

**DEPARTMENT OF  
CITY PLANNING**

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Decision Date: March 3, 2020

Appeal Date: March 13, 2020

Rob Flitton (O)(A)  
TTLC Los Angeles – El Sereno, LLC  
2942 Century Place, Suite 121  
Costa Mesa, CA 92626

Jim Ries (R)  
Craig Lawson & Co., LLC  
3221 Hutchison Avenue, Suite D  
Los Angeles, CA 90034

Lawrence Wilson, P.L.S. 6712 (E)  
Forma Engineering, Inc.  
400 San Fernando Mission Blvd.  
San Fernando, CA 91340

Case No. VTT-73531-SL  
Incidental Cases: APCE-2015-2048-ZC-ZAD-ZAA  
CEQA: ENV-2015-1918-MND  
Location: 2520 North Eastern Avenue (2532,  
2608, and 2668 N. Eastern Ave  
and 2647 – 2651 N. Lombardy  
Blvd.  
Council District: 14 - Huizar  
Neighborhood  
Council: LA-32  
Community Plan  
Area: Northeast Los Angeles  
Land Use  
Designation: Low Residential  
Zone: [Q]R1-1D; [Q]RD6-1D  
Legal Description: Lot No. FR Cornwall 10 Acres arb 6,  
Partition Map of Lots 3 &4 and E  
1/2/of SW ¼ of Sec 18 and NE ¼ of  
NW ¼ of Sec 19 T1S R12W S.B.M;  
Lot No. FR 1 and Vac Ord 83066,  
Farmdale Tract; Lot No. 562, TR 6900

In accordance with the provisions of CEQA Guidelines Section 15074(b), the Advisory Agency found that after consideration of the whole of the administrative record, including the Mitigated Negative Declaration (MND), Case No. ENV-2015-1918-MND, and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; found that the MND reflects the independent judgement and analysis of the City; found that the mitigation measures have been made enforceable conditions on the project; and adopted the MND and the Mitigation Monitoring Program prepared for the MND. In accordance with provisions of Section 17.03 A and 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency approved Vesting Tentative Tract No. 73531-SL, located generally at 2520 North Eastern Avenue, for a maximum of **42 small lots**, pursuant to LAMC Section 12.22 C.27 (Ordinance No. 176,354), as shown on **revised map stamp-dated March 2, 2020**, in the Northeast Los Angeles Community Plan. This unit density is based on the requested RD5 Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property.) The Advisory Agency's approval is subject to the following conditions:

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

### **BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

*Any questions regarding this report should be directed to Mr. Georgic Avanesian of the Land Development Section, located at 201 North Figueroa Street, Suite 200, or by calling (213) 808-8588.*

1. That a 3-foot wide strip of land be dedicated along Eastern Avenue adjoining the tract to complete a 43-foot wide right-of-way in accordance with Avenue II Standards of LA Mobility Plan including a 20-foot radius property line return or a 15-foot by 15-foot property cut corner at the intersection with Lombardy Boulevard.
2. That the proposed merger area along Lombardy Boulevard not to be merged and existing right-of-way be correctly shown on the final map.
3. That if this tract map is approved as "Small Lot Subdivision" then, and if necessary for street address purposes all the common access to this subdivision be named on the final map satisfactory to the City Engineer.
4. 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.
5. That if necessary public sanitary sewer easements be dedicated on the final map based on an alignment approved by the Central District Engineering District Office.
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.

Note to City Engineer: For Common Access Easement width requirements see Department of City Planning Condition No. 18 (g)(ii) and (iii)

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

*Grading Division approvals are conducted at 221 North Figueroa Street, 12<sup>th</sup> Floor suite 1200. The approval of this Tract Map shall not be construed as having been based upon a geological investigation such as will authorize the issuance of the building permit of the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits.*

7. 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 Geology and Soils Report Approval dated October 4, 2019, Log No. 109928 and attached to the case file for Tract No. 73831-SL.

