Fax (818) 897-0351

DRAWN BY: *[Signature]*

**THOMAS BROTHERS**

Page: 594 Grd: F4

**LEGAL**

LOT: BLK B

TRACT: SEMI TROPIC SPIRITUALS TRACT  
M.B. 10-22/23

CONTACT: LAND DESIGN CONSULTANTS

C.D.: I3

C.T.: 1673.00

RA.: 108 (SILVERLAKE-  
ECHO PARK)

USES: FIELD

CASE NO.:

SCALE: 1" = 100'

D.M.: 147A211, 1485A213  
147A209, 147A213

PHONE: 626-578-7000

DATE: 10-10-05

Updated: \_\_\_\_\_

NET AC. = 3.04 1/2



05-297  
QMS





CITY OF LOS ANGELES  
PLANNING DEPARTMENT

MASTER APPEAL FORM

APPEAL TO THE: EAST AREA PLANNING COMMISSION

REGARDING CASE NO.: VTT62900-SL

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. **A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.**

**APPELLANT INFORMATION: PLEASE PRINT CLEARLY**

Name	<u>DIANE EDWARDSON</u>	<u>CINDY ORTIZ</u>	<u>CHERYL PARIS</u>
Mailing Address	<u>2630 CERRALITAS DR</u>	<u>1940 WALCOTT WAY</u>	<u>1932 WALCOTT WAY</u>
	<u>LA 90039</u>	<u>LA 90039</u>	Zip: <u>LA 90039</u>
<u>EDWARDSON</u> Work Phone:	<u>(213) 910-9826</u>		Home Phone: <u>(323) 666-1392</u>

- a) Are you or do you represent the original applicant?  
(Circle One) YES  NO
- b) Are you filing to support the original applicant's position?  
(Circle One) YES  NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?  
(Circle One) SELF  OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)

\_\_\_\_\_  
\_\_\_\_\_

REPRESENTATIVE

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Work Phone: ( ) \_\_\_\_\_ Home Phone: ( ) \_\_\_\_\_

**APPEAL INFORMATION**

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

Final Date to Appeal: MAY 9, 2008

**REASONS FOR APPEALING**

Are you appealing the entire decision or parts of it?

Entire       Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

SEE ATTACHED

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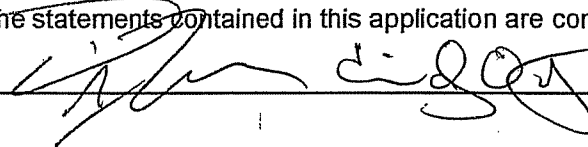

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**ADDITIONAL INFORMATION**

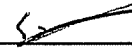
- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. **A copy of the determination/decision letter is required.**
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- **Seven copies and the original appeal are required.**

I certify that the statements contained in this application are complete and true:

Appellant  

OFFICIAL USE ONLY

Receipt No. 273639 Amount 85 - Date 5/9/08

Application Received 

Application Deemed Complete 

Copies provided:       Determination       Receipt (original applicant only)

Determination Authority Notified (if necessary)

June 10, 1996

TO: Public Counters  
Zoning Administrators

FROM: Robert Janovici

SUBJECT: **REJECTION OF IMPROPER APPEALS**

*The Municipal Code provides that an appeal from a Zoning Administrator's action must "..set" forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the Zoning Administrator".*

*It has historically been the City's policy to be liberal when viewing appeals and determining whether they met the requisite minimum threshold. However, a review of the requirements seems appropriate at this time. Recently, I dismissed an appeal which by its terms clearly was based upon a personal dispute between two adjoining property owners and having nothing to do with the historic, current or prospective use of the property which was the subject of the original application.*

*I am requesting that all appeals be reviewed upon submittal in detail to ensure that the prospective appellants indicate clearly how they are personally aggrieved (impacted) by the underlying action and wherein the Zoning Administrator erred or abused discretion. Staff should never write out language for an individual nor give advice as to the possible outcome of an appeal or underlying action. If there is an issue in a particular case as to whether an appeal is properly filled out, contact me directly. If I am unavailable, contact the Administrator who is liaison to the counter.*

*Persons asking questions about appeals should be advised not to wait until the last minute to do so - in the event they are unexpectedly late due to traffic or other reasons, no exceptions will be made. Likewise, no leeway will be given due to the mail, private delivery service or other source not delivering the appeal on time. As such, prospective appellants should be strongly urged to file the appeals personally.*

RJ:lmc

**Diane Edwardson**

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[diane.edwardson@earthlink.net](mailto:diane.edwardson@earthlink.net)

May 9, 2009

**Appellants: Diane Edwardson, Cindy Ortiz and Cheryl Parisi**

**RE: VTT62900-SL – decision date: April 29, 2008**

**Addendum to appeal form CP7769**

**Reasons For Appealing the Entire Decision:**

**1. We are personally aggrieved or impacted by the decision** in the loss of natural viewshed; loss of native and significant trees which; increased air pollution through loss of significant trees; disruption of the Rim of the Valley Corridor through our neighborhood; destruction of the character of our community; increased traffic, noise and pollution that increased density brings; increase in subsequent cumulative construction of the remaining vacant substandard lots in a densely zoned R-1 neighborhood with insufficient hillside infrastructure, thus increasing the public safety risk of being able to safely evacuate the hillside neighborhood in the event of fire; setting precedent for future development of other large parcels of hillside land in the area like the Corralitas Red Car Property; loss of a scenic vista will negatively impact our property values.

**2. Why the decision maker erred or abused his discretion:**

A) This decision was made without knowledge of the extent of the grading involved with the proposal. The effects of the grading plan on the hillside environment were not considered as required under CEQA. A full Environmental Impact Report should be required to properly evaluate the impacts of the grading and landscape plan.

B) The decision to approve the Zone Change should not be made by Building & Safety alone. It should remain a City Planning decision due to the unique layout of the existing surrounding tract.

C) There are significant errors and omissions throughout the decision letter and conditions from City Planning indicating facts and public testimony were not evaluated properly in this case.

D) There are substantial errors in the Findings of Fact and Mandatory Findings of Significance.

**A) The decision was made without knowledge of the extent of the grading involved in the proposal. The effects of the grading plan on the hillside were not considered as required under CEQA.**

Just because the Grading Division approved the plan, doesn't necessarily mean it is environmentally sound decision.

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You cannot mitigate for the level of destruction of native trees, significant trees and habitat, and the loss of almost 3 acres of watershed in a hillside area as required by this plan. (See Edwardson letter from 2-22-06 in the City Planning case file.)

The hearing examiner clearly stated at the public hearing on November 14, 2007: there was no report from the Grading Division in the file, nor was there a representative from neither Grading nor Building & Safety present at the hearing.

The information contained in the soils report and the Soils Report Approval Letter from the Grading Division dated March 5, 2007 is vital information the decision maker needed in making his decision.

Since the soils report and the Soils Report Approval Letter were NOT available to the public prior to the public hearing or the close of the public comment period, the public was denied due process.

Due to the hillside nature of this greenfield development, the community consistently requested details in regards to grading, as well as section cuts illustrating the current and finished slope contours and elevations of the site (as required in the application for the vesting tentative tract and zone change). Section cuts were never in the City Planning case file. (See correspondence in the City Planning case file from Diane Edwardson dated: 2-22-06, 11-28-06, 11-14-07, 2-7-08 as well as from the Silver Lake Neighborhood Council, dated 12-11-07.)

February 20, 2008, City Planning Staff, Lateef Sholebo, requested from Diane Edwardson (a member of the public) a copy of the Soils Report Approval Letter. It still was not in the City Planning case file. A copy of Edwardson's email response and the **Soils Report Approval Letter is attached.**

**Also attached is the soils report obtained from the Grading Division in January 2008. The soils report is still not in the City Planning case file.**

The decision to approve the Vesting Tentative Tract was made without the knowledge that almost every tree on the site must be cut down and almost the entire proposed "open space lot (Lot 16)" be graded 2:1, thus losing any potential functional open park space and losing any value as watershed.

**B) The decision to approve the Zone Change should not be made by Building & Safety alone. It should remain a City Planning decision due to the unique layout of the existing surrounding tract.**

There was no representative of the Dept. of Building & Safety present at the Advisory Agency public hearing held on November 14, 2007. The Semi-Tropic Spiritualists' Tract is a unique hillside tract with the typical lot size of 2500 sq. ft. or less, all are legal lots. This R1 neighborhood is already at double the maximum potential density of an average R1 zoned neighborhood. (See Edwardson letters: 11-28-06 and 11-14-07.)

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**C) There are significant errors and omissions throughout the decision letter from City Planning indicating facts and public testimony were not considered in this case.**

OMISSION: There is no mention of a public hearing being held, public comment, public correspondence, nor Echo Park and Silver Lake neighborhood councils' correspondence received. There is also no mention of prior cases (CPC-86-084-ZC) nor related greenfield hillside cases. These are important elements of the public record and their omission creates the appearance of this decision being made without due process.

**Specific Conditions:**

CONFLICTING CONDITIONS - Bureau of Engineering: page 2, condition 7 contradicts condition 24 under subsection CD13 (pg 15) with regards to Lot 16, the open space lot. It also conflicts with condition 18a under subsection Dept of City Planning – Site Specific Conditions (pg 6). Condition 7 should be eliminated.

OMISSION - Dept of Building & Safety: pg 2, condition 8 should note that the soils approval letter was not in the case file prior to **February 20, 2008** and thus was not available for the public nor the decision maker to review prior to the close of public comment.

ERROR - Street Tree Division & Dept of City Planning: pg 5 condition 17 refers to the wrong ordinance: refers to LAMC 153,478, an outdated oak tree ordinance. The native tree ordinance requires different tree replacement ratios for 4 native species. This is particularly of note since there are significant numbers of California black walnut on the slope to be removed.

OMISSION - Street Tree Division & Dept of City Planning: does not mention replacement requirements for significant trees (trunk diameter greater than 8"). There are a number of significant trees on the site (See photo 3, Edwardson letter 11-14-07).

OMISSION - Street Tree Division & Dept of City Planning: does not mention requirement to plant street trees in the Allesandro parkway.

CONFLICTING CONDITIONS – Dept of City Planning – Site Specific Conditions: pg 6, condition 18a conflicts with condition 7 on pg 2 with regards to Lot 16, the open space lot. Condition 7 should be eliminated.

ERROR – Dept of City Planning - Site Specific Conditions: pg 6, condition 18d is inappropriate for the site due to graffiti and size of site – both of which were pointed out at the public hearing as well as by GEPENC.

ERROR - Dept of City Planning - Site Specific Conditions: pg 7, condition 18g, a maintenance association would not cover the driveway if it is not owned "in common." According to the developer's filed plan, the driveway is divided among the individual owners with shared access thus it would not be community property. If it is owned in common, then driveway is required to be a separate lot (it would be lot 17). (See also Edwardson letters 2-28-06, 11-14-07.)

ERROR – Dept of City Planning - Site Specific Conditions: pg 7, condition 20: HAUL ROUTE: Newell St. is a collector street in Elysian Valley. A more appropriate street to use would be Fletcher.

OMISSION – Dept of City Planning – Environmental Mitigation Measures: pg 10, no mention of replacement of native trees under the native tree ordinance.

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OMISSION – Dept of City Planning – Environmental Mitigation Measures: pg 10, no mention of replacement of significant trees (trunk diameter greater than 8”).

OMISSION – Dept of City Planning – Environmental Mitigation Measures: pg 10, no mention of planting of street trees in Allesandro Ave parkway.

OMISSION - Dept of City Planning – Environmental Mitigation Measures: pg 10, all standard landscaping conditions are omitted from the decision.

ERROR - Dept of City Planning – Environmental Mitigation Measures: pg 10, condition 22 MM-1 & MM-2 conflict with the filed grading plan. The developer intends to take out a ridgeline and prominent plateau and grade almost the entire slope.

ERROR - Dept of City Planning – Environmental Mitigation Measures: pg 10, condition 22 MM-3, the project cannot comply with the City’s Hillside Development Guidelines.

ERROR - Dept of City Planning – Environmental Mitigation Measures: pg 11, condition 22 MM-7, the development cannot comply with “leaving the remaining land in a natural undisturbed condition,” because the grading plan calls for considerable cut and grading of the slope of Lot 16.

ERROR - Dept of City Planning – Environmental Mitigation Measures: pg 11, condition 22 MM-8, the filed grading plan and tree report violates this condition. They have to remove a significant number of native trees and vegetation and grade almost the entire 3-acre site.

ERROR - Dept of City Planning – Environmental Mitigation Measures: pg 11, condition 22 MM-10, cannot replace the native vegetation since natives don’t grow in manufactured slopes:

ERROR - Dept of City Planning – Environmental Mitigation Measures: pg12, condition 22 MM-19, should exceed standard BMPs for stormwater runoff due to local hillside conditions. (See Edwardson letters: 2-22-06, 11-14-07.)

CONFLICTING CONDITIONS - Council Office Required Conditions (CD-13): pg 15, condition 24 conflicts with condition 7 on pg 2 with regards to Lot 16, the open space lot. Condition 7 should be eliminated.

OMISSION - Council Office Required Conditions (CD-13): pg 15, condition 28 does not specify ADA accessible sidewalks nor public access.

OMISSION - Council Office Required Conditions (CD-13): pg 16, condition 33 should specify the manner of public access via El Moran from Allesandro. It is currently a paper street on a steep slope with a number of Coast Live Oaks growing on it. It should be required for the developer to construct this access either a functional trail or staircase as called for in the Silver Lake Echo Park Elysian Valley Community Plan. It should also require a covenant for the maintenance association to pay for the staircase or trail maintenance.

OMISSION – Dept of City Planning –Standard Single Family Conditions: pg 16, SF-2 again does not mention significant tree or native tree replacement ratios.

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**ERROR - Bureau of Engineering – Standard Conditions: pg 19 S-3 (d) Trees should not be removed from the street dedications of El Moran, Modjeska, or Peru. They are vital to the watershed and their removal from these mostly paper streets would be devastating to the community. CLARIFY planting street trees in the Allesandro Ave parkway.**

**MAJOR ERROR - Bureau of Engineering – Standard Conditions: pg 19 S-3 (i) “Improve Peck Ave. being dedicated and adjoining the subdivision by the construction of the following...” There is no Peck Ave anywhere in the neighborhood. What street is this intended for? How can the public or the developer evaluate this properly?**

**D) There are substantial errors in the Findings of Fact and Mandatory Findings of Significance.**

**FINDINGS OF FACT (CEQA) pg 20:**

**The environmental review is inadequate and did not account for the level of environmental destruction of the complete scraping of the open space lot and grading plan. A complete EIR should be required. (See Edwardson letter 2-22-06)**

**OMISSION: The Findings of Fact does not delineate the loss of significant trees (over 8” trunk diameter), as opposed to natives trees.**

**OMISSION: Grading was NOT identified as having potential significant impact when indeed it has the MOST significant impact. (See Edwardson letters 2-22-06, 11-28-26, 11-14-07, 2-7-08.) The removal of all uncertified fill from the open space lot will destroy native habitat which will not return to a manufactured slope.**

**OMISSION: Hydrology & Water Quality not identified as being potential significantly impacted as studies (sited in Edwardson letter 2-22-06) show residential landscape features and manufactured slopes do not serve the same function in the watershed as natural undegraded slopes.**

**OMISSION: Land Use & Planning was not identified as being potential significantly impacted as project will have potentially significantly impact by conflicting with applicable land use plan, policy or regulation of an agency with jurisdiction over the project...adopted for the purpose of avoiding or mitigating an environmental effect. It will conflict with applicable habitat conservation plan or natural community conservation plan. The project site falls within the Santa Monica Mountains Conservancy (SMMC) Rim of the Valley Trail Corridor. Please refer to the 1984 map filed by the SMMC with the Secretary of State pursuant to Section 33105.5 and 33204.5(b) of the Public Resources Code. (See SMMC letter 2-27-06 and Edwardson letters 2-22-08, 11-28-06, 11-14-07).**

**ERRORS: FINDINGS OF FACT (CEQA) pg 21:**

**ERROR: “The Initial Study...identifies no potential adverse impacts on fish or wildlife resources as far as earth, air, water, plant life, risk of upset are concerned.” Complete environmental destruction involved in the grading plan would indicate otherwise. (See Edwardson letters 2-22-06, 2-7-08.)**

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**ERROR:** “Furthermore, the project site, as well as the surrounding area is presently developed with residential structures and does not provide a natural habitat for either fish or wildlife.” A look at the photos in the file (including Edwardson photos: 11-14-07) would indicate an almost rural neighborhood. The site itself is undeveloped and in a natural state. It is within a few hundred feet of Elysian Park and is a wildlife corridor. There are very few developed lots in the entire Semi-Tropic Spiritualists’ Tract.

**FINDINGS OF FACT (SUBDIVISION MAP ACT) pg 22**

**ERROR: (c)** “The site is physically suitable for the proposed type of development.” Complete environmental destruction, scraping the slope clean and grading 2:1 is NOT environmentally sound.

**ERROR: (d)** “The site is one of the few underimproved properties in the vicinity. The development of this tract is an infill of an otherwise mixed density residential neighborhood.” Photos and ZIMAS show the entire Semi-Tropic Spiritualists’ Tract is underimproved. The project is NOT infill; it is greenfield development. (See photos and Edwardson letters 2-22-06, 11-28-06, 11-14-07.)

**ERROR: (d)** “The site is level and is not located in a slope stability study area...” The site is NOT level. Photos and topo map indicate otherwise.

**ERROR: (e)** “The design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.” Photos indicate the natural state of the neighborhood. There are significant trees, native habitat and a thriving food web on the site. See the General Plan Framework (as referenced in Edwardson letters 2-22-06 and 11-14-07):

Chapter 6: Open Space Conservation Policy 6.1.2c. - Preserving Natural viewsheds in hillside & coastal areas:

Policy 6.1.6: Consider preservation of private land open space to the maximum extent feasible. In areas where open space values determine the character of the community, development should occur with special consideration of these characteristics.

6.4.4 - Consider open space as an integral ingredient of the neighborhood character...in order that open space resources contribute positively to the City's neighborhoods.

**ERROR: (e)** “The initial study prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as earth, air, water plant life, animal life and risk of upset are concerned.” You cannot mitigate for cutting down almost every tree on the site and scraping the land clean to a compacted slope graded 2:1 on the “open space lot.” (See Edwardson letter 2-22-06).

**ERROR: (e)** “Furthermore, the project site is located in an urban area and does not provide natural habitat for either fish or wildlife.” It is an urban hillside neighborhood that is

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very rural. (See photos and Edwardson letter 2-22-06 as well as public testimony throughout the process.) The property supports a thriving food web.

**ERROR: (g) "The design of the subdivision and the proposed improvements will not conflict with easement acquired by the public at large for access through or use of the property within the proposed subdivision."** The approval is invalid until this finding can be made. There is no evidence the CalTrans easement has been removed.