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

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

8. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. Provide a copy of [Q] and D condition. Show compliance with the above conditions as applicable or Department of City Planning approval is required.

- b. Provide a copy of APC case APCE-2015-2048-ZC-ZAD. Show compliance with all the conditions/requirements of the APC case as applicable.
- c. Zone Change must be recorded prior to obtaining Zoning clearance.
- d. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard requirements shall be required to comply with current code as measured from new property lines after dedication.
- e. Obtain Bureau of Engineering approval for the proposed street (Lombardy Blvd.) merger.
- f. Lots 1, 38 and 42 do not comply with the minimum 20 ft. front yard setback along Eastern Avenue and Lombardy Boulevard after required street dedication is taken as required for the **[Q]RD5-1D Zone**. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning for the setbacks indicated in the Setback Matrix.
- g. Dimension on the map to provide and maintain a minimum 20 ft. common access for driveway and egress/ingress purposes all the way to the public street. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning.

Notes:

This property is in the RD Zone within the Hillside Area and may require to comply with the Hillside Ordinance (Section 12.21A.17 LAMC).

This property is located in a Liquefaction Zone.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

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

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

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

**DEPARTMENT OF TRANSPORTATION**

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

**FIRE DEPARTMENT**

*The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6509. You should advise any consultant representing you of this requirement as well.*

10. 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. This project is located in the very high fire hazard severity zone and shall comply with requirements set forth in the City of Los Angeles Municipal Code 57.25.01.
  - c. Mitigating measures shall be considered. These measures shall include, but not be limited to the following:
    - i. Boxed-in eaves.
    - ii. Single pane, double thickness (minimum 1/8" thickness) or insulated windows.
    - iii. Non-wood siding.
    - iv. Exposed wooden members shall be two inches nominal thickness.
    - v. Noncombustible finishes.
  - d. Any required roadway improvement within the Hillside Ordinance shall be completed prior to the Fire Department signing off and building plans or building permit application.
  - e. Irrigated and managed greenbelts around the perimeter of all structures for a distance of 100 feet shall be considered as a buffer between the brush and the proposed project.
  - f. All landscaping shall use fire-resistant plants and materials. A list of such plants is available from the Fire Department.
  - g. All homes shall have noncombustible roofs. (Non-wood)
  - h. The brush in the area adjacent to the proposed development shall be cleared or thinned periodically by the homeowner's Association under supervision to the Los Angeles City Fire Department in order to reduce the risk of brush fires spreading to the homes.
  - i. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - j. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

- k. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- l. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- m. Adequate public and private fire hydrants shall be required.
- n. 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.
- o. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
- p. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
- q. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".
- r. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
- s. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- t. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- u. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- v. 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.
- w. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- x. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- y. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- z. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.

**DEPARTMENT OF WATER AND POWER**

11. 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 – SPECIFIC CONDITIONS**

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

12. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

**BUREAU OF SANITATION**

13. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problem, as stated in the memo dated November 8, 2016. 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**

14. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [cabletv.ita@lacity.org](mailto:cabletv.ita@lacity.org) that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

**DEPARTMENT OF RECREATION AND PARKS**

15. That the Quimby fee be based on the RD5 Zone.

**URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING**

16. The applicant shall submit a tree report and a landscape plan prepared by a Tree Expert, as required by LAMC Ordinance No. 177,404, for approval by the City Planning Department and the Urban Forestry Division, Bureau of Street Services. The Tree Report shall contain the Tree Expert's recommendation for the preservation of as many desirable (eight inches diameter or greater) trees as possible and shall provide species, health, and condition of all trees with tree locations plotted on a site survey. Any on-site 1:1 tree replacement shall be required for the unavoidable loss of any desirable on-site trees.
17. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street

Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

Note:

Removal of Protected trees requires the approval of the Board of Public Works.

Removal or planting of any tree in the public right-of-way required approval of the Board of Public Works.

Contact Urban Forestry Division at (213)847-3077 for permit information. CEQA documents must address removal of protected trees and parkway trees.

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

*Clearances may be conducted at the Figueroa, Valley, or West Los Angeles Development Services Centers. To clear conditions, an appointment is required, and can be requested at [planning.lacity.org](http://planning.lacity.org).*

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 42 residential dwelling units.
  - b. A Certificate of Occupancy (temporary or final) for the building(s) in Vesting Tentative Tract Map No. 73531-SL shall not be issued until after the final map has been recorded.
  - c. Provide a minimum of two (2) covered off-street parking spaces per dwelling unit.
  - 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 consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - g. Note to City Zoning Engineer and Plan Check. The Advisory Agency has considered the following setbacks in conjunction with the approved map. Minor deviations to the map's setbacks are allowed in the event that such deviations are necessary in order to accommodate other conditions of approval as required by other City agencies. In no event shall the setback from the perimeter boundary of the subdivision measure less than the yards required pursuant to LAMC Section 12.22 C.27 (Ordinance No. 176,354):
    - (i) The project shall comply with the setbacks as indicated in the table below:

Setback Matrix									
Lot No.	North	South	East	West	Lot No.	North	South	East	West
1	22[S]	23[S]	4[R]	5[F]	22	55[R]	23[F]	4[S]	4[S]
2	26[F]	16[R]	4[S]	4[S]	23	75[R]	24[F]	4[S]	7[S]
3	26[F]	16[R]	4[S]	4[S]	24	56[F]	1[R]	4[S]	56[F]
4	24[F]	18[R]	4[S]	4[S]	25	3.5[S]	4[S]	27[R]	130[F]
5	26[F]	16[R]	4[S]	4[S]	26	4[S]	4[S]	27[R]	150[F]
6	24[F]	18[R]	6[S]	4[S]	27	4[S]	4[S]	27[R]	170[F]
7	28[F]	19[R]	4[S]	4[S]	28	4[S]	4[S]	27[R]	190[F]
8	28[F]	19[R]	4[S]	4[S]	29	4[S]	4[S]	27[R]	210[F]
9	28[F]	19[R]	4[S]	4[S]	30	15[R]	27[F]	15[S]	3[S]
10	28[F]	12[R]	4[S]	6[S]	31	15[R]	27[F]	3[S]	3[S]
11	11[F]	12[R]	4[S]	4[S]	32	15[R]	27[F]	3[S]	3[S]
12	20[F]	12[R]	18[S]	4[S]	33	15[R]	27[F]	3[S]	3[S]
13	4[S]	1.5[S]	13[R]	25[F]	34	15[R]	27[F]	3[S]	3[S]
14	4[S]	4[S]	14[R]	25[F]	35	15[R]	27[F]	3[S]	3[S]
15	6[S]	4[S]	14[R]	25[F]	36	15[R]	27[F]	3[S]	3[S]
16	4[S]	6[S]	13[R]	25[F]	37	15[R]	27[F]	3[S]	3[S]
17	4[S]	4[S]	13[R]	25[F]	38	22[F]	32[S]	5[R]	6[F]
18	4[S]	4[S]	13[R]	25[F]	39	15[F]	23[R]	3[S]	5[F]
19	9[S]	4[S]	13[R]	25[F]	40	25[F]	30[R]	3[S]	3[S]
20	36[R]	5[F]	14[S]	7[S]	41	25[F]	30[R]	4[S]	3[S]
21	35[R]	29[F]	4[S]	4[S]	42	7[F]	62[R]	23[S]	15[S]

- (ii) The common access easement which provides access from Eastern Avenue shall maintain a minimum width of 28 feet clear to the sky.
  - (iii) The common access easement which provides access from Lombardy Boulevard shall maintain a minimum width of 20 feet clear to the sky.
- h. A Community Maintenance Agreement shall be prepared, 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 party to the agreement and shall be subject to a proportionate share of the maintenance. The Community Maintenance Agreement shall be recorded as a Covenant and Agreement to run with the land. The subdivider shall submit a copy of this Agreement, once recorded, to the Planning Department for placement in the parcel map file.
- i. 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 parcel map file.
- j. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or

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

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

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

For purposes of this condition, the following definitions apply:

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

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

Nothing in the definitions included in this paragraph are intended to limit the rights

of the City or the obligations of the Applicant otherwise created by this condition.