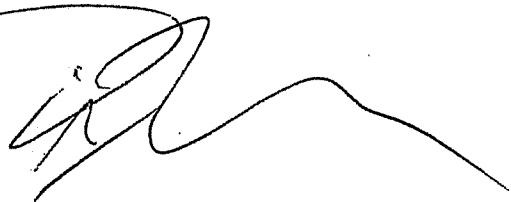
**Conclusion:**

This City Planning decision was made without knowledge of the extent of the grading involved with the proposal. The effects of the grading plan on the hillside environment were not considered as required under CEQA. A full Environmental Impact Report should be required to properly evaluate the impacts of the grading and landscape plan. The decision to approve the Zone Change should not be made by Building & Safety alone. It should remain a City Planning decision due to the unique layout of the existing surrounding tract.

The significant errors and omissions throughout the decision letter from City Planning indicate facts and public testimony were not evaluated properly by City Planning. The substantial errors in the Findings of Fact and Mandatory Findings of Significance indicate a full EIR should be done on the case.

We urge the Area Planning Commission to overturn this poorly researched decision and deny VTT62900-SL.

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EXHIBIT 5  
CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
AND  
6262 VAN NUYS BLVD., SUITE 351  
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CITY PLANNING COMMISSION  
JANE ELLISON USHER  
PRESIDENT  
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Decision Date: April 29, 2008

Appeal End Date: May 9, 2008

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Henry Nunez Real Estate  
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William Little, President (A)  
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RE: Vesting Tentative Tract No.:  
62900-SL  
Related Case: APCE-2006-8787-ZC  
2400 Allesandro Street;  
2005 West El Moran Street;  
2021 West El Moran Street  
C.D. : 13  
Existing Zone: R1-1VL  
D.M. : 147-A-211  
Community Plan: Silver Lake-Echo  
Park-Elysian Valley  
CEQA: ENV-2005-9337-MND

In accordance with provisions of Section 17.03 of the Los Angeles Municipal Code, the Advisory Agency approved Vesting Tentative Tract No. 62900-SL, located at 2400 Allesandro Street, 2005 W El Moran Street and 2021 W. El Moran Street for a maximum **15-lot small lot subdivision**, plus one open space lot for a total of 16 lots, as shown on map reviewed by engineering, stamp-dated April 17, 2008, and indicated as "Exhibit A", in the Silver Lake-Echo Park-Elysian Valley Community Plan. This unit density is based on the (T)(Q)RD6-1VL Zone. (The subdivider is hereby advised that the Municipal Code may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety that will legally interpret the Zoning Code as it applies to this particular property.) For an appointment with the Advisory Agency or a City Planner, call (213) 978-1330. The Advisory Agency's approval is subject to the following conditions:

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



**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That a 15-foot radius property line returns be dedicated at the intersections of Allesandro Avenue and El Moran Street and at Modjeska Street and Peru Street adjoining the tract satisfactory to the City Engineer.
2. That if this tract map is approved as **small lot subdivision**, and if necessary for street address purposes then all the common access to this subdivision be named on the final map satisfactory to the City Engineer.
3. That if this tract map is approved as small lot subdivision then the final map be labeled as "**Small Lot Subdivision per Ordinance No. 176354**" satisfactory to the City Engineer.
4. That any necessary public sanitary sewer easements be dedicated on the final map based on an alignment approved by Central Engineering District Office.
5. That the common access be provided and shown on the final tract map.
6. That the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.
7. That the owners of the property record a Covenant and Agreement satisfactory to the City Engineer stating that in the event proposed lot 16 is to be developed in the future, public infrastructure construction including street, sewer and drainage facilities will be required at that time to serve such development.

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

8. That 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 March 5, 2007, Log No. 53619-2 and attached to the case file for Vesting Tentative Tract No. 62900-SL.

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

9. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. The submitted map indicates R1-1VL as the existing and proposed Zone. Small Lot Subdivision is not permitted in the R1 Zone. Submit a revised map to address the discrepancy and indicate the proposed Zone.

- b. Provide a copy of APC case APCE-2006-8787-ZC. Show compliance with all the conditions/requirements of the APC cases as applicable.
- c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be rechecked as per net lot area after street dedication.

Notes:

The existing or proposed building plans have not been checked for Building or Zoning Code requirements. Any vested approvals for parking layouts, open space, required yards or building height, should be "to the satisfaction of the Department of Building and Safety at the time of Plan Check".

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

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact John Pourhassan at (213) 482-6880 to schedule an appointment.

**DEPARTMENT OF TRANSPORTATION**

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

**FIRE DEPARTMENT**

11. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
  - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
  - b. In order to mitigate the inadequacy of fire protection in travel distance, sprinkler systems shall be required throughout any structure to be built, in accordance with the Los Angeles Municipal Code, Section 57.09.07.
  - c. Adequate public and private fire hydrants may be required.

- d. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- e. Private Streets and entry gates will be built to City standards to the satisfaction of the City Engineer and Fire Department.
- f. Fire lanes; where required and dead-ending streets shall terminate in a cul-de-sac or other approved turning area. No dead-ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- g. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access roadway, or designated fire lane.
- h. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- i. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction
- j. Private streets shall be recorded as Private Streets, **AND** Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
- k. Plans showing areas to be posted and / or painted, FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- l. No building or portion of a building shall be constructed more than 300 feet from an approved hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.

#### DEPARTMENT OF WATER AND POWER

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

**BUREAU OF STREET LIGHTING**

13. Street light improvements shall be made to the satisfaction of the Bureau of Street Lighting and/or the following street lighting improvements shall be required. (This condition shall be deemed cleared at the time the City Engineer clears Condition S-3. (c).)
  - a. Satisfactory arrangements shall be made with the Bureau of Street Lighting to assure the property be formed or annexed into a Street Lighting Maintenance Assessment District.

**BUREAU OF SANITATION**

14. 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**

15. 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 Los Angeles Municipal Code Section 17.05N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 N. Main Street, Room 1255, Los Angeles, CA 90012, (213) 922-8363.

**DEPARTMENT OF RECREATION AND PARKS**

16. That the Quimby fee be based on the RD6 Zone.

**STREET TREE DIVISION AND THE DEPARTMENT OF CITY PLANNING**

17. Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated oak tree expert as designated by LAMC Ordinance No. 153,478, for approval by the City Planning Department and the Street Tree Division of the Bureau of Street Services.



A minimum of two oak trees (a minimum of 48 inch box in size) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 153,478, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency.

**Note:** All oak tree removals must be approved by the Board of Public Works. Contact: Street Tree Division at: 213-485-5675.

### DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

18. 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 15 lots for residential use plus one (1) open space lot for a total of 16 lots provided a zone change is approved to allow the density. If the zone change is not approved for the requested density, the density allowed on the site, or a density allowed by a discretionary action, shall be the density permitted on the site.
- b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus ½ guest parking space per dwelling unit. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.
- c. **Note to City Zoning Engineer and Plan Check.** The Advisory Agency has approved the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site.

Approved Variations as follows:

- d. That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
- e. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

- f. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - g. A Maintenance Association shall be formed, composed of all property owners, to maintain all common areas such as trees, landscaping, trash, parking, community driveway, walkways, monthly service for private fire hydrant (if required), etc. Each owner and future property owners shall automatically become members of the association and shall be subject to a proportionate share of the maintenance. The Maintenance Association shall be recorded as a Covenant and Agreement to run with the land. The subdivider shall submit a copy of this Agreement, once recorded, to the Planning Department for placement in the tract file.
  - h. That copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.
19. That prior to the issuance of the building permit or the recordation of the final map, a copy of the APCE-2006-8787-ZC shall be submitted to the satisfaction of the Advisory Agency indicating all the conditions of approval have been satisfied. In the event that APCE-2006-8787-ZC is not approved or amended by the City Council, the development on this site shall be in compliance with the land use designation and zoning of the site.
20. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:
- (The following is to be used with Covenant and Agreement prior to obtaining a grading permit)
- That the haul route utilized for the exporting or importing of materials under this tract approval shall observe the following conditions:
- a. Streets to be used shall be limited to Allesandro Street El Moran Street, Riverside Drive, Newell Street., CA-2N., CA-134E., Figueroa Street, and Scholl Canyon Road,

- b. Hours of operation shall be from: 9.00 a.m. to: 4.00 p.m.
- c. Days of the week shall be Monday through Friday.
- d. Total trips per day shall be no more than 40.
- e. Duration of project shall be no more than three (3) weeks.
- f. Trucks shall be restricted to 10-wheel dump trucks or smaller.
- g. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).
- h. Streets shall be cleaned of spilled materials at the termination of each work day.
- i. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
- j. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- k. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- l. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- m. All trucks are to be watered at the job site to prevent excessive blowing dirt.
- n. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
- o. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.
- p. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.

- q. A Truck Crossing warning signs shall be placed 300 feet in advance of the exit in each direction.
- r. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of A Work Area Traffic Control Handbook.
- s. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary No Parking signs posted along the route.
- t. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.
- u.- The permittee shall notify the Street Use Inspection Division 13, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.
- v. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Valley District Engineering Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401. Further information regarding the bond may be obtained by calling 818.374.5090.

OR

A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the West Los Angeles District Engineering Office, 1828 Sawtelle Boulevard, 3<sup>rd</sup> Floor, Los Angeles, CA 90025. Further information regarding the bond may be obtained by calling 310.575.8388.

OR

A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213. 977.6039.

OR

A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Harbor District Engineering Office, 638 S. Beacon Street, 4<sup>th</sup> Floor, San Pedro, CA 90731. Further information regarding the bond may be obtained by calling 310.732.4677.

**DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES**

21. That prior to recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition No(s). 22, 23, and SF-2 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitor(s) 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.
22. Prior to the recordation of the final map, the subdivider will 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 Grading shall be kept to a minimum.
  - MM-2 Natural features, such as prominent knolls or ridge lines, shall be preserved.
  - MM-3 The project shall comply with the City's Hillside Development Guidelines.
  - MM-4 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ordinance No. 170,978), Guidelines K - Vehicular Use Areas.
  - MM-5 The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

- MM-6 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.
- MM-7 Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- MM-8 Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- MM-9 Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- MM-10 Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- MM-11 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 a physical device 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.
- MM-12 Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- MM-13 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.
- MM-14 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.
- MM-15 Legibility of stencils and signs must be maintained.

- MM-16 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 structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-17 The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-18 The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-19 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-20 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- MM-21 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 project area.
- MM-22 Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
23. **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.**
- Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing.
  - 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.
  - 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 The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-5 All clearing, grading, 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-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 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-8 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-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-11 The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-12 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.
- CM-13 Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include 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.
- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-15 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- 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 shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

- CM-17 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- CM-19 Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20 Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.
- CM-21 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

**COUNCIL OFFICE REQUIRED CONDITIONS (CD-13)**

- 24. That parcel 16 (open space lot) either be gifted as an open space preserve or that it be deed restricted as a public space and maintained by a home owners association established as part of this development.
- 25. That after the uncertified fill is removed from the development site, as is required by the Department of Building and Safety, great care is taken by the developer in restoring native vegetation to all affected areas on parcel 16 to encourage and enhance existing wildlife habitat.
- 26. That a detailed landscaping plan, specific to parcel 16, is presented to Planning for approval in advance of any grading.
- 27. That great care is taken in transplanting, and/or replacing all protected trees in accordance with the native tree ordinance.
- 28. That the housing development remain open and accessible, and have adequate and safe pedestrian access from Allesandro.
- 29. That any and all retaining walls in the development will be masked with drought resistant plant materials and be maintained that way.
- 30. That any mechanical equipment on rooftops be hidden and that the rooftops be designed in an attractive, inconspicuous way.

31. That all utilities lines are placed underground.
32. That vesting of this tentative tract map apply only to this application and none other.
33. That public access is established connecting the open space to Allesandro via the lower portion of El Moran.

#### **DEPARTMENT OF CITY PLANNING-STANDARD SINGLE-FAMILY CONDITIONS**

SF-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

SF-2. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site.

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

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

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

- (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 comply with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceeds 15%.

- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
  - (d) All improvements within public streets, private 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.
    - 1. Construct four (4) new lights on Allesandro Street.

## Notes:

- (1) The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.
- (2) Condition sets: 1) In compliance with Specific Plan, 2) By LADOT, 3) By other legal instrument excluding the Bureau of Engineering condition S-3(i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.
- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree 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:

Improve Peck Avenue being dedicated and adjoining the subdivision by the construction of the following:

- (1) After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer, drainage facilities may be required satisfactory to the City Engineer.

- (2) Construct the necessary on-site mainline sewer satisfactory to the City Engineer.

**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. This vesting map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

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

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

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

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

No building permit will be issued until the subdivider has secured a certification from the Housing Authority that the development complies with the requirements for low-and moderate-income housing, per Section 12.39-A of the LAMC.

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

**FINDINGS OF FACT (CEQA)**

The Environmental Staff Advisory Committee issued Mitigated Negative Declaration ENV-2005-9337-MND-REC on October 27, 2006. The Committee found that potential negative impact could occur from the project's implementation due to:

- Aesthetics
- potential loss of significant trees
- noise from the site

mobile noise  
potential seismic activity  
need for landscaping.

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2005-9337-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition **No(s). 22, 23 and SF-2** 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, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The Initial Study prepared for the project identifies no potential adverse impacts on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset are concerned. Furthermore, the project site, as well as the surrounding area is presently developed with residential structures and does not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), 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. 21.

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.

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

In connection with the approval of Vesting Tentative Tract No. 62900-SL 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.
- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.



The adopted Silver Lake-Echo Park-Elysian Community Plan designates the subject property for Low Residential land use with the corresponding zones of RE9, RS, R1, RU, RD6, RD5. The property contains approximately 3.08 net acres (134,066 net square feet after required dedication) and is presently zoned R1-1VL. The proposed development of 15, single-family lots is allowable under the "Small Lot Subdivision Ordinance". The ordinance permits the subdivision of multi-family and commercially zoned properties into small single-family lots. The project as proposed is consistent with the current land use designation; however, it is not allowable under the current adopted zone. The applicant has requested for a zone change from R1-1 to RD6-1 which will allow the density if approve.

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

The project conforms to both the specific provisions and the intent of the Specific Plan for the Management of Flood Hazards (Section 5 of Ordinance 172,081).

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

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

The site is one of the few underimproved properties in the vicinity. The development of this tract is an infill of an otherwise mixed density, residential 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.

- (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 Initial Study prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, and risk of upset are concerned.

Furthermore, the project site is located in an urban area and does not provide a natural habitat for either fish or wildlife.

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

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

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which is currently being 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)

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.


2) 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.

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

- 4) The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.
- 5) 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 Tract No. 62900-SL.

S. Gail Goldberg, AICP  
Advisory Agency



MICHAEL S.Y. YOUNG  
Deputy Advisory Agency

MSYY:GC:LS:mkc

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 North Figueroa Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
213.482.7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard  
Room 251  
Van Nuys, CA 91401  
818.374.5050

**Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).**

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

If you have any questions, please call Subdivision staff at (213) 978-1362.

n:tract\_letters (12-20-06)

DEPARTMENT OF  
CITY PLANNING  
270 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  
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RICARDO LARA  
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MICHAEL K. WOO  
GABRIELE WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
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CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

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June 6, 2008

Henry Nunez (O)  
Henry Nunez Real Estate  
11 East Huntington Drive  
Arcadia, CA 91006

William Little, President (A)  
2974 Properties  
P O Box 1380  
Los Angeles, CA 90078

Rolly Rothman (R)  
Dee Olson  
Rothman Hahn Inc  
28145 Avenue Crocker 2nd Fl  
Valencia CA 91355

RE: Vesting Tentative Tract No. 62900-SL  
Related Case: APCE-2006-8787-ZC  
Address: **2400 Allesandro Street**  
**2005 West El Moran Street**  
**2021 West El Moran Street**  
Council District: 13  
Community Plan: Silverlake—Echo  
Park—Elysian Valley

**LETTER OF CORRECTION**

On April 29, 2008, the Advisory Agency approved Vesting Tentative Tract No. 62900-SL for a maximum 15 single-family lots under Small Lots Ordinance No. 176,354 located at 2400 Allesandro Street, 2005 West El Moran Street, and 2021 West El Moran Street in the Silverlake—Echo Park—Elysian Valley Community Planning Area.

The Advisory Agency received a letter from a representative of the applicant on February 7, 2008 requesting a correction to Condition of Approval No. S-3.(i) of the Determination Letter for this project. This condition contains an incorrect reference to a location that is unrelated to Vesting Tentative Tract No. 62900-SL. Therefore, the error must be omitted and corrected as follows.

**Correct Condition No. S-3.(i) to read:**

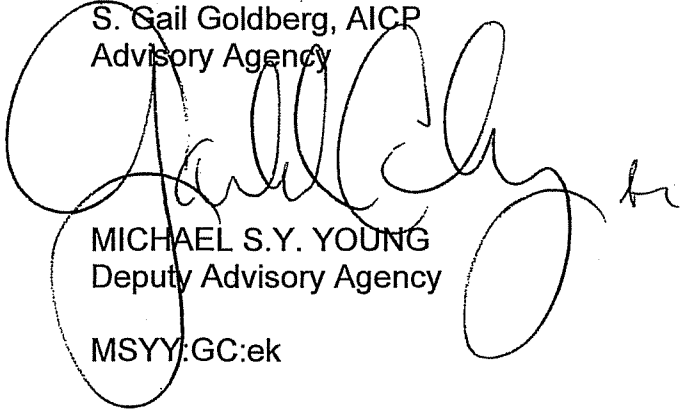
“S-3.(i) That the following Improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- 1) After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer, drainage facilities may be required satisfactory to the City Engineer.

- 2) Construct the necessary on-site mainline sewer satisfactory to the City Engineer."

All other conditions of approval for Vesting Tentative Tract No. 62900-SL shall remain unchanged.

S. Gail Goldberg, AICP  
Advisory Agency



MICHAEL S.Y. YOUNG  
Deputy Advisory Agency

MSYY:GC:ek

EXHIBIT 6

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
CITY PLANNING COMMISSION  
JANE ELLISON USHER  
PRESIDENT  
ANDRES F. IRLANDO  
VICE-PRESIDENT  
DIEGO CARDOSO  
REGINA M. FREER  
ROBIN R. HUGHES  
SABRINA KAY  
FR. SPENCER T. KEZIOS  
WILLIAM ROSCHEN  
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October 27, 2006

To: Henry Nunez Real Estate Co., Inc.  
11 E. Huntington Drive  
Arcadia, CA 91006

Re: RECONSIDERATION, MND NO. 2005-9337: 2400 Allesandro Street

The Department of City Planning has issued an Addendum to the previously issued Mitigated Negative Declaration (ENV-2006-3428-MND) for Vesting Tentative Tract 62900 to permit 14 single-family lots with 28 parking spaces on a private street on a 3.08 acre lot in the R1-1VL Zone.

The addendum revises the Vesting Tentative Tract Map to a Small Lot Subdivision requesting 16 parcels to contain 15 individual single-family dwellings and one parcel reserved for open space. An additional entitlement is required requesting a Zone Change from R1-1VL to RD5-1VL.

The Environmental Review Section of the Department of City Planning has determined that the previously issued Mitigated Negative Declaration (MND 2005-9337) analyzed the impacts of the project and above-specified revisions concluding that no additional potentially significant impacts exist beyond those already identified in the above-referenced MND.