19. That prior to the issuance of the building permit or the recordation of the final map, a copy of the Case No. APCE-2015-2048-ZC-ZAD-ZAA shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. APCE-2015-2048-ZC-ZAD-ZAA is not approved, the subdivider shall submit a tract modification.

20. **Haul Route.** 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:

a. Streets to be used are limited to:

(i) Loaded:

- (a) Exit job site on Eastern Avenue Southbound
- (b) Left turn onto Valley Boulevard Eastbound
- (c) Right turn onto Southbound Long Beach Freeway I-710 South to dump site

(ii) Unloaded:

- (a) Northbound Long Beach Freeway I-710 North
- (b) Exit at end of freeway and continue onto Valley Boulevard
- (c) Left turn onto Valley Boulevard Westbound
- (d) Right turn onto Eastern Avenue Northbound to job site

(iii) Staging: Hauling trucks shall be staged on the job site whenever possible.

NOTE: No interference to traffic; access to driveways must be maintained at all times.

b. Hours of operation are restricted to the hours between 9:00 a.m. and 3:30 p.m. on Mondays through Fridays and Saturdays from 8:00 a.m. to 6:00 p.m. No hauling shall be performed on Sundays and holidays.

c. Department of Transportation.

(i) The contractor shall contact LADOT at (213)485-2298 at least five business days prior to hauling to post "Temporary Tow Away No Stopping" signs in front of the jobsite on Eastern Avenue for hauling if necessary.

(ii) Flagger control should be provided during the hauling operations to assist with ingress and egress of truck traffic on Eastern Avenue.

Note: Questions related to LADOT questions, please call Joan Hsu at (213)928-9728.

d. Bureau of Street Services.

(i) Required Permit Fee and Bond. Permit Fee must be paid before the Department of Building and Safety will issue a Grading Permit.

(a) Under the provisions of Section 62.201 of the Los Angeles Municipal

Code, the following permit fee shall be required:

- (1) A total of 78,000 cubic yards of material moved 2.1 miles within the hillside at a rate of \$0.29 per cubic yard per mile would exceed the maximum chargeable under the Ordinance. Therefore, the maximum fee chargeable, \$3000.00 shall be due.
  - (2) The Minimum permit fee of \$150.00 is required for the (import/export).
- (b) The required permit fee shall be paid at the Street Services Investigation and Enforcement Division office, 1149 South Broadway, Suite 350, Los Angeles, CA 90015, telephone (213) 847-6000.
  - (c) Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of \$50,000.00 shall be required from the property owner to cover any road damage and/or street cleaning costs resulting from the hauling activity.
  - (d) Forms for the bond will be issued by Bond Control, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401, telephone (818) 374-5090.
- (ii) Special Conditions. An authorized Public Officer may make additions to, or modifications of, the following conditions if necessary to protect the health, safety, and welfare of the general public.
- (a) The hauling operations are restricted to the hours between 9 a.m. and 3:30 p.m. on Mondays through Fridays, and Saturdays from 8 a.m. to 6 p.m. No hauling shall be performed on Sundays, and holidays.
  - (b) The vehicles used for hauling shall be Double Bottom Dump trucks.
  - (c) All trucks are to be cleaned of loose earth at the export site to prevent spilling. The contractor shall remove any material spilled onto the public street.
  - (d) All trucks are to be watered at the export site to prevent excessive blowing of dirt.
  - (e) The applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.
  - (f) Total amount of dirt to be hauled shall not exceed 78,000 cubic yards.
  - (g) "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
  - (h) Flagpersons shall be required at the job site to assist the trucks in and out of the project area. Flagpersons and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
  - (i) The permittee shall comply with all regulations set forth by the State of

California, Department of Motor Vehicles pertaining to the hauling of earth.

- (j) 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 streets in haul route.
- (k) A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.
- (l) Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division at (213) 847-6000 prior to effecting any change.
- (m) The permittee shall notify the Street Services Investigation and Enforcement Division at (213) 847-6000 at least 72 hours prior to the beginning of hauling operations and shall notify the Division immediately upon completion of hauling operations.
- (n) The application shall expire eighteen months after the date of the Board the Department of City Planning approval. The permit fee shall be paid to the Street Services Investigation and Enforcement Division prior to the commencement of hauling operations.

#### **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 (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition No(s). 22 and 23 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, postconstruction/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. Aesthetics.
    - a. Non-Protected Trees.
      - i. Prior to the issuance of any permit related to development of the Project, a plot plan shall be prepared for the Project, indicating the location, size, type, and general condition of all existing trees on the Project Site and within the adjacent public right(s)-of-way.
      - ii. All significant (8-inch or greater trunk diameter, or cumulative truck diameter if multi-trunked, as measured 54 inches above the ground) non-

protected trees on the Project Site proposed for removal shall be replaced at a 1:1 ratio with a minimum 240inch box tree. Net new trees located within the parkway of the adjacent public right(s)-of-way may be counted toward replacement tree requirements.

- iii. Removal of planting of any tree in the public right-of-way shall require approval of the Board of Public Works. All trees in the public right-of-way shall be provided in the current standards of the Urban Forestry Division of the Department of Public Works, Bureau of Street Services.
- b. Protected Trees.
- i. All protected tree removals shall require approval from the Board of Public Works.
  - ii. A Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for review and approval prior to implementation of the Report's recommended measures.
  - iii. According to the City's Protected Tree Ordinance, a minimum of four protected trees (a minimum of 15 gallon in size) shall be planted for each protected tree that is removed. The size of each replacement tree shall measure at least one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base.
  - iv. In consultation with the Division of Urban Forestry, twenty five-percent of the Protected trees removed shall be replaced with 15 gallon Juglans Californica.
  - v. The location of trees planted for the purpose of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.
- c. Previously Removed Trees. The 8 qualifying removed protected trees shall be replaced at a ratio of one Juglans Californica and three Quercus for each of the 8 trees, at a minimum of 15 gallons in size. The specific size and species of the trees to be planted as replacement for the protected trees being removed shall determined by the Urban Forestry Division.
- d. All Trees.
- i. Protected Barrier: A protection barrier shall be installed around the construction area as shown on the map included in the Tree Preservation Report (refer to Appendix A). The barrier shall be 6-foot-high chain link fencing. Twelve-inch-high slit fence shall be attached to the base of the fence with the bottom edge buried 1-2 inches. The barrier may be placed on the line shwn on the map or closer to the construction, but not further. The fencing shall not be removed, relocated, or encroached upon without permission of the arborist involved.
  - ii. Storage of materials: There shall be no storage of materials or supplies of any kind inside the area of the protection fencing. Concrete and cement materials, block, sand and soil shall not be placed within the drip-line of any

tree to remain.