As a result of this determination, all mitigation measures identified in the above-referenced MND serve to mitigate the impacts of the project to a less than significant level as required by the California Environmental Quality Act (CEQA).

A 20-day recirculation period of the MND is required because of the addition of new project entitlements.

Sincerely,

S. Gail Goldberg  
Director  
Department of City Planning

Hadar Plafkin  
City Planner

AVP



CITY OF LOS ANGELES  
 OFFICE OF THE CITY CLERK  
 ROOM 395, CITY HALL  
 LOS ANGELES, CALIFORNIA 90012  
 CALIFORNIA ENVIRONMENTAL QUALITY ACT  
**PROPOSED MITIGATED NEGATIVE DECLARATION**

<b>LEAD CITY AGENCY</b> LOS ANGELES CITY PLANNING DEPARTMENT	<b>COUNCIL DISTRICT</b> 13
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<b>PROJECT TITLE</b> ENV-2005-9337-MND	<b>CASE NO.</b> VTT-62900
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**PROJECT LOCATION**  
2400 ALLESANDRO AVENUE; SILVER LAKE-ECHO PARK-ELYSIAN VALLEY

**PROJECT DESCRIPTION**  
VESTING TENTATIVE TRACT FOR 14 SINGLE FAMILY LOTS. THE PROJECT SITE IS 3.08 ACRES IN THE R1-1VL ZONE.

**NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY**  
 HENRY NUNEZ REAL ESTATE CO, INC.  
 11 E. HUNTINGTON DRIVE  
 ARCADIA, CA 91006

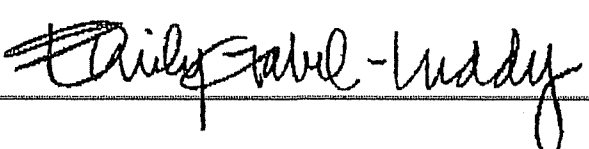
**FINDING:**  
 The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measure(s) outlined on the attached page(s) will reduce any potential significant adverse effects to a level of insignificance  
 (CONTINUED ON PAGE 2)

SEE ATTACHED SHEET(S) FOR ANY MITIGATION MEASURES IMPOSED.

Any written comments received during the public review period are attached together with the response of the Leady City Agency. The project decision-make may adopt the mitigated negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.

<b>NAME OF PERSON PREPARING THIS FORM</b>  JOEY VASQUEZ	<b>TITLE</b>  CITY PLANNING ASSOCIATE	<b>TELEPHONE NUMBER</b>  (213) 978-1352
---	---	---

<b>ADDRESS</b>  200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012	<b>SIGNATURE (Official)</b>  	<b>DATE</b>  02/22/2006
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**I b1. Aesthetics (Hillside Site Design)**

Environmental impacts, such as alteration of existing or natural terrain may result from project implementation. However, these impacts will be mitigated to a level of insignificance by the following measures:

- Grading shall be kept to a minimum.
- Natural features, such as prominent knolls or ridge lines, shall be preserved.
- The project shall comply with the City's Hillside Development Guidelines.

**IV e. Tree Removal (Locally Designated Species-Oak Trees)**

Environmental impacts may result due to the loss of oak trees on the site. However, these potential impacts will be mitigated to less than insignificant by the following measures:

- Prior to the issuance of a grading permit or building permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated oak tree expert as designated by LAMC Ordinance No. 153,478, for approval by the decision maker and the Street Tree Division of the Bureau of Street Services.
- A minimum of two oak trees (a minimum of 48 inch box in size) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 153,478, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the decision maker.
- Note: All oak tree removals shall be approved by the Board of Public Works on sites more than one acre in size. Contact: Street Tree Division at: 213-485-5675.

**IV f. Tree Removal (Non-Oaks)**

Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a level of insignificance by the following measures:

- Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Street Tree Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Street Tree Division standards.
- The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the decision maker.
- The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.
- Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Street Tree Division at: 213-485-5675.

**IV g. Bonding (Oak Tree Survival)**

The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Street Tree Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new oak tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's oak tree bond may be exonerated.

- The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Street Tree Division that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

**VI aii. Seismic**

Environmental impacts may result to the safety of future occupants due to the project's location in an area of potential seismic activity. However, this potential impact will be mitigated to a level of insignificance by the following measure:

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

**VI b. Erosion/Grading/Short-Term Construction Impacts**

Environmental impacts may result from the visual alteration of natural landforms due to grading. However, this impact will be mitigated to a level of insignificance by designing the grading plan to conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division.

- Short-term air quality, grading and noise impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a level of insignificance by the following measures:
- **Air Quality**
- 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.
- The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- All clearing, grading, 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.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- **Noise**
- The project shall comply with the City of Los Angeles Noise Ordinance No. 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.
- 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.
- Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- **Grading**
- 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 BMPs 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.
- Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include 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.
- Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- **General Construction**
- Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- 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 shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.

- All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

#### VIII c1. Single Family/Multi Family Hillside Dwelling

Environmental impacts may result from erosion of sloped hillsides carrying sediments into the stormwater drainage channels. However, the potential impacts will be mitigated to a level of insignificance by incorporating stormwater pollution control measures. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).

- Project applicants are required to implement stormwater BMPs to retain or treat 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.
- 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.
- Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- 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 a physical device 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.
- Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- 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.
- 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.
- Legibility of stencils and signs must be maintained.
- 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 structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- 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.

#### XIII a. Public Services (Fire)

Environmental impacts may result from project implementation due to the location of the project in an area having marginal fire protection facilities. However, this potential impact will be mitigated to a level of insignificance by the following measure:

MITIGATED NEGATIVE DECLARATION

ENV-2005-9337-MND

- The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

**XIII c1. Public Services (Schools)**

Environmental impacts may result from project implementation due to the location of the project in an area with insufficient school capacity. However, the potential impact will be mitigated to a level of insignificance by the following measure:

- 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 project area.

**XIV a. Recreation (Increase Demand For Parks Or Recreational Facilities)**

Environmental impacts may result from project implementation due to insufficient parks and/or recreational facilities. However, the potential impact will be mitigated by the following measure:

- Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

**XVII d. End**

The conditions outlined in this proposed mitigated negative declaration which are not already required by law shall be required as condition(s) of approval by the decision-making body except as noted on the face page of this document.

- Therefore, it is concluded that no significant impacts are apparent which might result from this project's implementation.

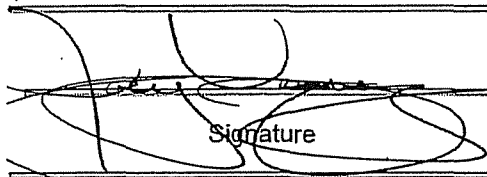
**CITY OF LOS ANGELES**  
OFFICE OF THE CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIFORNIA 90012  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**INITIAL STUDY**  
**and CHECKLIST**  
(CEQA Guidelines Section 15063)

<b>LEAD CITY AGENCY:</b> LOS ANGELES CITY PLANNING DEPARTMENT	<b>COUNCIL DISTRICT:</b> 13	<b>DATE:</b> 01/20/2006
<b>RESPONSIBLE AGENCIES:</b> LOS ANGELES CITY PLANNING DEPARTMENT		
<b>ENVIRONMENTAL CASE:</b> ENV-2005-9337-MND	<b>RELATED CASES:</b> VTT-62900	
<b>PREVIOUS ACTIONS CASE NO.:</b>	<input type="checkbox"/> Does have significant changes from previous actions. <input type="checkbox"/> Does NOT have significant changes from previous actions	
<b>PROJECT DESCRIPTION:</b> SUBDIVISON FOR THE PURPOSE OF BUILDING 14 SINGLE FAMILY DWELLING UNITS		
<b>ENV PROJECT DESCRIPTION:</b> VESTING TENTATIVE TRACT FOR 14 SINGLE FAMILY LOTS. THE PROJECT SITE IS 3.08 ACRES IN THE R1-1VL ZONE.		
<b>ENVIRONMENTAL SETTINGS:</b> THE SUBJECT PROPERTY IS A SLOPING, IRREGULAR-SHAPED, THROUGH, PARCEL OF LAND, CONSISTING OF THREE LOTS, HAVING FRONTAGES ON ALLESANDRO STREET, MODJESKA STREET, AND EL MORAN STREET. SURROUNDING PROPERTIES ARE CLASSIFIED IN THE R1-1VL AND RD2-1VL ZONES, AND ARE EITHER DEVELOPED WITH SINGLE-FAMILY DWELLINGS OR ARE VACANT LAND.		
<b>PROJECT LOCATION:</b> 2400 ALLESANDRO AVENUE; SILVER LAKE-ECHO PARK-ELYSIAN VALLEY		
<b>COMMUNITY PLAN AREA:</b> SILVER LAKE - ECHO PARK - ELYSIAN VALLEY <b>STATUS:</b> <input type="checkbox"/> Preliminary <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> UPDATED 08/11/2004	<b>AREA PLANNING COMMISSION:</b> EAST LOS ANGELES  <input checked="" type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan	<b>CERTIFIED NEIGHBORHOOD COUNCIL:</b> GREATER ECHO PARK ELYSIAN
<b>EXISTING ZONING:</b> R1-1VL	<b>MAX. DENSITY ZONING:</b> 5,000 SQ. FT./DU	
<b>GENERAL PLAN LAND USE:</b> LOW RESIDENTIAL	<b>MAX. DENSITY PLAN:</b> 6.5 (4+ TO 9) DU/NET ACRE	
	<b>PROPOSED PROJECT DENSITY:</b>	

## Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

	CITY PLANNING ASSOCIATE	(213) 978-1352
Signature	Title	Phone

### Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," cross referenced).
5. Earlier analysis must be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed: Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whichever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

## Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> AESTHETICS <input type="checkbox"/> AGRICULTURAL RESOURCES <input checked="" type="checkbox"/> AIR QUALITY <input checked="" type="checkbox"/> BIOLOGICAL RESOURCES <input type="checkbox"/> CULTURAL RESOURCES <input checked="" type="checkbox"/> GEOLOGY AND SOILS	<input checked="" type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS <input checked="" type="checkbox"/> HYDROLOGY AND WATER QUALITY <input type="checkbox"/> LAND USE AND PLANNING <input type="checkbox"/> MINERAL RESOURCES <input checked="" type="checkbox"/> NOISE <input type="checkbox"/> POPULATION AND HOUSING	<input checked="" type="checkbox"/> PUBLIC SERVICES <input checked="" type="checkbox"/> RECREATION <input type="checkbox"/> TRANSPORTATION/CIRCULATION <input type="checkbox"/> UTILITIES <input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE
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## INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

### *Background*

**PROPONENT NAME:**

HENRY NUNEZ REAL ESTATE CO, INC.

**PHONE NUMBER:**

(626) 254-0524

**APPLICANT ADDRESS:**

11 E. HUNTINGTON DRIVE  
ARCADIA, CA 91006

**DATE SUBMITTED:**

01/20/2006

**AGENCY REQUIRING CHECKLIST:**

DEPARTMENT OF CITY PLANNING

**PROPOSAL NAME (if Applicable):**



Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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<b>I. AESTHETICS</b>				
a.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA?		✓	
b.	SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING, BUT NOT LIMITED TO, TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS, OR OTHER LOCALLY RECOGNIZED DESIRABLE AESTHETIC NATURAL FEATURE WITHIN A CITY-DESIGNATED SCENIC HIGHWAY?			✓
c.	SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF THE SITE AND ITS SURROUNDINGS?		✓	
d.	CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA?			✓
<b>II. AGRICULTURAL RESOURCES</b>				
a.	CONVERT PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USE?			✓
b.	CONFLICT THE EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT?			✓
c.	INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND, TO NON-AGRICULTURAL USE?			✓
<b>III. AIR QUALITY</b>				
a.	CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE SCAQMD OR CONGESTION MANAGEMENT PLAN?			✓
b.	VIOLATE ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION?			✓
c.	RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE AIR BASIN IS NON-ATTAINMENT (OZONE, CARBON MONOXIDE, & PM 10) UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD?			✓
d.	EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS?		✓	
e.	CREATE OBJECTIONABLE ODORS AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE?			✓
<b>IV. BIOLOGICAL RESOURCES</b>				
a.	HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATION, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?			✓
b.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN THE CITY OR REGIONAL PLANS, POLICIES, REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?			✓
c.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT (INCLUDING, BUT NOT LIMITED TO, MARSH VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS?			✓
d.	INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS, OR IMPEDE THE USE OF NATIVE WILDLIFE NURSERY SITES?			✓

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e.	CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS TREE PRESERVATION POLICY OR ORDINANCE (E.G., OAK TREES OR CALIFORNIA WALNUT WOODLANDS)?		✓		
f.	CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN?				✓

**V. CULTURAL RESOURCES**

a.	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF A HISTORICAL RESOURCE AS DEFINED IN STATE CEQA '15064.5?				✓
b.	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO STATE CEQA '15064.5?				✓
c.	DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE?				✓
d.	DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES?				✓

**VI. GEOLOGY AND SOILS**

a.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : \n\nRUPTURE OF A KNOWN EARTHQUAKE FAULT, AS DELINEATED ON THE MOST RECENT ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING MAP ISSUED BY THE STATE GEOLOGIST FOR THE AREA OR BASED ON OTHER SUBSTANTIAL EVIDENCE OF A KNOWN FAULT? REFER TO DIVISION OF MINES AND GEOLOGY SPECIAL PUBLICATION 42.				✓
b.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH, INVOLVING : \n\nSTRONG SEISMIC GROUND SHAKING?		✓		
c.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : \n\nSEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION?				✓
d.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : \n\nLANDSLIDES?				✓
e.	RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL?		✓		
f.	BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIAL RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE?				✓
g.	BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY?				✓
h.	HAVE SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTE WATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTE WATER?				✓

**VII. HAZARDS AND HAZARDOUS MATERIALS**

a.	CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS?				✓
b.	CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT?				✓

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c.	EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING OR PROPOSED SCHOOL?				✓
d.	BE LOCATED ON A SITE WHICH IS INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5 AND, AS A RESULT, WOULD IT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT?				✓
e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT RESULT IN A SAFETY HAZARD FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA?				✓
f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT RESULT IN A SAFETY HAZARD FOR THE PEOPLE RESIDING OR WORKING IN THE AREA?				✓
g.	IMPAIR IMPLEMENTATION OF OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN?				✓
h.	EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING WILDLAND FIRES, INCLUDING WHERE WILDLANDS ARE ADJACENT TO URBANIZED AREAS OR WHERE RESIDENCES ARE INTERMIXED WITH WILDLANDS?		✓		

#### VIII. HYDROLOGY AND WATER QUALITY

a.	VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS?				✓
b.	SUBSTANTIALLY DEplete GROUNDWATER SUPPLIES OR INTERFERE WITH GROUNDWATER RECHARGE SUCH THAT THERE WOULD BE A NET DEFICIT IN AQUIFER VOLUME OR A LOWERING OF THE LOCAL GROUNDWATER TABLE LEVEL (E.G., THE PRODUCTION RATE OF PRE-EXISTING NEARBY WELLS WOULD DROP TO A LEVEL WHICH WOULD NOT SUPPORT EXISTING LAND USES OR PLANNED LAND USES FOR WHICH PERMITS HAVE BEEN GRANTED)?				✓
c.	SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, IN A MANNER WHICH WOULD RESULT IN SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE?				✓
d.	SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN A MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF SITE?		✓		
e.	CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF?				✓
f.	OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY?				✓
g.	PLACE HOUSING WITHIN A 100-YEAR FLOOD PLAIN AS MAPPED ON FEDERAL FLOOD HAZARD BOUNDARY OR FLOOD INSURANCE RATE MAP OR OTHER FLOOD HAZARD DELINEATION MAP?				✓
h.	PLACE WITHIN A 100-YEAR FLOOD PLAIN STRUCTURES WHICH WOULD IMPEDE OR REDIRECT FLOOD FLOWS?				✓
i.	EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INQUIRY OR DEATH INVOLVING FLOODING, INCLUDING FLOODING AS A RESULT OF THE FAILURE OF A LEVEE OR DAM?				✓
j.	INUNDATION BY SEICHE, TSUNAMI, OR MUDFLOW?				✓

#### IX. LAND USE AND PLANNING

a.	PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY?				✓
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Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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b.	CONFLICT WITH APPLICABLE LAND USE PLAN, POLICY OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT (INCLUDING BUT NOT LIMITED TO THE GENERAL PLAN, SPECIFIC PLAN, COASTAL PROGRAM, OR ZONING ORDINANCE) ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?				✓
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c.	CONFLICT WITH ANY APPLICABLE HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN?				✓
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**X. MINERAL RESOURCES**

a.	RESULT IN THE LOSS OF AVAILABILITY OF A KNOWN MINERAL RESOURCE THAT WOULD BE OF VALUE TO THE REGION AND THE RESIDENTS OF THE STATE?				✓
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b.	RESULT IN THE LOSS OF AVAILABILITY OF A LOCALLY-IMPORTANT MINERAL RESOURCE RECOVERY SITE DELINEATED ON A LOCAL GENERAL PLAN, SPECIFIC PLAN, OR OTHER LAND USE PLAN?				✓
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**XI. NOISE**

a.	EXPOSURE OF PERSONS TO OR GENERATION OF NOISE IN LEVEL IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES?				✓
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b.	EXPOSURE OF PEOPLE TO OR GENERATION OF EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS?				✓
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c.	A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?				✓
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d.	A SUBSTANTIAL TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?		✓		
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e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?				✓
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f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?				✓
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**XII. POPULATION AND HOUSING**

a.	INDUCE SUBSTANTIAL POPULATION GROWTH IN AN AREA EITHER DIRECTLY (FOR EXAMPLE, BY PROPOSING NEW HOMES AND BUSINESSES) OR INDIRECTLY (FOR EXAMPLE, THROUGH EXTENSION OF ROADS OR OTHER INFRASTRUCTURE)?			✓	
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b.	DISPLACE SUBSTANTIAL NUMBERS OF EXISTING HOUSING NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?				✓
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c.	DISPLACE SUBSTANTIAL NUMBERS OF PEOPLE NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?				✓
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**XIII. PUBLIC SERVICES**

a.	FIRE PROTECTION?		✓		
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b.	POLICE PROTECTION?				✓
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c.	SCHOOLS?		✓		
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d.	PARKS?		✓		
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e.	OTHER GOVERNMENTAL SERVICES (INCLUDING ROADS)?				✓
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**XIV. RECREATION**

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	WOULD THE PROJECT INCREASE THE USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS OR OTHER RECREATIONAL FACILITIES SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION OF THE FACILITY WOULD OCCUR OR BE ACCELERATED?		✓		
b.	DOES THE PROJECT INCLUDE RECREATIONAL FACILITIES OR REQUIRE THE CONSTRUCTION OR EXPANSION OF RECREATIONAL FACILITIES WHICH MIGHT HAVE AN ADVERSE PHYSICAL EFFECT ON THE ENVIRONMENT?				✓

**XV. TRANSPORTATION/CIRCULATION**

a.	CAUSE AN INCREASE IN TRAFFIC WHICH IS SUBSTANTIAL IN RELATION TO THE EXISTING TRAFFIC LOAD AND CAPACITY OF THE STREET SYSTEM (I.E., RESULT IN A SUBSTANTIAL INCREASE IN EITHER THE NUMBER OF VEHICLE TRIPS, THE VOLUME TO RATIO CAPACITY ON ROADS, OR CONGESTION AT INTERSECTIONS)?			✓	
b.	EXCEED, EITHER INDIVIDUALLY OR CUMULATIVELY, A LEVEL OF SERVICE STANDARD ESTABLISHED BY THE COUNTY CONGESTION MANAGEMENT AGENCY FOR DESIGNATED ROADS OR HIGHWAYS?				✓
c.	RESULT IN A CHANGE IN AIR TRAFFIC PATTERNS, INCLUDING EITHER AN INCREASE IN TRAFFIC LEVELS OR A CHANGE IN LOCATION THAT RESULTS IN SUBSTANTIAL SAFETY RISKS?				✓
d.	SUBSTANTIALLY INCREASE HAZARDS TO A DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT)?				✓
e.	RESULT IN INADEQUATE EMERGENCY ACCESS?				✓
f.	RESULT IN INADEQUATE PARKING CAPACITY?				✓
g.	CONFLICT WITH ADOPTED POLICIES, PLANS, OR PROGRAMS SUPPORTING ALTERNATIVE TRANSPORTATION (E.G., BUS TURNOUTS, BICYCLE RACKS)?				✓

**XVI. UTILITIES**

a.	EXCEED WASTEWATER TREATMENT REQUIREMENTS OF THE APPLICABLE REGIONAL WATER QUALITY CONTROL BOARD?				✓
b.	REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER OR WASTEWATER TREATMENT FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?				✓
c.	REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?				✓
d.	HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT FROM EXISTING ENTITLEMENTS AND RESOURCE, OR ARE NEW OR EXPANDED ENTITLEMENTS NEEDED?				✓
e.	RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECT=S PROJECTED DEMAND IN ADDITION TO THE PROVIDER=S				✓
f.	BE SERVED BY A LANDFILL WITH SUFFICIENT PERMITTED CAPACITY TO ACCOMMODATE THE PROJECT=S SOLID WASTE DISPOSAL NEEDS?				✓
g.	COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE?				✓

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	DOES THE PROJECT HAVE THE POTENTIAL TO DEGRADE THE QUALITY OF THE ENVIRONMENT, SUBSTANTIALLY REDUCE THE HABITAT OF FISH OR WILDLIFE SPECIES, CAUSE A FISH OR WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE A PLANT OR ANIMAL COMMUNITY, REDUCE THE NUMBER OR RESTRICT THE RANGE OF A RARE OR ENDANGERED PLANT OR ANIMAL OR ELIMINATE IMPORTANT EXAMPLES OF THE MAJOR PERIODS OF CALIFORNIA HISTORY OR PREHISTORY?				✓
b.	DOES THE PROJECT HAVE IMPACTS WHICH ARE INDIVIDUALLY LIMITED, BUT CUMULATIVELY CONSIDERABLE? (CUMULATIVELY CONSIDERABLE MEANS THAT THE INCREMENTAL EFFECTS OF AN INDIVIDUAL PROJECT ARE CONSIDERABLE WHEN VIEWED IN CONNECTION WITH THE EFFECTS OF PAST PROJECTS, THE EFFECTS OF OTHER CURRENT PROJECTS, AND THE EFFECTS OF PROBABLE FUTURE PROJECTS).				✓
c.	DOES THE PROJECT HAVE ENVIRONMENTAL EFFECTS WHICH CAUSE SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS, EITHER DIRECTLY OR INDIRECTLY?				✓

DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description may cause potentially significant impacts on the environment without mitigation. Therefore, this environmental analysis concludes that a Mitigated Negative Declaration shall be issued to avoid and mitigate all potential adverse impacts on the environment by the imposition of mitigation measures and/or conditions contained and expressed in this document; the environmental case file known as **ENV-2005-9337-MND** and the associated case(s), **VTT-62900**. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impact(s) on the environment (after mitigation) **will not:**

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.
- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

ADDITIONAL INFORMATION:

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org>; City Planning - and Zoning Information Mapping Automated System (ZIMAS) [cityplanning.lacity.org/](http://cityplanning.lacity.org/) or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps - <http://gmw.consrv.ca.gov/shmp/> Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE:	TELEPHONE NO.:	DATE:
JOEY VASQUEZ	CITY PLANNING ASSOCIATE	(213) 978-1352	01/20/2006

Impact?	Explanation	Mitigation Measures
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**APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE**

<b>I. AESTHETICS</b>			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROPOSED PROJECT INVOLVES DEVELOPMENT IN A NATURAL OPEN SPACE SITE.	I b1
b.	NO IMPACT	THERE ARE NO SCENIC RESOURCES ON THE SITE.	
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT SITE IS EXISTING NATURAL OPEN SPACE. IMPACTS TO THE EXISTING VISUAL CHARACTER OF THE SITE MAY OCCUR.	I b1
d.	NO IMPACT	THE PROJECT WILL NOT INCREASE ILLUMINATION IN THE VICINITY.	
<b>II. AGRICULTURAL RESOURCES</b>			
a.	NO IMPACT	THE PROJECT IS IN AN URBAN AREA.	
b.	NO IMPACT	THE PROJECT IS IN AN URBAN AREA.	
c.	NO IMPACT	THE PROJECT IS IN AN URBAN AREA.	
<b>III. AIR QUALITY</b>			
a.	NO IMPACT	THE PROJECT WILL NOT CONFLICT WITH EITHER PLAN.	
b.	NO IMPACT	THE PROJECT WILL NOT VIOLATE ANY AIR QUALITY STANDARD.	
c.	NO IMPACT	THE PROJECT WILL NOT RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT.	
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	SHORT-TERM AIR QUALITY IMPACTS MAY RESULT DURING THE CONSTRUCTION PHASE OF THE PROJECT.	VI B
e.	NO IMPACT	THE PROJECT WILL NOT CREATE OBJECTIONABLE ODORS.	
<b>IV. BIOLOGICAL RESOURCES</b>			
a.	NO IMPACT	THE PROJECT SITE IS A 3 ACRE NATURAL OPEN SPACE SITE IN AN URBAN AREA.	
b.	NO IMPACT	THE PROJECT SITE IS A 3 ACRE NATURAL OPEN SPACE SITE IN AN URBAN AREA.	
c.	NO IMPACT	THE PROJECT SITE IS A 3 ACRE NATURAL OPEN SPACE SITE IN AN URBAN AREA.	
d.	NO IMPACT	THE PROJECT SITE IS A 3 ACRE NATURAL OPEN SPACE SITE IN AN URBAN AREA.	



Impact?	Explanation	Mitigation Measures
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e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE APPLICANT HAS INDICATED THAT SIX OAK TREES EXIST ON THE SITE, ONE OF WHICH WILL BE REMOVED. THIRTY-FIVE NON-OAK TREES WILL BE REMOVED.	IV e, IV f, IV g
f.	NO IMPACT	THE PROJECT WILL NOT CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN.	

**V. CULTURAL RESOURCES**

a.	NO IMPACT	THERE ARE NO HISTORICAL RESOURCES ON THE PROJECT SITE.	
b.	NO IMPACT	THE PROJECT IS NOT LOCATED IN AN AREA WITH ARCHAEOLOGICAL RESOURCES OR HUMAN REMAINS.	
c.	NO IMPACT	THE PROJECT WILL NOT RESULT IN THE DISTURBANCE OF SURFACE OR SUBSURFACE FOSSILS.	
d.	NO IMPACT	THE PROJECT IS NOT LOCATED IN AN AREA WITH HUMAN REMAINS.	

**VI. GEOLOGY AND SOILS**

a.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN AN ALQUIST-PRIOLO FAULT ZONE.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT IS LOCATED IN A SEISMICALLY ACTIVE REGION.	VI aii
c.	NO IMPACT	THE PROJECT IS NOT LOCATED IN A LIQUEFACTION AREA.	
d.	NO IMPACT	THE PROJECT IS NOT LOCATED IN A LANDSLIDE AREA.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT IS LOCATED IN A HILLSIDE GRADING AREA.	VI b
f.	NO IMPACT	THE PROJECT IS NOT LOCATED ON SOIL THAT IS UNSTABLE.	
g.	NO IMPACT	THE PROJECT IS NOT LOCATED ON EXPANSIVE SOIL.	
h.	NO IMPACT	THE PROJECT DOES NOT REQUIRE THE USE OF SEPTIC TANKS.	

**VII. HAZARDS AND HAZARDOUS MATERIALS**

a.	NO IMPACT	THE PROJECT WILL NOT TRANSPORT OR MANAGE HAZARDOUS OR POTENTIALLY HAZARDOUS EXPLOSIVE SUBSTANCES.	
b.	NO IMPACT	THE PROJECT WILL NOT INVOLVE THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.	
c.	NO IMPACT	THE PROJECT WILL NOT USE HAZARDOUS MATERIALS.	
d.	NO IMPACT	THE PROJECT IS NOT ON A LIST OF HAZARDOUS MATERIAL SITES.	

Impact?	Explanation	Mitigation Measures
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e.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN AN AIRPORT HAZARD ZONE.	
f.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN AN AIRPORT HAZARD ZONE.	
g.	NO IMPACT	THE PROJECT WILL NOT REQUIRE A NEW OR REVISED RISK MANAGEMENT PLAN, EMERGENCY RESPONSE, OR EMERGENCY EVACUATION PLAN.	
h.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<b>THE PROJECT IS LOCATED IN A VERY HIGH FIRE HAZARD SEVERITY ZONE.</b>	XIII A.

#### VIII. HYDROLOGY AND WATER QUALITY

a.	NO IMPACT	THE PROPOSED PROJECT IS NOT PROJECTED TO VIOLATE ANY WATER QUALITY OR WASTE DISCHARGE REQUIREMENTS.	
b.	NO IMPACT	THE PROJECT SHOULD NOT CAUSE THE DEPLETION OF GROUNDWATER RECHARGE. THE PROJECT WILL CONTINUE TO BE SUPPLIED WITH WATER BY THE DWP.	
c.	NO IMPACT	THE PROJECT WILL NOT ALTER THE COURSE OF A STREAM OR RIVER.	
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<b>THE PROJECT WILL RESULT IN 14 SINGLE FAMILY DWELLINGS ON WHAT IS NOW VACANT LAND, RESULTING IN AN INCREASE IN RUNOFF.</b>	VIII c1
e.	NO IMPACT	THE PROPOSED PROJECT WILL NOT CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS.	
f.	NO IMPACT	THE PROPOSED PROJECT WILL NOT SUBSTANTIALLY DEGRADE WATER QUALITY.	
g.	NO IMPACT	THE PROPERTY IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN.	
h.	NO IMPACT	THE PROJECT IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN.	
i.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN A POTENTIAL INUNDATION AREA.	
j.	NO IMPACT	THE PROPERTY IS NOT LOCATED WITHIN AN INUNDATION ZONE FOR SEICHE, TSUNAMI, OR MUDFLOW.	

#### IX. LAND USE AND PLANNING

a.	NO IMPACT	THE PROPOSAL WILL NOT DIVIDE AN ESTABLISHED COMMUNITY.	
b.	NO IMPACT	THE PROJECT IS CONSISTENT WITH THE ZONING AND THE COMMUNITY PLAN.	

Impact?	Explanation	Mitigation Measures	
c.	NO IMPACT	THE PROJECT WILL NOT CONFLICT WITH ANY APPLICABLE HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN.	
<b>X. MINERAL RESOURCES</b>			
a.	NO IMPACT	THE SITE IS NOT LOCATED IN AN AREA OF KNOWN MINERAL RESOURCES.	
b.	NO IMPACT	THERE ARE NO LOCALLY IMPORTANT MINERAL RESOURCES ON THE SUBJECT PROPERTY.	
<b>XI. NOISE</b>			
a.	NO IMPACT	THE PROJECT WILL NOT EXPOSE PEOPLE TO NOISE LEVELS IN EXCESS OF THE NOISE ORDINANCE.	
b.	NO IMPACT	THE PROJECT WILL NOT EXPOSE PEOPLE TO EXCESSIVE GROUNDBORNE VIBRATION OR NOISE LEVELS.	
c.	NO IMPACT	THE PROJECT WILL NOT RESULT IN A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS.	
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<b>A TEMPORARY INCREASE IN AMBIENT NOISE LEVELS MAY OCCUR DURING CONSTRUCTION OF THE PROJECT.</b>	VI B
e.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN AN AIRPORT LAND USE PLAN.	
f.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN THE VICINITY OF A PRIVATE AIRSTRIP.	
<b>XII. POPULATION AND HOUSING</b>			
a.	LESS THAN SIGNIFICANT IMPACT	THE PROJECT WILL RESULT IN 14 NEW SINGLE FAMILY DWELLINGS. THE IMPACT TO THE SURROUNDING AREA WILL BE LESS THAN SIGNIFICANT.	
b.	NO IMPACT	THE PROJECT WILL RESULT IN AN INCREASE IN HOUSING IN THE AREA.	
c.	NO IMPACT	THE PROJECT SITE IS VACANT.	
<b>XIII. PUBLIC SERVICES</b>			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<b>THE PROJECT IS LOCATED IN A VERY HIGH FIRE HAZARD SEVERITY ZONE.</b>	XIII a
b.	NO IMPACT	THE PROJECT WILL NOT HAVE AN IMPACT ON POLICE RESPONSE TIMES.	

Impact?	Explanation	Mitigation Measures	
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THERE MAY BE AN INCREASE DEMAND ON AREA SCHOOLS AS A RESULT OF THIS PROJECT. THE POTENTIAL IMPACT CAN BE REDUCED TO A LESS THAN SIGNIFICANT LEVEL BY THE PAYMENT OF SCHOOL FEES TO LAUSD.	XIII c1
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROPOSED PROJECT MAY INCREASE THE USE OF LOCAL PARKS, HOWEVER, THE IMPACT CAN BE REDUCED TO A LESS THAN SIGNIFICANT LEVEL BY PAYMENT OF QUIMBY FEES.	XIV A
e.	NO IMPACT	THERE ARE NO ANTICIPATED IMPACTS ON OTHER GOVERNMENTAL SERVICES FROM THIS PROJECT.	
<b>XIV. RECREATION</b>			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROPOSED PROJECT MAY INCREASE THE USE OF LOCAL PARKS, HOWEVER, THE IMPACT CAN BE REDUCED TO A LESS THAN SIGNIFICANT LEVEL BY PAYMENT OF QUIMBY FEES.	XIV a
b.	NO IMPACT	THE PROJECT DOES NOT INCLUDE RECREATIONAL FACILITIES NOR WILL IT REQUIRE THE CONSTRUCTION OR EXPANSION OF SUCH.	
<b>XV. TRANSPORTATION/CIRCULATION</b>			
a.	LESS THAN SIGNIFICANT IMPACT	THE PROJECT WILL RESULT IN 14 NEW SINGLE FAMILY DWELLINGS. THE IMPACT TO EXISTING TRAFFIC WILL BE LESS THAN SIGNIFICANT.	
b.	NO IMPACT	THE PROJECT WILL NOT IMPACT THE LEVEL OF STREET SERVICE.	
c.	NO IMPACT	THE PROJECT WILL HAVE NO IMPACT ON AIR TRAFFIC PATTERNS.	
d.	NO IMPACT	THE PROJECT DOES NOT INCLUDE ANY HAZARDOUS DESIGN FEATURES.	
e.	NO IMPACT	THE PROJECT WILL NOT RESULT IN INADEQUATE EMERGENCY ACCESS.	
f.	NO IMPACT	THE PROJECT MEETS APPLICABLE PARKING REQUIREMENTS.	
g.	NO IMPACT	THE PROPOSED PROJECT DOES NOT CONFLICT WITH ALTERNATIVE TRANSPORTATION POLICIES, PLANS, OR PROGRAMS.	
<b>XVI. UTILITIES</b>			

Impact?	Explanation	Mitigation Measures
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a.	NO IMPACT	THE PROJECT WILL NOT EXCEED THE WASTEWATER TREATMENT REQUIREMENTS OF THE LOS ANGELES REGIONAL WATER QUALITY BOARD.	
b.	NO IMPACT	THE PROJECT WILL NOT REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER OR WASTEWATER TREATMENT FACILITIES.	
c.	NO IMPACT	THE PROJECT WILL NOT REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES.	
d.	NO IMPACT	THE DEPARTMENT OF WATER AND POWER HAS ADEQUATE WATER SUPPLIES TO SERVE THIS PROJECT.	
e.	NO IMPACT	THE PROJECT IS NOT LOCATED IN A SEWER CAPACITY THRESHOLD STUDY AREA.	
f.	NO IMPACT	THE LOCAL LANDFILLS HAVE SUFFICIENT CAPACITY TO SERVE THE PROJECT.	
g.	NO IMPACT	THE PROJECT WILL COMPLY WITH STATUTES AND REGULATIONS RELATED TO SOLID WASTE.	

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

a.	NO IMPACT		
b.	NO IMPACT		
c.	NO IMPACT		

CALIFORNIA DEPARTMENT OF FISH AND GAME  
CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

PROJECT TITLE (INCLUDING ITS COMMON NAME, IF ANY)

TRACT/PARCEL MAP NO. VTT-62900

MND NO.

ENV-2005-9337-MND

ZA NO.

PROJECT DESCRIPTION: VESTING TENTATIVE TRACT FOR 14 SINGLE FAMILY LOTS. THE PROJECT SITE IS 3.08 ACRES IN THE R1-1VL ZONE.

PROJECT ADDRESS: 2400 ALLESANDRO AVENUE; SILVER LAKE-ECHO PARK-ELYSIAN VALLEY

APPLICANT NAME: HENRY NUNEZ REAL ESTATE CO., INC.

APPLICANT ADDRESS: 11 E. HUNTINGTON DRIVE  
ARCADIA, CA 91006

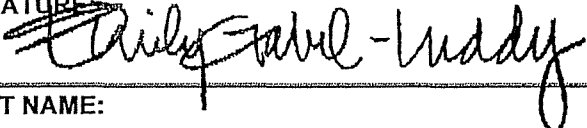
FINDINGS OF EXEMPTIONS

Based on the Initial Study prepared by the City Planning Department and all evidence in the record, on it is determined that the subject project, which is located in Los Angeles County, WILL NOT have an adverse impact in wildlife resources or their habitat as defined by Fish and Game Code Section 711.2 of the Fish and Game Code, Because:

- The Initial Study prepared for the project identifies no, potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, or risk of upset are concerned.
- Measures are required as part of this approval which will mitigate the above mentioned impacts, to a level of insignificance.
- The project site, as well as the surrounding area (is presently) (was) developed with residential structures and does not provide a natural habitat for either fish or wildlife.