- iii. Fuel Storage: Fuel Storage shall not be permitted within 150 feet of any tree to be preserved. Refueling servicing and maintenance of equipment and machinery shall not be permitted within 150 feet of protected trees.
- iv. Debris and Waste Materials: Debris and waste from construction of other activities shall not be permitted outside the construction area. Wash down of concrete or cement handling equipment, in particular, shall not be permitted within 150 feet of protected trees.
- v. Planting near Trees Designated for Protection: Any digging within designated protection zones shall be done using supersonic air directly as the digging medium, by means of a nozzle, whose nominal rated input pressure (available from manufacturer's literature) must not exceed 130 psig (pounds per square inch at gage) unless otherwise approved. Nozzles designed for input above 130 psig can damage fine roots. Air compressors rated between 100 to 125 psig recommended.
- vi. Grade Changes: Any grade changes within the protection radius listed should be approved by a Registered Consulting Arborist before construction begins, and precautions taken to mitigate potential injuries. Grade changes can be particularly damaging to trees. Even as little as two inches of fill can cause the death of a tree. Lowering the grade can destroy major portions of a root system.
- vii. Damages: Any tree damages or injuries should be reported to the project arborist as soon as possible. Severed roots shall be cut cleanly to healthy tissue, using proper pruning tools. Broken branches or limbs shall be pruned according to International Society of Arboriculture Pruning Guidelines and ANSI A-300 Pruning Standards.
- viii. Preventing Measures: Pruning of tree canopies and branches should be done at the direction of the project arborist to remove any dead or broken branches, and to provide any necessary clearances for the construction work or equipment.

#### MM-2. Biological Resources.

- a. To avoid potential significant impacts to roosting bats, one of the following shall be implemented by the Project Applicant:
  1. Tree removal shall occur between March 1<sup>st</sup> and July 31<sup>st</sup> or
  2. If tree removal would occur between August 1<sup>st</sup> and February 28<sup>th</sup>/29<sup>th</sup>, the Project Applicant shall retain a qualified bat biologist to conduct a roosting bat survey. If evidence of bats is present, then removal of occupied roost trees shall not occur until the biologist determines that the roost is no longer in use through repeated nocturnal surveys. The results of the survey(s) shall be provided to the Department of Public Works prior to removal of any protected trees.
- b. To avoid potential significant impacts to nesting birds, including migratory

birds and raptors, one of the following shall be implemented by the Project Applicant:

- (1) Conduct vegetation removal associated with construction from September 1<sup>st</sup> through January 31<sup>st</sup>, when birds are not nesting. Initiate grading activities prior to the breeding season (which is generally February 1<sup>st</sup> through August 31<sup>st</sup>) and keep disturbance activities constant throughout the breeding season to prevent birds from establishing nests in surrounding habitat (in order to avoid possible nest abandonment); if there is a lapse in activities of more than five days, pre-construction surveys shall be necessary as described in the bullet below, or
- (2) Conduct pre-construction surveys for nesting birds if vegetation removal or grading is initiated during the nesting season. A qualified wildlife biologist shall conduct weekly pre-construction bird surveys no more than 30 days prior to initiation of grading to provide confirmation on the presence or absence of active nests in the vicinity (at least 300 to 500 feet around the individual construction site, as access allows). The last survey should be conducted no more than three days prior to the initiation of clearance/construction work. If active nests are encountered, clearing and construction in the vicinity of the nests shall be deferred until the young birds have fledged and there is no evidence of a second attempt at nesting. A minimum buffer of 300 feet (500 feet for raptor nests) or as determined by a qualified biologist shall be maintained during construction depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel and activities restricted from the area. Construction personnel should be instructed on the sensitivity of the area. A survey report by the qualified biologist documenting and verifying compliance with the mitigation and with applicable state and federal regulations protecting birds shall be submitted to the City and County, depending on within which jurisdiction the construction activity is occurring. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

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. Air Quality.

- a. All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 4 emission standards, where available, to reduce NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub> emissions at the Project Site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- b. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet U.S. EPA 2007 model year NO<sub>x</sub> emissions requirements.
- c. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
- d. Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at:<http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-dieselelengines&parent=vehicle-engine-upgrades>
- e. Construction activities shall comply with SCAQMD Rule 403, including the following measures:
  - (1) Apply water to disturbed areas of the site three times a day.
  - (2) Require the use of a gravel apron or other equivalent methods to reduce mud and dirt trackout onto truck exit routes.
  - (3) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM generation.
  - (4) Limit soil disturbance to the amounts analyzed in the Final MND.