CERTIFICATION

I hereby certify that the Los Angeles Planning Department has made the above findings of fact and that based upon the initial study and hearing record the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

CHIEF PLANNING OFFICIAL: EMILY GABEL	SIGNATURE: 
DATE OF PREPARATION: 01/13/2006	PRINT NAME: JOEY VASQUEZ

LDC

— LINDALE

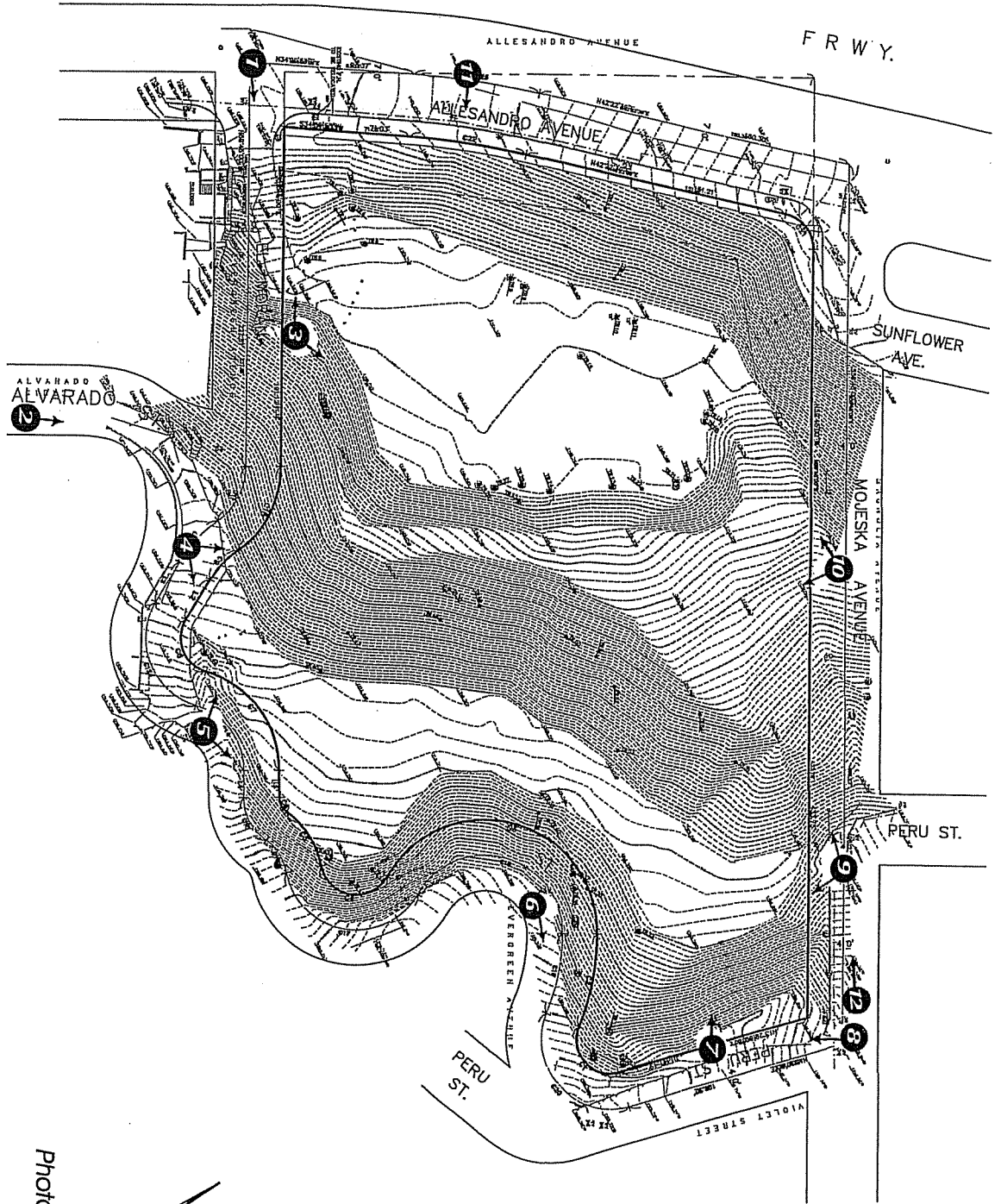
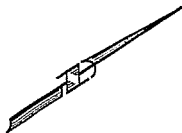
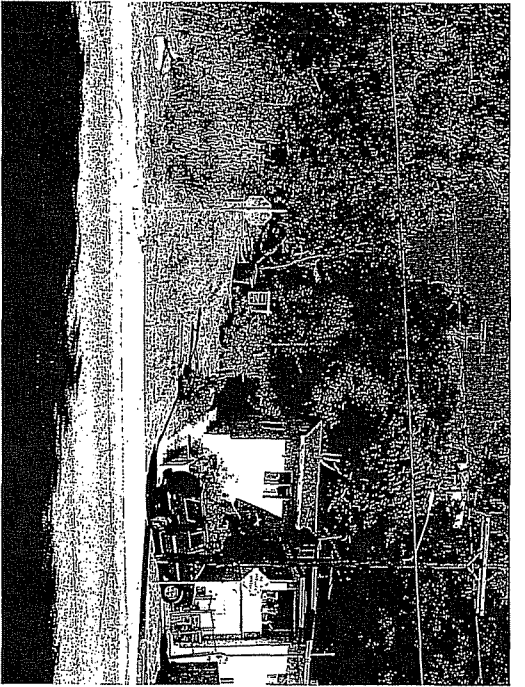


Photo Index Exhibit

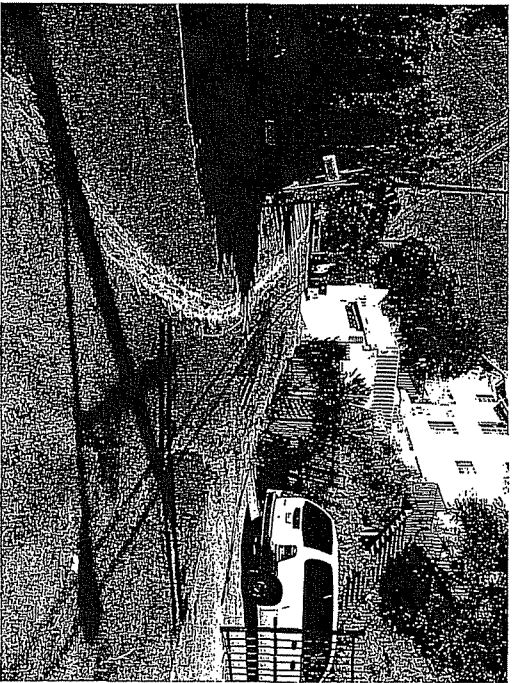
Not to Scale

VESTING TENTATIVE TRACT  
MAP 062500





#1



#2



#3

PHOTOS 1 ~ 3

PHOTO DATE: 6/30/05

VESTING TENTATIVE TRACT

MAP 062900





#4

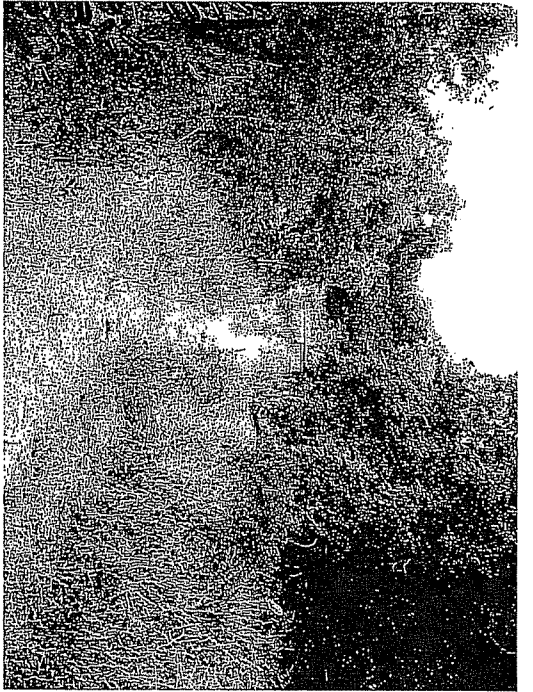


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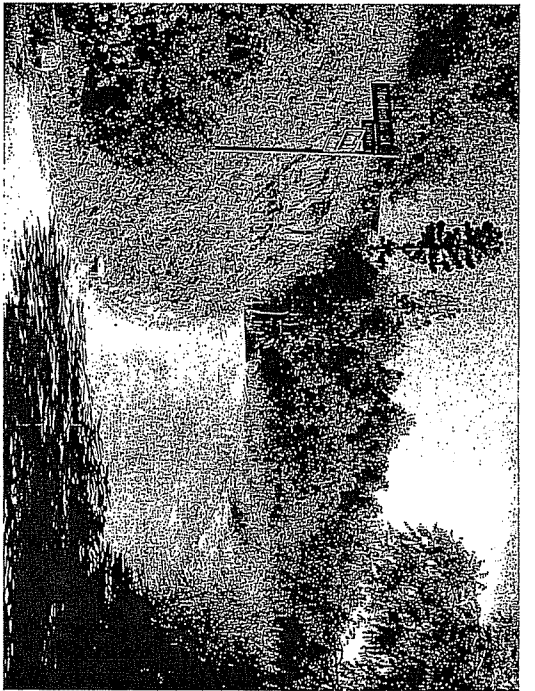
**PHOTOS 4 & 5**

PHOTO DATE: 6/30/05

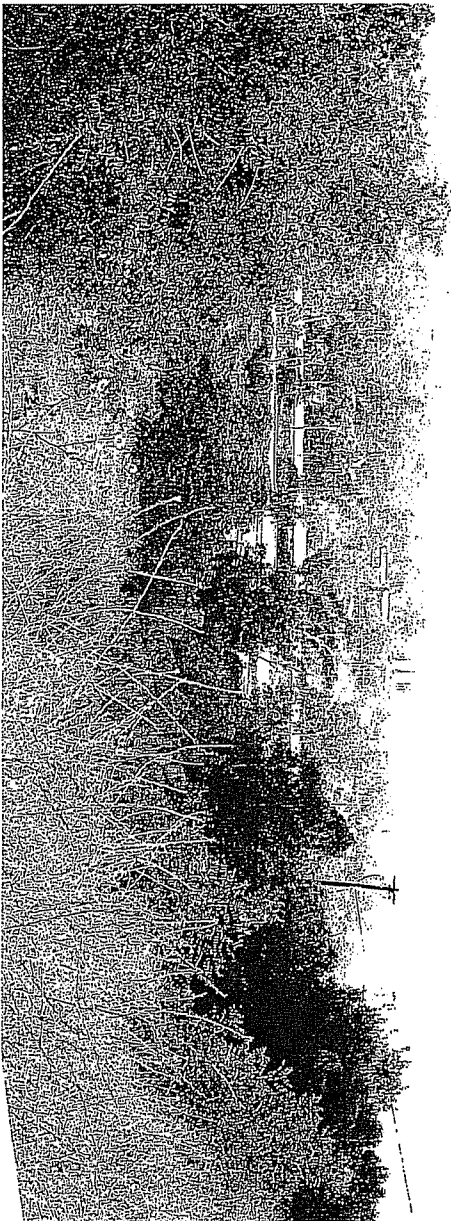
VESTING TENTATIVE TRACT  
MAP 062500



#6



#8

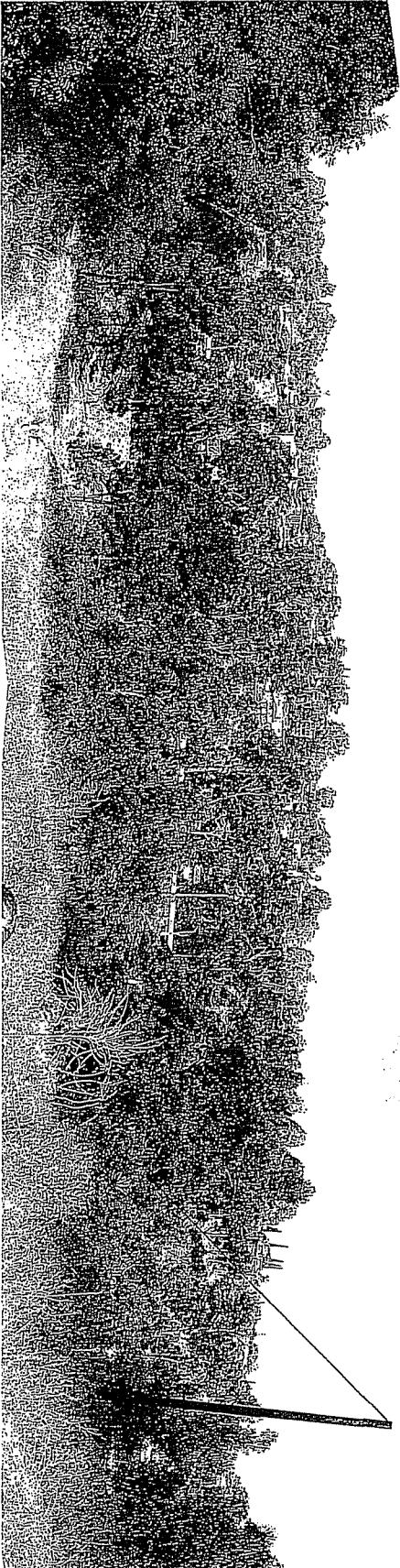


#7

PHOTOS 6 ~ 8  
PHOTO DATE: 6/30/05  
VESTING TENTATIVE TRACT  
MAP 062900



#9

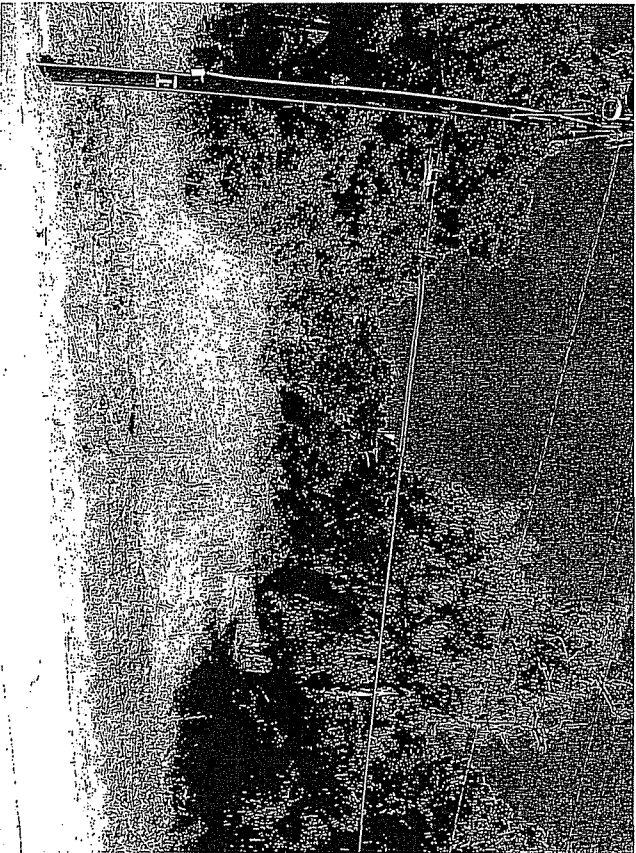


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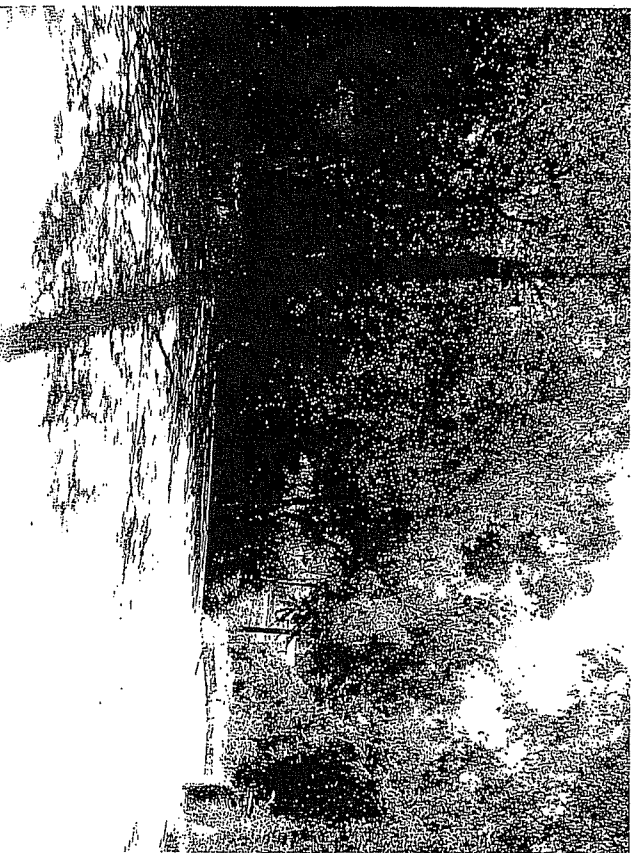
**PHOTOS 9 & 10**

PHOTO DATE: 6/30/05

VESTING TENTATIVE TRACT  
MAP 062900



#11



#12

LDG

**PHOTOS 11 & 12**

PHOTO DATE: 6/30/05

VESTING TENTATIVE TRACT  
MAP 062900



LA City Planning

Background Display: 2006 Digital Color-Ortho (4 in. res)

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
CITY PLANNING COMMISSION  
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PRESIDENT  
ANDRÉS F. IRLANDO  
VICE-PRESIDENT  
DIEGO CARDOSO  
REGINA M. FREER  
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www.lacity.org/PLN

October 27, 2006

To: Henry Nunez Real Estate Co., Inc.  
11 E. Huntington Drive  
Arcadia, CA 91006

Re: RECONSIDERATION, MND NO. 2005-9337: 2400 Allesandro Street

The Department of City Planning has issued an Addendum to the previously issued Mitigated Negative Declaration (ENV-2006-3428-MND) for Vesting Tentative Tract 62900 to permit 14 single-family lots with 28 parking spaces on a private street on a 3.08 acre lot in the R1-1VL Zone.

The addendum revises the Vesting Tentative Tract Map to a Small Lot Subdivision requesting 16 parcels to contain 15 individual single-family dwellings and one parcel reserved for open space. An additional entitlement is required requesting a Zone Change from R1-1VL to RD5-1VL.

The Environmental Review Section of the Department of City Planning has determined that the previously issued Mitigated Negative Declaration (MND 2005-9337) analyzed the impacts of the project and above-specified revisions concluding that no additional potentially significant impacts exist beyond those already identified in the above-referenced MND.

As a result of this determination, all mitigation measures identified in the above-referenced MND serve to mitigate the impacts of the project to a less than significant level as required by the California Environmental Quality Act (CEQA).

A 20-day recirculation period of the MND is required because of the addition of new project entitlements.

Sincerely,

S. Gail Goldberg  
Director  
Department of City Planning

Hadar Plafkin  
City Planner

AVP

CITY OF LOS ANGELES  
 OFFICE OF THE CITY CLERK  
 ROOM 395, CITY HALL  
 LOS ANGELES, CALIFORNIA 90012  
 CALIFORNIA ENVIRONMENTAL QUALITY ACT  
**PROPOSED MITIGATED NEGATIVE DECLARATION**

<b>LEAD CITY AGENCY</b> LOS ANGELES CITY PLANNING DEPARTMENT	<b>COUNCIL DISTRICT</b> 13
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<b>PROJECT TITLE</b> ENV-2005-9337-MND	<b>CASE NO.</b> VTT-62900
---	------------------------------

**PROJECT LOCATION**  
 2400 ALLESANDRO AVENUE; SILVER LAKE-ECHO PARK-ELYSIAN VALLEY

**PROJECT DESCRIPTION**  
 VESTING TENTATIVE TRACT FOR 14 SINGLE FAMILY LOTS. THE PROJECT SITE IS 3.08 ACRES IN THE R1-1VL ZONE.

**NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY**  
 HENRY NUNEZ REAL ESTATE CO, INC.  
 11 E. HUNTINGTON DRIVE  
 ARCADIA, CA 91006

**FINDING:**  
 The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measure(s) outlined on the attached page(s) will reduce any potential significant adverse effects to a level of insignificance

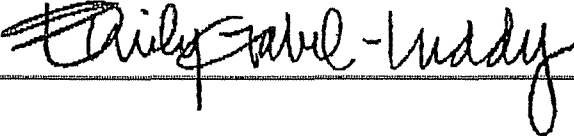
(CONTINUED ON PAGE 2)

SEE ATTACHED SHEET(S) FOR ANY MITIGATION MEASURES IMPOSED.

Any written comments received during the public review period are attached together with the response of the Leady City Agency. The project decision-make may adopt the mitigated negative declariation, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record arid appropriate findings made.

THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.

NAME OF PERSON PREPARING THIS FORM	TITLE	TELEPHONE NUMBER
JOEY VASQUEZ	CITY PLANNING ASSOCIATE	(213) 978-1352

ADDRESS	SIGNATURE (Official)	DATE
200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012		02/22/2006

**I b1. Aesthetics (Hillside Site Design)**

Environmental impacts, such as alteration of existing or natural terrain may result from project implementation. However, these impacts will be mitigated to a level of insignificance by the following measures:

- Grading shall be kept to a minimum.
- Natural features, such as prominent knolls or ridge lines, shall be preserved.
- The project shall comply with the City's Hillside Development Guidelines.

**IV e. Tree Removal (Locally Designated Species-Oak Trees)**

Environmental impacts may result due to the loss of oak trees on the site. However, these potential impacts will be mitigated to less than insignificant by the following measures:

- Prior to the issuance of a grading permit or building permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated oak tree expert as designated by LAMC Ordinance No. 153,478, for approval by the decision maker and the Street Tree Division of the Bureau of Street Services.
- A minimum of two oak trees (a minimum of 48 inch box in size) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 153,478, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the decision maker.
- Note: All oak tree removals shall be approved by the Board of Public Works on sites more than one acre in size. Contact: Street Tree Division at: 213-485-5675.

**IV f. Tree Removal (Non-Oaks)**

Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a level of insignificance by the following measures:

- Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Street Tree Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Street Tree Division standards.
- The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the decision maker.
- The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.
- Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Street Tree Division at: 213-485-5675.

**IV g. Bonding (Oak Tree Survival)**

The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Street Tree Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new oak tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's oak tree bond may be exonerated.

- The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Street Tree Division that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

**VI aii. Seismic**

Environmental impacts may result to the safety of future occupants due to the project's location in an area of potential seismic activity. However, this potential impact will be mitigated to a level of insignificance by the following measure:

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

**VI b. Erosion/Grading/Short-Term Construction Impacts**

Environmental impacts may result from the visual alteration of natural landforms due to grading. However, this impact will be mitigated to a level of insignificance by designing the grading plan to conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division.



- Short-term air quality, grading and noise impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a level of insignificance by the following measures:
- **Air Quality**
- 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.
- The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- All clearing, grading, 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.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- **Noise**
- The project shall comply with the City of Los Angeles Noise Ordinance No. 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.
- 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.
- Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- **Grading**
- 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 BMPs 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.
- Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include 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.
- Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- **General Construction**
- Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- 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 shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.

- All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

#### VIII c1. Single Family/Multi Family Hillside Dwelling

Environmental impacts may result from erosion of sloped hillsides carrying sediments into the stormwater drainage channels. However, the potential impacts will be mitigated to a level of insignificance by incorporating stormwater pollution control measures. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).

- Project applicants are required to implement stormwater BMPs to retain or treat 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.
- 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.
- Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- 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 a physical device 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.
- Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- 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.
- 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.
- Legibility of stencils and signs must be maintained.
- 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 structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- 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.

#### XIII a. Public Services (Fire)

Environmental impacts may result from project implementation due to the location of the project in an area having marginal fire protection facilities. However, this potential impact will be mitigated to a level of insignificance by the following measure:

- The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

**XIII c1. Public Services (Schools)**

Environmental impacts may result from project implementation due to the location of the project in an area with insufficient school capacity. However, the potential impact will be mitigated to a level of insignificance by the following measure:

- 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 project area.

**XIV a. Recreation (Increase Demand For Parks Or Recreational Facilities)**

Environmental impacts may result from project implementation due to insufficient parks and/or recreational facilities. However, the potential impact will be mitigated by the following measure:

- Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

**XVII d. End**

The conditions outlined in this proposed mitigated negative declaration which are not already required by law shall be required as condition(s) of approval by the decision-making body except as noted on the face page of this document.

- Therefore, it is concluded that no significant impacts are apparent which might result from this project's implementation.

**CITY OF LOS ANGELES**  
OFFICE OF THE CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIFORNIA 90012  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**INITIAL STUDY**  
**and CHECKLIST**  
(CEQA Guidelines Section 15063)

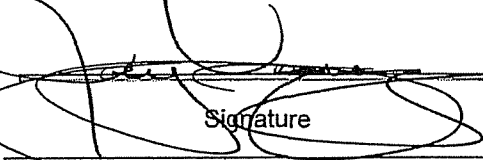
<b>LEAD CITY AGENCY:</b> LOS ANGELES CITY PLANNING DEPARTMENT		<b>COUNCIL DISTRICT:</b> 13	<b>DATE:</b> 01/20/2006
<b>RESPONSIBLE AGENCIES:</b> LOS ANGELES CITY PLANNING DEPARTMENT			
<b>ENVIRONMENTAL CASE:</b> ENV-2005-9337-MND		<b>RELATED CASES:</b> VTT-62900	
<b>PREVIOUS ACTIONS CASE NO.:</b>		<input type="checkbox"/> Does have significant changes from previous actions. <input type="checkbox"/> Does NOT have significant changes from previous actions	
<b>PROJECT DESCRIPTION:</b> SUBDIVISON FOR THE PURPOSE OF BUILDING 14 SINGLE FAMILY DWELLING UNITS			
<b>ENV PROJECT DESCRIPTION:</b> VESTING TENTATIVE TRACT FOR 14 SINGLE FAMILY LOTS. THE PROJECT SITE IS 3.08 ACRES IN THE R1-1VL ZONE.			
<b>ENVIRONMENTAL SETTINGS:</b> THE SUBJECT PROPERTY IS A SLOPING, IRREGULAR-SHAPED, THROUGH, PARCEL OF LAND, CONSISTING OF THREE LOTS, HAVING FRONTAGES ON ALLESANDRO STREET, MODJESKA STREET, AND EL MORAN STREET. SURROUNDING PROPERTIES ARE CLASSIFIED IN THE R1-1VL AND RD2-1VL ZONES, AND ARE EITHER DEVELOPED WITH SINGLE-FAMILY DWELLINGS OR ARE VACANT LAND.			
<b>PROJECT LOCATION:</b> 2400 ALLESANDRO AVENUE; SILVER LAKE-ECHO PARK-ELYSIAN VALLEY			
<b>COMMUNITY PLAN AREA:</b> SILVER LAKE - ECHO PARK - ELYSIAN VALLEY <b>STATUS:</b> <input type="checkbox"/> Preliminary <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> UPDATED 08/11/2004		<b>AREA PLANNING COMMISSION:</b> EAST LOS ANGELES  <input checked="" type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan	<b>CERTIFIED NEIGHBORHOOD COUNCIL:</b> GREATER ECHO PARK ELYSIAN
<b>EXISTING ZONING:</b> R1-1VL		<b>MAX. DENSITY ZONING:</b> 5,000 SQ. FT./DU	
<b>GENERAL PLAN LAND USE:</b> LOW RESIDENTIAL		<b>MAX. DENSITY PLAN:</b> 6.5 (4+ TO 9) DU/NET ACRE	
		<b>PROPOSED PROJECT DENSITY:</b>	

## Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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	CITY PLANNING ASSOCIATE	(213) 978-1352
Signature	Title	Phone

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### Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," cross referenced).
5. Earlier analysis must be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed: Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whichever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

## Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> AESTHETICS <input type="checkbox"/> AGRICULTURAL RESOURCES <input checked="" type="checkbox"/> AIR QUALITY <input checked="" type="checkbox"/> BIOLOGICAL RESOURCES <input type="checkbox"/> CULTURAL RESOURCES <input checked="" type="checkbox"/> GEOLOGY AND SOILS	<input checked="" type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS <input checked="" type="checkbox"/> HYDROLOGY AND WATER QUALITY <input type="checkbox"/> LAND USE AND PLANNING <input type="checkbox"/> MINERAL RESOURCES <input checked="" type="checkbox"/> NOISE <input type="checkbox"/> POPULATION AND HOUSING	<input checked="" type="checkbox"/> PUBLIC SERVICES <input checked="" type="checkbox"/> RECREATION <input type="checkbox"/> TRANSPORTATION/CIRCULATION <input type="checkbox"/> UTILITIES <input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE
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## INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

### *Background*

**PROPONENT NAME:**

HENRY NUNEZ REAL ESTATE CO, INC.

**PHONE NUMBER:**

(626) 254-0524

**APPLICANT ADDRESS:**

11 E. HUNTINGTON DRIVE  
ARCADIA, CA 91006

**AGENCY REQUIRING CHECKLIST:**

DEPARTMENT OF CITY PLANNING

**DATE SUBMITTED:**

01/20/2006

**PROPOSAL NAME (if Applicable):**

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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<b>I. AESTHETICS</b>				
a.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA?		✓	
b.	SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING, BUT NOT LIMITED TO, TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS, OR OTHER LOCALLY RECOGNIZED DESIRABLE AESTHETIC NATURAL FEATURE WITHIN A CITY-DESIGNATED SCENIC HIGHWAY?			✓
c.	SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF THE SITE AND ITS SURROUNDINGS?		✓	
d.	CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA?			✓
<b>II. AGRICULTURAL RESOURCES</b>				
a.	CONVERT PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USE?			✓
b.	CONFLICT THE EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT?			✓
c.	INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND, TO NON-AGRICULTURAL USE?			✓
<b>III. AIR QUALITY</b>				
a.	CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE SCAQMD OR CONGESTION MANAGEMENT PLAN?			✓
b.	VIOLATE ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION?			✓
c.	RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE AIR BASIN IS NON-ATTAINMENT (OZONE, CARBON MONOXIDE, & PM 10) UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD?			✓
d.	EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS?		✓	
e.	CREATE OBJECTIONABLE ODORS AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE?			✓
<b>IV. BIOLOGICAL RESOURCES</b>				
a.	HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATION, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?			✓
b.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN THE CITY OR REGIONAL PLANS, POLICIES, REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?			✓
c.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT (INCLUDING, BUT NOT LIMITED TO, MARSH VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS?			✓
d.	INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS, OR IMPEDE THE USE OF NATIVE WILDLIFE NURSERY SITES?			✓



Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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e.	CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS TREE PRESERVATION POLICY OR ORDINANCE (E.G., OAK TREES OR CALIFORNIA WALNUT WOODLANDS)?		✓		
f.	CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN?				✓

#### V. CULTURAL RESOURCES

a.	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF A HISTORICAL RESOURCE AS DEFINED IN STATE CEQA '15064.5?				✓
b.	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO STATE CEQA '15064.5?				✓
c.	DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE?				✓
d.	DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES?				✓

#### VI. GEOLOGY AND SOILS

a.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : \r\nRUPTURE OF A KNOWN EARTHQUAKE FAULT, AS DELINEATED ON THE MOST RECENT ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING MAP ISSUED BY THE STATE GEOLOGIST FOR THE AREA OR BASED ON OTHER SUBSTANTIAL EVIDENCE OF A KNOWN FAULT? REFER TO DIVISION OF MINES AND GEOLOGY SPECIAL PUBLICATION 42.				✓
b.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : \r\nSTRONG SEISMIC GROUND SHAKING?		✓		
c.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : \r\nSEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION?				✓
d.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : \r\nLANDSLIDES?				✓
e.	RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL?		✓		
f.	BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIAL RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE?				✓
g.	BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY?				✓
h.	HAVE SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTE WATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTE WATER?				✓

#### VII. HAZARDS AND HAZARDOUS MATERIALS

a.	CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS?				✓
b.	CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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c.	EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING OR PROPOSED SCHOOL?				✓
d.	BE LOCATED ON A SITE WHICH IS INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5 AND, AS A RESULT, WOULD IT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT?				✓
e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT RESULT IN A SAFETY HAZARD FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA?				✓
f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT RESULT IN A SAFETY HAZARD FOR THE PEOPLE RESIDING OR WORKING IN THE AREA?				✓
g.	IMPAIR IMPLEMENTATION OF OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN?				✓
h.	EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING WILDLAND FIRES, INCLUDING WHERE WILDLANDS ARE ADJACENT TO URBANIZED AREAS OR WHERE RESIDENCES ARE INTERMIXED WITH WILDLANDS?		✓		

#### VIII. HYDROLOGY AND WATER QUALITY

a.	VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS?				✓
b.	SUBSTANTIALLY DEplete GROUNDWATER SUPPLIES OR INTERFERE WITH GROUNDWATER RECHARGE SUCH THAT THERE WOULD BE A NET DEFICIT IN AQUIFER VOLUME OR A LOWERING OF THE LOCAL GROUNDWATER TABLE LEVEL (E.G., THE PRODUCTION RATE OF PRE-EXISTING NEARBY WELLS WOULD DROP TO A LEVEL WHICH WOULD NOT SUPPORT EXISTING LAND USES OR PLANNED LAND USES FOR WHICH PERMITS HAVE BEEN GRANTED)?				✓
c.	SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, IN A MANNER WHICH WOULD RESULT IN SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE?				✓
d.	SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN AN MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF SITE?		✓		
e.	CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF?				✓
f.	OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY?				✓
g.	PLACE HOUSING WITHIN A 100-YEAR FLOOD PLAIN AS MAPPED ON FEDERAL FLOOD HAZARD BOUNDARY OR FLOOD INSURANCE RATE MAP OR OTHER FLOOD HAZARD DELINEATION MAP?				✓
h.	PLACE WITHIN A 100-YEAR FLOOD PLAIN STRUCTURES WHICH WOULD IMPEDE OR REDIRECT FLOOD FLOWS?				✓
i.	EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INQUIRY OR DEATH INVOLVING FLOODING, INCLUDING FLOODING AS A RESULT OF THE FAILURE OF A LEVEE OR DAM?				✓
j.	INUNDATION BY SEICHE, TSUNAMI, OR MUDFLOW?				✓

#### IX. LAND USE AND PLANNING

a.	PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY?				✓
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Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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b.	CONFLICT WITH APPLICABLE LAND USE PLAN, POLICY OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT (INCLUDING BUT NOT LIMITED TO THE GENERAL PLAN, SPECIFIC PLAN, COASTAL PROGRAM, OR ZONING ORDINANCE) ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?				✓
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c.	CONFLICT WITH ANY APPLICABLE HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN?				✓
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**X. MINERAL RESOURCES**

a.	RESULT IN THE LOSS OF AVAILABILITY OF A KNOWN MINERAL RESOURCE THAT WOULD BE OF VALUE TO THE REGION AND THE RESIDENTS OF THE STATE?				✓
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b.	RESULT IN THE LOSS OF AVAILABILITY OF A LOCALLY-IMPORTANT MINERAL RESOURCE RECOVERY SITE DELINEATED ON A LOCAL GENERAL PLAN, SPECIFIC PLAN, OR OTHER LAND USE PLAN?				✓
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**XI. NOISE**

a.	EXPOSURE OF PERSONS TO OR GENERATION OF NOISE IN LEVEL IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES?				✓
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b.	EXPOSURE OF PEOPLE TO OR GENERATION OF EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS?				✓
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c.	A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?				✓
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d.	A SUBSTANTIAL TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?		✓		
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e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?				✓
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f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?				✓
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**XII. POPULATION AND HOUSING**

a.	INDUCE SUBSTANTIAL POPULATION GROWTH IN AN AREA EITHER DIRECTLY (FOR EXAMPLE, BY PROPOSING NEW HOMES AND BUSINESSES) OR INDIRECTLY (FOR EXAMPLE, THROUGH EXTENSION OF ROADS OR OTHER INFRASTRUCTURE)?			✓	
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b.	DISPLACE SUBSTANTIAL NUMBERS OF EXISTING HOUSING NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?				✓
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c.	DISPLACE SUBSTANTIAL NUMBERS OF PEOPLE NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?				✓
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**XIII. PUBLIC SERVICES**

a.	FIRE PROTECTION?		✓		
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b.	POLICE PROTECTION?				✓
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c.	SCHOOLS?		✓		
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d.	PARKS?		✓		
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e.	OTHER GOVERNMENTAL SERVICES (INCLUDING ROADS)?				✓
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**XIV. RECREATION**

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	WOULD THE PROJECT INCREASE THE USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS OR OTHER RECREATIONAL FACILITIES SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION OF THE FACILITY WOULD OCCUR OR BE ACCELERATED?		✓		
b.	DOES THE PROJECT INCLUDE RECREATIONAL FACILITIES OR REQUIRE THE CONSTRUCTION OR EXPANSION OF RECREATIONAL FACILITIES WHICH MIGHT HAVE AN ADVERSE PHYSICAL EFFECT ON THE ENVIRONMENT?				✓

**XV. TRANSPORTATION/CIRCULATION**

a.	CAUSE AN INCREASE IN TRAFFIC WHICH IS SUBSTANTIAL IN RELATION TO THE EXISTING TRAFFIC LOAD AND CAPACITY OF THE STREET SYSTEM (I.E., RESULT IN A SUBSTANTIAL INCREASE IN EITHER THE NUMBER OF VEHICLE TRIPS, THE VOLUME TO RATIO CAPACITY ON ROADS, OR CONGESTION AT INTERSECTIONS)?			✓	
b.	EXCEED, EITHER INDIVIDUALLY OR CUMULATIVELY, A LEVEL OF SERVICE STANDARD ESTABLISHED BY THE COUNTY CONGESTION MANAGEMENT AGENCY FOR DESIGNATED ROADS OR HIGHWAYS?				✓
c.	RESULT IN A CHANGE IN AIR TRAFFIC PATTERNS, INCLUDING EITHER AN INCREASE IN TRAFFIC LEVELS OR A CHANGE IN LOCATION THAT RESULTS IN SUBSTANTIAL SAFETY RISKS?				✓
d.	SUBSTANTIALLY INCREASE HAZARDS TO A DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT)?				✓
e.	RESULT IN INADEQUATE EMERGENCY ACCESS?				✓
f.	RESULT IN INADEQUATE PARKING CAPACITY?				✓
g.	CONFLICT WITH ADOPTED POLICIES, PLANS, OR PROGRAMS SUPPORTING ALTERNATIVE TRANSPORTATION (E.G., BUS TURNOUTS, BICYCLE RACKS)?				✓