- (5) All materials transported off-site shall be securely covered.
- (6) Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- (7) Traffic speeds on all unpaved roads to be reduced to 15 mph or less.

CM-3 Noise.

- a. The Project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.
- b. Two weeks prior to commencement of construction, notification shall be provided to the off-site residential and school uses within 500 feet of the Project site that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.
- c. Temporary sound barriers, capable of achieving a sound attenuation of at least 10 dBA (e.g., construction sound wall with sound blankets), and capable of blocking the line-of-sight to the adjacent residences shall be installed as feasible.
- d. Noise-generating construction equipment operated at the Project Site shall be equipped with effective state-of-the-art noise control devices, i.e., mufflers, lagging, solar power or electric plug-in on-site power generators and/or motor enclosures or other shielding equipment. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
- e. All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent residences.
- f. Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators shall be provided where feasible.
- b. A haul route for exporting cut materials from the site to a nearby landfill that access the San Bernardino and/or Long Beach Freeways should minimize travel on residential streets with sensitive receptors.

CM-4. Transportation/Traffic.

- a. Hillside Construction Staging and Parking Plan. Prior to the issuance of a grading or building permit, the applicant shall submit a Construction

Staging and Parking Plan to the Department of Building and Safety and the Fire Department for review and approval. The plan shall identify where all construction materials, equipment, and vehicles will be stored through the construction phase of the project, as well as where contractor, subcontractor, and laborers will park their vehicles so as to prevent blockage of two-way traffic on streets in the vicinity of the construction site. The Construction Staging and Parking Plan shall include, but not be limited to, the following:

- (1) No construction equipment or material shall be permitted to be stored within the public right-of-way.
- (2) If the property fronts on a designated Red Flag Street, on noticed "Red Flag" days, all the workers shall be shuttled from an off-site area, located on a non-Red Flag Street, to and from the site in order to keep roads open on Red Flag days.
- (3) During the Excavation and Grading phases, all haul trucks shall be staged on the Project site. The drivers shall be required to follow the designated travel plan or approved Haul Route.
- (4) Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, or removal of graded soil shall be limited to off-peak traffic hours, Monday through Friday only. No truck deliveries shall be permitted on Saturdays or Sundays.
- (5) All deliveries during construction shall be coordinated so that all vendor/delivery vehicles will stage and make deliveries on the project site, and that a construction supervisor is present at such time.
- (6) A radio operator shall be on-site to coordinate the movement of material and personnel, in order to keep the roads open for emergency vehicles, their apparatus, and neighbors.
- (7) During all phases of construction, all construction vehicle parking and queuing related to the project shall be as required to the satisfaction of the Department of Building and Safety, and in substantial compliance with the Construction Staging and Parking Plan, except as may be modified by the Department of Building and Safety or the Fire Department.

- b. Construction Activity Near Schools. The Project developer and contractors shall maintain ongoing contact with administrators of the Farmdale Elementary School and the El Sereno Middle School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the Project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323) 342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

- (1) The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
  - (2) There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
  - (3) Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.
- c. Schools affected by Haul Route.
- (1) LADBS shall assign specific haul route hours of operation based upon Farmdale Elementary School and El Sereno Middle School hours of operation.
  - (2) Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.
- d. Good Neighbor Construction Practices.
- (1) Whenever possible, construction vehicles should be parked on site to prevent congestion on streets with limited parking.
  - (2) When temporarily blocking portions of streets for deliveries of construction materials, a flag person shall be provided to assist with pedestrian and vehicular traffic.
  - (3) Street closures shall not take place during peak traffic hours. Any street, sidewalk, or other improvement work shall be conducted in conformance with the latest Manual on Work Area Traffic Control.
  - (4) Care shall be taken not to overfill concrete trucks during deliveries. If spills occur, it shall be the responsibility of the concrete company to immediately provide clean up.
  - (5) Construction noise shall be kept to a minimum with consideration of the surrounding neighbors. Unnecessary noise such as music shall be kept below legal levels.
  - (6) Streets and sidewalks adjacent to construction sites shall be swept free of construction debris at all times.
  - (7) Care shall be taken to not interfere with trash pick-up by the Bureau of Sanitation. Construction and delivery vehicles shall be subject to trash pick-up parking restrictions.