**XVI. UTILITIES**

a.	EXCEED WASTEWATER TREATMENT REQUIREMENTS OF THE APPLICABLE REGIONAL WATER QUALITY CONTROL BOARD?				✓
b.	REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER OR WASTEWATER TREATMENT FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?				✓
c.	REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?				✓
d.	HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT FROM EXISTING ENTITLEMENTS AND RESOURCE, OR ARE NEW OR EXPANDED ENTITLEMENTS NEEDED?				✓
e.	RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECT=S PROJECTED DEMAND IN ADDITION TO THE PROVIDER=S				✓
f.	BE SERVED BY A LANDFILL WITH SUFFICIENT PERMITTED CAPACITY TO ACCOMMODATE THE PROJECT=S SOLID WASTE DISPOSAL NEEDS?				✓
g.	COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE?				✓

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	DOES THE PROJECT HAVE THE POTENTIAL TO DEGRADE THE QUALITY OF THE ENVIRONMENT, SUBSTANTIALLY REDUCE THE HABITAT OF FISH OR WILDLIFE SPECIES, CAUSE A FISH OR WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE A PLANT OR ANIMAL COMMUNITY, REDUCE THE NUMBER OR RESTRICT THE RANGE OF A RARE OR ENDANGERED PLANT OR ANIMAL OR ELIMINATE IMPORTANT EXAMPLES OF THE MAJOR PERIODS OF CALIFORNIA HISTORY OR PREHISTORY?				✓
b.	DOES THE PROJECT HAVE IMPACTS WHICH ARE INDIVIDUALLY LIMITED, BUT CUMULATIVELY CONSIDERABLE? (CUMULATIVELY CONSIDERABLE MEANS THAT THE INCREMENTAL EFFECTS OF AN INDIVIDUAL PROJECT ARE CONSIDERABLE WHEN VIEWED IN CONNECTION WITH THE EFFECTS OF PAST PROJECTS, THE EFFECTS OF OTHER CURRENT PROJECTS, AND THE EFFECTS OF PROBABLE FUTURE PROJECTS).				✓
c.	DOES THE PROJECT HAVE ENVIRONMENTAL EFFECTS WHICH CAUSE SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS, EITHER DIRECTLY OR INDIRECTLY?				✓

DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description may cause potentially significant impacts on the environment without mitigation. Therefore, this environmental analysis concludes that a Mitigated Negative Declaration shall be issued to avoid and mitigate all potential adverse impacts on the environment by the imposition of mitigation measures and/or conditions contained and expressed in this document; the environmental case file known as **ENV-2005-9337-MND** and the associated case(s), **VTT-62900**. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impact(s) on the environment (after mitigation) **will not:**

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.
- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

ADDITIONAL INFORMATION:

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org>; City Planning - and Zoning Information Mapping Automated System (ZIMAS) [cityplanning.lacity.org/](http://cityplanning.lacity.org/) or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps - <http://gmw.consrv.ca.gov/shmp/> Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE:	TELEPHONE NO.:	DATE:
JOEY VASQUEZ	CITY PLANNING ASSOCIATE	(213) 978-1352	01/20/2006

Impact?	Explanation	Mitigation Measures
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**APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE**

<b>I. AESTHETICS</b>			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROPOSED PROJECT INVOLVES DEVELOPMENT IN A NATURAL OPEN SPACE SITE.	I b1
b.	NO IMPACT	THERE ARE NO SCENIC RESOURCES ON THE SITE.	
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT SITE IS EXISTING NATURAL OPEN SPACE. IMPACTS TO THE EXISTING VISUAL CHARACTER OF THE SITE MAY OCCUR.	I b1
d.	NO IMPACT	THE PROJECT WILL NOT INCREASE ILLUMINATION IN THE VICINITY.	
<b>II. AGRICULTURAL RESOURCES</b>			
a.	NO IMPACT	THE PROJECT IS IN AN URBAN AREA.	
b.	NO IMPACT	THE PROJECT IS IN AN URBAN AREA.	
c.	NO IMPACT	THE PROJECT IS IN AN URBAN AREA.	
<b>III. AIR QUALITY</b>			
a.	NO IMPACT	THE PROJECT WILL NOT CONFLICT WITH EITHER PLAN.	
b.	NO IMPACT	THE PROJECT WILL NOT VIOLATE ANY AIR QUALITY STANDARD.	
c.	NO IMPACT	THE PROJECT WILL NOT RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT.	
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	SHORT-TERM AIR QUALITY IMPACTS MAY RESULT DURING THE CONSTRUCTION PHASE OF THE PROJECT.	VI B
e.	NO IMPACT	THE PROJECT WILL NOT CREATE OBJECTIONABLE ODORS.	
<b>IV. BIOLOGICAL RESOURCES</b>			
a.	NO IMPACT	THE PROJECT SITE IS A 3 ACRE NATURAL OPEN SPACE SITE IN AN URBAN AREA.	
b.	NO IMPACT	THE PROJECT SITE IS A 3 ACRE NATURAL OPEN SPACE SITE IN AN URBAN AREA.	
c.	NO IMPACT	THE PROJECT SITE IS A 3 ACRE NATURAL OPEN SPACE SITE IN AN URBAN AREA.	
d.	NO IMPACT	THE PROJECT SITE IS A 3 ACRE NATURAL OPEN SPACE SITE IN AN URBAN AREA.	

Impact?	Explanation	Mitigation Measures
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e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE APPLICANT HAS INDICATED THAT SIX OAK TREES EXIST ON THE SITE, ONE OF WHICH WILL BE REMOVED. THIRTY-FIVE NON-OAK TREES WILL BE REMOVED.	IV e, IV f, IV g
f.	NO IMPACT	THE PROJECT WILL NOT CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN.	

#### V. CULTURAL RESOURCES

a.	NO IMPACT	THERE ARE NO HISTORICAL RESOURCES ON THE PROJECT SITE.	
b.	NO IMPACT	THE PROJECT IS NOT LOCATED IN AN AREA WITH ARCHAEOLOGICAL RESOURCES OR HUMAN REMAINS.	
c.	NO IMPACT	THE PROJECT WILL NOT RESULT IN THE DISTURBANCE OF SURFACE OR SUBSURFACE FOSSILS.	
d.	NO IMPACT	THE PROJECT IS NOT LOCATED IN AN AREA WITH HUMAN REMAINS.	

#### VI. GEOLOGY AND SOILS

a.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN AN ALQUIST-PRIOLO FAULT ZONE.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT IS LOCATED IN A SEISMICALLY ACTIVE REGION.	VI aii
c.	NO IMPACT	THE PROJECT IS NOT LOCATED IN A LIQUEFACTION AREA.	
d.	NO IMPACT	THE PROJECT IS NOT LOCATED IN A LANDSLIDE AREA.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT IS LOCATED IN A HILLSIDE GRADING AREA.	VI b
f.	NO IMPACT	THE PROJECT IS NOT LOCATED ON SOIL THAT IS UNSTABLE.	
g.	NO IMPACT	THE PROJECT IS NOT LOCATED ON EXPANSIVE SOIL.	
h.	NO IMPACT	THE PROJECT DOES NOT REQUIRE THE USE OF SEPTIC TANKS.	

#### VII. HAZARDS AND HAZARDOUS MATERIALS

a.	NO IMPACT	THE PROJECT WILL NOT TRANSPORT OR MANAGE HAZARDOUS OR POTENTIALLY HAZARDOUS EXPLOSIVE SUBSTANCES.	
b.	NO IMPACT	THE PROJECT WILL NOT INVOLVE THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.	
c.	NO IMPACT	THE PROJECT WILL NOT USE HAZARDOUS MATERIALS.	
d.	NO IMPACT	THE PROJECT IS NOT ON A LIST OF HAZARDOUS MATERIAL SITES.	



Impact?	Explanation	Mitigation Measures
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e.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN AN AIRPORT HAZARD ZONE.	
f.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN AN AIRPORT HAZARD ZONE.	
g.	NO IMPACT	THE PROJECT WILL NOT REQUIRE A NEW OR REVISED RISK MANAGEMENT PLAN, EMERGENCY RESPONSE, OR EMERGENCY EVACUATION PLAN.	
h.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT IS LOCATED IN A VERY HIGH FIRE HAZARD SEVERITY ZONE.	XIII A.

### VIII. HYDROLOGY AND WATER QUALITY

a.	NO IMPACT	THE PROPOSED PROJECT IS NOT PROJECTED TO VIOLATE ANY WATER QUALITY OR WASTE DISCHARGE REQUIREMENTS.	
b.	NO IMPACT	THE PROJECT SHOULD NOT CAUSE THE DEPLETION OF GROUNDWATER RECHARGE. THE PROJECT WILL CONTINUE TO BE SUPPLIED WITH WATER BY THE DWP.	
c.	NO IMPACT	THE PROJECT WILL NOT ALTER THE COURSE OF A STREAM OR RIVER.	
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT WILL RESULT IN 14 SINGLE FAMILY DWELLINGS ON WHAT IS NOW VACANT LAND, RESULTING IN AN INCREASE IN RUNOFF.	VIII c1
e.	NO IMPACT	THE PROPOSED PROJECT WILL NOT CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS.	
f.	NO IMPACT	THE PROPOSED PROJECT WILL NOT SUBSTANTIALLY DEGRADE WATER QUALITY.	
g.	NO IMPACT	THE PROPERTY IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN.	
h.	NO IMPACT	THE PROJECT IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN.	
i.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN A POTENTIAL INUNDATION AREA.	
j.	NO IMPACT	THE PROPERTY IS NOT LOCATED WITHIN AN INUNDATION ZONE FOR SEICHE, TSUNAMI, OR MUDFLOW.	

### IX. LAND USE AND PLANNING

a.	NO IMPACT	THE PROPOSAL WILL NOT DIVIDE AN ESTABLISHED COMMUNITY.	
b.	NO IMPACT	THE PROJECT IS CONSISTENT WITH THE ZONING AND THE COMMUNITY PLAN.	

Impact?	Explanation	Mitigation Measures
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c.	NO IMPACT	THE PROJECT WILL NOT CONFLICT WITH ANY APPLICABLE HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN.	
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**X. MINERAL RESOURCES**

a.	NO IMPACT	THE SITE IS NOT LOCATED IN AN AREA OF KNOWN MINERAL RESOURCES.	
b.	NO IMPACT	THERE ARE NO LOCALLY IMPORTANT MINERAL RESOURCES ON THE SUBJECT PROPERTY.	

**XI. NOISE**

a.	NO IMPACT	THE PROJECT WILL NOT EXPOSE PEOPLE TO NOISE LEVELS IN EXCESS OF THE NOISE ORDINANCE.	
b.	NO IMPACT	THE PROJECT WILL NOT EXPOSE PEOPLE TO EXCESSIVE GROUNDBORNE VIBRATION OR NOISE LEVELS.	
c.	NO IMPACT	THE PROJECT WILL NOT RESULT IN A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS.	
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<b>A TEMPORARY INCREASE IN AMBIENT NOISE LEVELS MAY OCCUR DURING CONSTRUCTION OF THE PROJECT.</b>	VI B
e.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN AN AIRPORT LAND USE PLAN.	
f.	NO IMPACT	THE PROJECT IS NOT LOCATED WITHIN THE VICINITY OF A PRIVATE AIRSTRIP.	

**XII. POPULATION AND HOUSING**

a.	LESS THAN SIGNIFICANT IMPACT	THE PROJECT WILL RESULT IN 14 NEW SINGLE FAMILY DWELLINGS. THE IMPACT TO THE SURROUNDING AREA WILL BE LESS THAN SIGNIFICANT.	
b.	NO IMPACT	THE PROJECT WILL RESULT IN AN INCREASE IN HOUSING IN THE AREA.	
c.	NO IMPACT	THE PROJECT SITE IS VACANT.	

**XIII. PUBLIC SERVICES**

a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<b>THE PROJECT IS LOCATED IN A VERY HIGH FIRE HAZARD SEVERITY ZONE.</b>	XIII a
b.	NO IMPACT	THE PROJECT WILL NOT HAVE AN IMPACT ON POLICE RESPONSE TIMES.	

Impact?	Explanation	Mitigation Measures
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c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THERE MAY BE AN INCREASE DEMAND ON AREA SCHOOLS AS A RESULT OF THIS PROJECT. THE POTENTIAL IMPACT CAN BE REDUCED TO A LESS THAN SIGNIFICANT LEVEL BY THE PAYMENT OF SCHOOL FEES TO LAUSD.	XIII c1
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROPOSED PROJECT MAY INCREASE THE USE OF LOCAL PARKS, HOWEVER, THE IMPACT CAN BE REDUCED TO A LESS THAN SIGNIFICANT LEVEL BY PAYMENT OF QUIMBY FEES.	XIV A
e.	NO IMPACT	THERE ARE NO ANTICIPATED IMPACTS ON OTHER GOVERNMENTAL SERVICES FROM THIS PROJECT.	

#### XIV. RECREATION

a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROPOSED PROJECT MAY INCREASE THE USE OF LOCAL PARKS, HOWEVER, THE IMPACT CAN BE REDUCED TO A LESS THAN SIGNIFICANT LEVEL BY PAYMENT OF QUIMBY FEES.	XIV a
b.	NO IMPACT	THE PROJECT DOES NOT INCLUDE RECREATIONAL FACILITIES NOR WILL IT REQUIRE THE CONSTRUCTION OR EXPANSION OF SUCH.	

#### XV. TRANSPORTATION/CIRCULATION

a.	LESS THAN SIGNIFICANT IMPACT	THE PROJECT WILL RESULT IN 14 NEW SINGLE FAMILY DWELLINGS. THE IMPACT TO EXISTING TRAFFIC WILL BE LESS THAN SIGNIFICANT.	
b.	NO IMPACT	THE PROJECT WILL NOT IMPACT THE LEVEL OF STREET SERVICE.	
c.	NO IMPACT	THE PROJECT WILL HAVE NO IMPACT ON AIR TRAFFIC PATTERNS.	
d.	NO IMPACT	THE PROJECT DOES NOT INCLUDE ANY HAZARDOUS DESIGN FEATURES.	
e.	NO IMPACT	THE PROJECT WILL NOT RESULT IN INADEQUATE EMERGENCY ACCESS.	
f.	NO IMPACT	THE PROJECT MEETS APPLICABLE PARKING REQUIREMENTS.	
g.	NO IMPACT	THE PROPOSED PROJECT DOES NOT CONFLICT WITH ALTERNATIVE TRANSPORTATION POLICIES, PLANS, OR PROGRAMS.	

#### XVI. UTILITIES

Impact?	Explanation	Mitigation Measures
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a.	NO IMPACT	THE PROJECT WILL NOT EXCEED THE WASTEWATER TREATMENT REQUIREMENTS OF THE LOS ANGELES REGIONAL WATER QUALITY BOARD.	
b.	NO IMPACT	THE PROJECT WILL NOT REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER OR WASTEWATER TREATMENT FACILITIES.	
c.	NO IMPACT	THE PROJECT WILL NOT REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES.	
d.	NO IMPACT	THE DEPARTMENT OF WATER AND POWER HAS ADEQUATE WATER SUPPLIES TO SERVE THIS PROJECT.	
e.	NO IMPACT	THE PROJECT IS NOT LOCATED IN A SEWER CAPACITY THRESHOLD STUDY AREA.	
f.	NO IMPACT	THE LOCAL LANDFILLS HAVE SUFFICIENT CAPACITY TO SERVE THE PROJECT.	
g.	NO IMPACT	THE PROJECT WILL COMPLY WITH STATUTES AND REGULATIONS RELATED TO SOLID WASTE.	

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

a.	NO IMPACT		
b.	NO IMPACT		
c.	NO IMPACT		

CALIFORNIA DEPARTMENT OF FISH AND GAME  
CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

PROJECT TITLE (INCLUDING ITS COMMON NAME, IF ANY)

TRACT/PARCEL MAP NO. VTT-62900

MND NO.

ENV-2005-9337-MND

ZA NO.

PROJECT DESCRIPTION: VESTING TENTATIVE TRACT FOR 14 SINGLE FAMILY LOTS. THE PROJECT SITE IS 3.08 ACRES IN THE R1-1VL ZONE.

PROJECT ADDRESS: 2400 ALLESANDRO AVENUE; SILVER LAKE-ECHO PARK-ELYSIAN VALLEY

APPLICANT NAME: HENRY NUNEZ REAL ESTATE CO., INC.

APPLICANT ADDRESS: 11 E. HUNTINGTON DRIVE  
ARCADIA, CA 91006

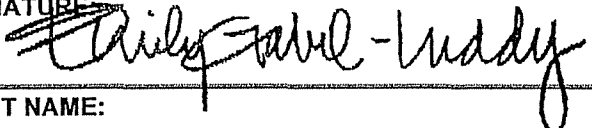
FINDINGS OF EXEMPTIONS

Based on the Initial Study prepared by the City Planning Department and all evidence in the record, on it is determined that the subject project, which is located in Los Angeles County, WILL NOT have an adverse impact in wildlife resources or their habitat as defined by Fish and Game Code Section 711.2 of the Fish and Game Code, Because:

- The Initial Study prepared for the project identifies no, potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, or risk of upset are concerned.
- Measures are required as part of this approval which will mitigate the above mentioned impacts, to a level of insignificance.
- The project site, as well as the surrounding area (is presently) (was) developed with residential structures and does not provide a natural habitat for either fish or wildlife.

CERTIFICATION

I hereby certify that the Los Angeles Planning Department has made the above findings of fact and that based upon the initial study and hearing record the project will not individually or cumulatively have an adverse effect on wildlife resources; as defined in Section 711.2 of the Fish and Game Code.

CHIEF PLANNING OFFICIAL: EMILY GABEL	SIGNATURE 
DATE OF PREPARATION: 01/13/2006	PRINT NAME: JOEY VASQUEZ



## EAST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California 90012-4801, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

**Determination Mailing Date: DEC 19 2008**

**CASE NO.:** VTT 62900-SL-1A  
**CEQA:** ENV 2005-9337-MND-REC  
**Related Case:** APCE 2006-8787-ZC

**Location:** 2400 Allesandro Street, 2005 & 2021  
W. Elmoran Street  
**Council District:** 13  
**Plan Area:** Silver Lake-Echo Park-Elysian Valley  
**Zone:** R1-1VL

**Applicant:** Henry Nunez  
**Appellant:** Herb Pacheco, Diane Edwardson, Cindy Ortiz and Cheryl Parisi

**At its meeting on September 24, 2008, the following action was taken by the East Los Angeles Area Planning Commission:**

1. **Granted** the appeal in part.
2. **Sustained** the Advisory Agency's **approval** of Vesting Tentative Tract 62900 for a 15-lot lot sub-division, plus one open space lot for a total of 16 lots under the small lot ordinance No. 176,354.
3. **Adopted** Modified Conditions of Approval (attached).
4. **Adopted** Findings (attached).
5. **Adopted** ENV 2005-9337-MND-REC as modified.

**Fiscal Impact Statement:** There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

**Moved:** Lowe  
**Seconded:** Lopez  
**Ayes:** Marquez, Vilchez  
**Noes:** Garcia

**Vote:** 4-1

  
James Williams, Commission Executive Assistant I  
East Los Angeles Area Planning Commission

**Effective Date Appeals:** This action of the East Los Angeles Area Planning Commission will be final within 10 days from the mailing date on this determination unless an appeal is filed within that time to the City Council. All appeals shall be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).

**FINAL APPEAL DATE** DEC 29 2008

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.

**Attachments:** Modified Conditions of Approval and Findings  
City Planner: Lateef Sholebo

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That a 15-foot radius property line returns be dedicated at the intersections of Allesandro Avenue and El Moran Street and at Modjeska Street and Peru Street adjoining the tract satisfactory to the City Engineer.
2. That if this tract map is approved as **small lot subdivision**, and if necessary for street address purposes then all the common access to this subdivision be named on the final map satisfactory to the City Engineer.
3. That if this tract map is approved as small lot subdivision then the final map be labeled as "**Small Lot Subdivision per Ordinance No. 176354**" satisfactory to the City Engineer.
4. That any necessary public sanitary sewer easements be dedicated on the final map based on an alignment approved by Central Engineering District Office.
5. That the common access be provided and shown on the final tract map.
6. That the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.
7. **Owners of the property record a Covenant and Agreement together with legal description and map of said lot 16 and public access easement, satisfactory to the City Engineer stating that proposed lot 16 shall be maintained and preserved as a dedicated open space lot in perpetuity running with the land.**

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

8. That 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 March 5, 2007, Log No. 53619-2 and attached to the case file for Vesting Tentative Tract No. 62900-SL. This conditions shall be complied with prior to the issuance of any Building permits.**

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

9. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. The submitted map indicates R1-1VL as the existing and proposed Zone. Small Lot Subdivision is not permitted in the R1 Zone. Submit a revised map to address the discrepancy and indicate the proposed Zone.
  - b. Provide a copy of APC case APCE-2006-8787-ZC. Show compliance with all the conditions/requirements of the APC cases as applicable.
  - c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be rechecked as per net lot area after street dedication.

Notes:

The existing or proposed building plans have not been checked for Building or Zoning Code requirements. Any vested approvals for parking layouts, open space, required yards or building height, should be "to the satisfaction of the Department of Building and Safety at the time of Plan Check".

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

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact John Pourhassan at (213) 482-6880 to schedule an appointment.

**DEPARTMENT OF TRANSPORTATION**

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

**FIRE DEPARTMENT**

11. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
- a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
  - b. In order to mitigate the inadequacy of fire protection in travel distance, sprinkler systems shall be required throughout any structure to be built, in accordance with the Los Angeles Municipal Code, Section 57.09.07.
  - c. Adequate public and private fire hydrants may be required.
  - d. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
  - e. Private Streets and entry gates will be built to City standards to the satisfaction of the City Engineer and Fire Department.
  - f. Fire lanes; where required and dead-ending streets shall terminate in a cul-de-sac or other approved turning area. No dead-ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
  - g. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access roadway, or designated fire lane.
  - h. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
  - i. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction
  - j. Private streets shall be recorded as Private Streets, **AND** Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.



- k. Plans showing areas to be posted and / or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- l. No building or portion of a building shall be constructed more than 300 feet from an approved hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.

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

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

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

- 13. Street light improvements shall be made to the satisfaction of the Bureau of Street Lighting and/or the following street lighting improvements shall be required. (This condition shall be deemed cleared at the time the City Engineer clears Condition S-3. (c).)
  - a. Satisfactory arrangements shall be made with the Bureau of Street Lighting to assure the property be formed or annexed into a Street Lighting Maintenance Assessment District.

#### **BUREAU OF SANITATION**

- 14. 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**

- 15. 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 Los Angeles Municipal Code Section 17.05N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 N. Main Street, Room 1255, Los Angeles, CA 90012, (213) 922-8363.

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

- 16. That the Quimby fee be based on the RD6 Zone.

#### **STREET TREE DIVISION AND THE DEPARTMENT OF CITY PLANNING**

- 17. Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated oak tree expert as designated by LAMC Ordinance No. 153,478, for approval by the City Planning Department and the Bureau of Street Services, Urban Forestry Division.

A minimum of two oak trees (a minimum of 48 inch box in size) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 153,478, and to the satisfaction of the Bureau of Street Services Urban Forestry Division and the Advisory Agency. **To the greatest extent feasible,**

**transplant and preservation option is to be preferred option over tree replacement in the landscape plan.**

**Note:** All oak tree removals must be approved by the Board of Public Works. Contact: Street Tree Division at: 213-485-5675.

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

18. 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 15 lots for residential use plus one (1) open space lot for a total of 16 lots provided a zone change is approved to allow the density. If the zone change is not approved for the requested density, the density allowed on the site, or a density allowed by a discretionary action, shall be the density permitted on the site.
  - b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus ½ guest parking space per dwelling unit. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.
  - c. **Note to City Zoning Engineer and Plan Check.** The Advisory Agency has approved the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site.  
  
Approved Variations as follows:
    - d. That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
    - e. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
    - f. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
    - g. A Maintenance Association shall be formed, composed of all property owners, to maintain all common areas such as trees, landscaping, trash, parking, community driveway(s), **public access way(s)**, walkways, monthly service for private fire hydrant (if required), etc. Each owner and future property owners shall automatically become members of the association and shall be subject to a proportionate share of the maintenance. The Maintenance Association shall be recorded as a Covenant and Agreement to run with the land. The subdivider shall submit a copy of this Agreement, once recorded, to the Planning Department for placement in the tract file.
  - h. That copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.
19. That prior to the issuance of the building permit or the recordation of the final map, a copy of the APCE-2006-8787-ZC shall be submitted to the satisfaction of the Advisory Agency indicating all the conditions of approval have been satisfied. In the event that APCE-2006-8787-ZC is not approved or amended by the City Council, the development on this site shall be in compliance with the land use designation and zoning of the site.

20. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:

(The following is to be used with Covenant and Agreement prior to obtaining a grading permit)

That the haul route utilized for the exporting or importing of materials under this tract approval shall observe the following conditions:

- a. Streets to be used shall be limited to Allesandro Street El Moran Street, Riverside Drive, Newell Street, CA-2N., CA-134E., Figueroa Street, and Scholl Canyon Road,
- b. Hours of operation shall be from: 9.00 a.m. to: 4.00 p.m.
- c. Days of the week shall be Monday through Friday.
- d. Total trips per day shall be no more than 40.
- e. Duration of project shall be no more than three (3) weeks.
- f. Trucks shall be restricted to 10-wheel dump trucks or smaller.
- g. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).
- h. Streets shall be cleaned of spilled materials at the termination of each work day.
- i. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
- j. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- k. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- l. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. **All trucks with hauling activities are to be covered to prevent spillage and dust.**
- m. All trucks are to be watered at the job site to prevent excessive blowing dirt.
- n. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
- o. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.
- p. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
- q. A Truck Crossing warning signs shall be placed 300 feet in advance of the exit in each direction.

- r. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of A Work Area Traffic Control Handbook.
- s. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary No Parking signs posted along the route.
- t. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.
- u. The permittee shall notify the Street Use Inspection Division 13, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.
- v. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Valley District Engineering Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401. Further information regarding the bond may be obtained by calling 818.374.5090.

OR

A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the West Los Angeles District Engineering Office, 1828 Sawtelle Boulevard, 3<sup>rd</sup> Floor, Los Angeles, CA 90025. Further information regarding the bond may be obtained by calling 310.575.8388.

OR

A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213. 977.6039.

OR

A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Harbor District Engineering Office, 638 S. Beacon Street, 4<sup>th</sup> Floor, San Pedro, CA 90731. Further information regarding the bond may be obtained by calling 310.732.4677.

- w. **Applicant shall post notice to residents along Rosebud, Peru Street and Alvarado regarding hauling schedule and a telephone contacts information relative to issues and concerns related to hauling activities. Prior to and during all hauling operations, contact, communication, and a designated liaison must be provided to Allesandro Elementary School to address school crossing concerns. City of Los Angeles Department of Transportation shall also be contacted for coordination of crossing guards.**
- 21. **Prior to the issuance of the Certificate of Occupancy, applicant shall complete all the public improvements and comply with approved oak tree and other significant tree replacement / protection plan.**
  - 22. **All mitigations included in the ENV-2005-9337-MND and the October 27, 2006 addendum are incorporated by reference herein and made a part of these conditions.**

**DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES**

23. That prior to recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition No(s). 24, 25, and SF-2 of the Tract=s approval satisfactory to the Advisory Agency. The mitigation monitor(s) 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.
24. Prior to the recordation of the final map, the subdivider will 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 Grading shall be kept to a minimum.
- MM-2 Natural features, such as prominent knolls or ridge lines, shall be preserved.
- MM-3 The project shall comply with the City's Hillside Development Guidelines.
- MM-4 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ordinance No. 170,978), Guidelines K - Vehicular Use Areas.
- MM-5 Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.**
- MM-6 The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.
- MM-7 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.
- MM-8 The City Engineer shall use the provisions Section 17.08 as its procedural guide in satisfaction of said bond requirement and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division of the Bureau of Street Services that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.

- MM-9 The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.
- MM-10 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.
- MM-11 Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- MM-12 Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- MM-13 Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- MM-14 Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- MM-15 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 a physical device 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.
- MM-16 Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- MM-17 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.
- MM-18 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.
- MM-19 Legibility of stencils and signs must be maintained.
- MM-20 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 structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-21 The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-22 The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-23 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-24 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- MM-25 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 project area.
- MM-26 Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
- MM-27 **The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.**
- MM-28 **The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91,8104.15. Also the applicant shall cover the walls with clinging vines or screened by vegetation capable of spreading over the entire wall within one year of planting. Adequate Irrigation shall be provided if vines or vegetation is provided on or along the walls.**
25. **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.**
- Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing.
  - 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.
  - 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 The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. **This shall include but not limited to the provision of 8' to 10' dust screen fencing around the perimeter of the site. The height and location of which is to be finally determined by Department of Building and Safety.**
- CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-5 All clearing, grading, 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-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 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-8 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-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-11 The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-12 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.
- CM-13 Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include 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.
- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-15 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- 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 shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

- CM-17 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- CM-19 Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20 Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.
- CM-21 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- CM-22 **Owner or Contractor shall submit traffic and parking plan to Department of City Planning. Workers' vehicles shall be parked on site and not on adjacent residential streets. Otherwise, parking shall be on another off-street parking site.**
- CM-23 **Owner/contactor shall provide documentation verification of waste disposal to licensed regulated disposal and recycling sites as a monitoring measure to prevent illegal toxic waste dumping and recycling compliance.**

#### **COUNCIL OFFICE REQUIRED CONDITIONS (CD-13)**

- 26. That parcel 16 (open space lot) either be gifted as an open space preserve or that it be deed restricted as a public space and maintained by a home owners association established as part of this development. **The parcel 16 shall also be in compliance with condition No. 7.**
- 27. That after the uncertified fill is removed from the development site, as is required by the Department of Building and Safety, great care is taken by the developer in restoring native vegetation to all affected areas on parcel 16 to encourage and enhance existing wildlife habitat.

**Prior to the issuance of any building permits or grading permits, owner/developer shall to retain the services of a biologist to conduct a site assessment survey of existing wildlife habitat to be submitted to Los Angeles Department of City Planning to evaluate both the short term construction and long term impacts to habitat and migration patterns, if any. To the greatest extent feasible, applicant shall work in good faith in collaboration with the planning Department and Council District 13 to implement the recommendations of the biologist.**

- 28. That a detailed landscaping plan, specific to parcel 16, is presented to Planning for approval in advance of any grading.
- 29. That great care is taken in transplanting, and/or replacing all protected trees in accordance with the native tree ordinance.

30. **That the housing development remain open and accessible, and have adequate and safe pedestrian access, including compliance with ADA requirements from Allesandro Street." and adequate exterior lighting (to extent feasible utilize solar lighting).**
31. That any and all retaining walls in the development will be masked with drought resistant plant materials and be maintained that way.
32. That any mechanical equipment on rooftops be hidden and that the rooftops be designed in an attractive, inconspicuous way.
33. That all utilities lines are placed underground.
34. That public access is established connecting the open space to Allesandro via the lower portion of El Moran. **Applicant will work in collaboration with Council District 13 and the Santa Monica Mountain Conservancy in their efforts to provide and to design a pedestrian trail to connect to the open space lot.**

#### DEPARTMENT OF CITY PLANNING-STANDARD SINGLE-FAMILY CONDITIONS

- SF-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. If models are constructed under this tract approval, the following conditions shall apply:
1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
  2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.
- SF-2. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site.
- a. Landscaping palette for required landscape plans shall be comprised of drought tolerant and/or native plant material that is fire retardant and controls erosion.
  - b. Retaining walls and building understory areas shall be fully screened with plantings in a reasonable amount of time, as shown on approved landscape plan.
  - c. Landscape plans must be submitted to Bureau of Street Services Urban Forestry Division prior to DCP clearance. Upon satisfaction of the requirements set forth under LAMC Ordinance No. 177,404 (Protected Trees) deemed necessary by the Urban Forestry Division, an approval letter will be issued by the Urban Forestry Division and submitted with new development filings as part of submission packages.

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

**BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Municipal Code.
- (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 comply with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceeds 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.

- (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
  - (d) All improvements within public streets, private 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.
    1. Construct four (4) new lights on Allesandro Street.

Notes:

- (1) The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.
  - (2) Condition sets: 1) In compliance with Specific Plan, 2) By LADOT, 3) By other legal instrument excluding the Bureau of Engineering condition S-3(i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.
- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree 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:**

- (1) After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer, drainage facilities may be required satisfactory to the City Engineer.
- (2) Construct the necessary on-site mainline sewer satisfactory to the City Engineer.

**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. This vesting map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

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

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

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

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

No building permit will be issued until the subdivider has secured a certification from the Housing Authority that the development complies with the requirements for low-and moderate-income housing, per Section 12.39-A of the LAMC.

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

**FINDINGS OF FACT (CEQA)**

The Environmental Staff Advisory Committee issued Mitigated Negative Declaration ENV-2005-9337-MND on October 27, 2006, and a Reconsideration ENV-2005-9337-MND-REC DATED October 27, 2006. The Committee found that potential negative impact could occur from the project's implementation due to:

- Aesthetics
  - potential loss of significant trees
  - noise from the site
  - mobile noise
  - potential seismic activity
  - need for landscaping.
- Animal life**

**In addition, the East Los Angeles Area Planning Commission and the Council District 13 identified animal habitat as an impact with additional mitigation.**

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2005-9337-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition **No(s). 24, 25 and SF-2** 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, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The Initial Study prepared for the project identifies no potential adverse impacts on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset are concerned. Furthermore, the project site, as well as the surrounding area is presently developed with residential structures and does not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), 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.

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

In connection with the approval of Vesting Tentative Tract No. 62900-SL 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.
- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Silver Lake-Echo Park-Elysian Community Plan designates the subject property for Low Residential land use with the corresponding zones of RE9, RS, R1, RU, RD6, RD5. The property contains approximately 3.08 net acres (134,066 net square feet after required dedication) and is presently zoned R1-1VL. The proposed development of 15, single-family lots is allowable under the "Small Lot Subdivision Ordinance". The ordinance permits the subdivision of multi-family and commercially zoned properties into small single-family lots. The project as proposed is consistent with the current land use designation; however, it is not allowable under the current adopted zone. The applicant has requested for a zone change from R1-1 to RD6-1 which will allow the density if approve.

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

The project conforms to both the specific provisions and the intent of the Specific Plan for the Management of Flood Hazards (Section 5 of Ordinance 172,081).

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

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

The site is one of the few underimproved properties in the vicinity. The development of this tract is an infill of an otherwise mixed density, residential 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.

- (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 Initial Study prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, and risk of upset are concerned.

Furthermore, the project site is located in an urban area and does not provide a natural habitat for either fish or wildlife.

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

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

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which is currently being 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)

- 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.
- 2) 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.
- 3) The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.
- 4) The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.
- 5) 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 Tract No. 62900-SL.

S. Gail Goldberg, AICP  
Advisory Agency

MICHAEL S.Y. YOUNG  
Deputy Advisory Agency

MSYY:GC:LS:mkc

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 North Figueroa Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
213.482.7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard  
Room 251  
Van Nuys, CA 91401  
818.374.5050

**Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).**

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

If you have any questions, please call Subdivision staff at (213) 978-1362.



## TRANSMITTAL TO CITY COUNCIL

Case No. <b>APCE 2006-8787-ZC</b>	Planning Staff Name(s) and Contact No. <b>Lateef Sholebo, (213) 978-1454</b>	C.D. No. <b>13</b>
Related Case No(s). <b>VTT 69200-SL-2A</b>	Last Day to Appeal <b>1/8/2009</b>	

Location of Project (Include project titles, if any.).  <b>2400 Allesandro Street, 2005 &amp; 2021 W. Elmoran Street</b>
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<b>Applicant(s) and Representative(s) Name(s) and Contact Information, if available.</b>	
<b>Henry Nunez</b> <b>Henry Nunez Real Estate Co., Inc</b> <b>11 E. Huntington Drive</b> <b>Arcadia, CA 91006</b> <b>626-254-0417</b>	<b>Fisher Associates</b> <b>21520 Yorba Linda Blvd., #G 563</b> <b>Yorba Linda, CA 92887</b>

<b>Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.</b>

<b>Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)</b>
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<p>At its meeting on September 24, 2008 the following action was taken by the East Los Angeles Area Planning Commission:</p> <ol style="list-style-type: none"> <li>1. <b>Granted</b> the appeal in part.</li> <li>2. <b>Sustained</b> the Advisory Agency's <b>approval</b> of Vesting Tentative Tract 69200 for a 15-lot subdivision, plus one open space lot for a total of 16 lots under the Small Lot Ordinance No. 176,354.</li> <li>3. <b>Adopted</b> Modified Conditions of Approval (attached).</li> <li>4. <b>Adopted</b> Findings (attached).</li> <li>5. <b>Adopted</b> ENV 2005-9337-MND-REC as modified.</li> </ol>
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Items Appealable to Council

<b>Fiscal Impact Statement</b> <small>*If determination states administrative costs are recovered through fees, indicate "Yes."  <b>Yes</b> </small>	<b>Env. No.</b> <b>ENV 2005-9337-MND-REC</b>	<b>Commission Vote:</b> <b>4-1</b>
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In addition to this transmittal sheet, City Clerk needs:

- (1) Original & (1) copy of Appeal package, plus; (2) true copies of Commission Determination or Original & (1) copy of Determination for legislative actions;
- (2) Staff Recommendation Report (1);
- (3) Environmental document used to approve the project, if applicable (1);
- (4) Public hearing notice (1);
- (5) Commission determination mailing labels (1) note: Condo projects & Appeals only require a copy of the list(s), not the labels.
- (6) *Condo Conversion only: (1) copy of Commission Determination mailing list (includes project's tenants; and 500 foot radius mailing lists)*

Linda Gillespie, Commission Executive Assistant East Los Angeles Planning Commission	Date
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**DETERMINATION LETTER**  
**APCE-2006-8787-ZC**  
**MAILING DATE: 12/19/08**

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