- (8) If building materials are to be stored in public right of ways, it shall be by permit from the Department of Public Works, Bureau of Street Services, Investigations and Enforcement Division and shall conform with all applicable rules.
  - (9) All construction/demolition activities shall comply with the construction hours in Section 41.40 of the LAMC.
- e. The Project Applicant shall plan construction and construction staging as to maintain pedestrian access to adjacent active land uses throughout all construction phases. This requires the Applicant to maintain adequate and safe pedestrian protection, including physical separation from workspace and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times. Barriers, such as K-Rails, scaffolding, etc., shall be maintained at a height of 8 feet.

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

SL-1. That approval of this parcel map constitutes approval of model home uses, including a sales office and off-street parking. If models are constructed under this parcel map 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 Development Services Center of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22 A.10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

SL-2. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency 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 Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support

of the boundary survey.

- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
  - (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
  - (e) That drainage matters be taken care of satisfactory to the City Engineer.
  - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
  - (g) That any required slope easements be dedicated by the final map.
  - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
  - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
  - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
  - (d) All improvements within public streets, private streets, alleys and easements shall be constructed under permit in conformity with plans and specifications approved

by the Bureau of Engineering.

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

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

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

(b) Construct any necessary drainage facilities.

(c) No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; nine (9) on Eastern Avenue and one (1) on Lombardy Boulevard

Notes:

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

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

(d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division ((213) 847-3077) upon completion of construction to expedite tree planting.

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

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

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

(h) Construct any necessary additional street improvements to comply with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design.

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

(1) Improve Eastern Avenue being dedicated and adjoining the subdivision by the construction of a new concrete curb 2-foot wide concrete gutter and a full-width concrete sidewalks with tree wells including any necessary removal and reconstruction of existing improvements.

(2) Improve Lombardy Boulevard by reconstruction of the existing concrete curb and gutter and reconstruct the existing 5-foot sidewalk and landscaping of the parkway necessary removal and reconstruction of

existing improvements.

- (3) Construct the necessary on-site mainline sewers satisfactory to the City Engineer.
- (4) Construct any necessary retaining walls 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 17.05-N of the Los Angeles Municipal Code (LAMC).

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

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

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

#### **FINDINGS OF FACT (CEQA)**

A Mitigated Negative Declaration (MND), Case No. ENV-2015-1918-MND, was prepared for the project and published for re-circulated on Thursday, April 6, 2017. The analysis in the MND found that potential negative impacts could occur from the project's implementation due to Aesthetics, Air Quality, Biological Resources, and Transportation/Traffic and that those impacts could be mitigated to a less than significant level with the implementation of the identified mitigations. The MND found that there were no potentially significant impacts that could not be mitigated to a less than significant level.

The Advisory Agency found, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the MND, Case No. ENV-2015-1918-MND, that there were no potentially significant impacts that could not be mitigated to less than significant impact. The Advisory Agency, adopts the MND and the Mitigation Monitoring Program for the MND and finds that it 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 in the MND are mitigated to a less than significant level through implementation of Condition No(s). 22 and 23 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.

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.

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

In connection with the approval of Vesting Tentative Tract No. 73531-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.

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

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the project site. The project site is located within the Northeast Los Angeles Community Plan, which designates the site with a Low Residential land use designation. The land use designation lists the RE9, RS, R1, RU, RD6, and RD5 Zones as the corresponding zones. The Project Site is zoned [Q]R1-1D and [Q]RD6-1D, which is consistent with the land use designation. The site is subject to Qualified "Q" Conditions and Development "D" Limitations contained within Ordinance No. 180,403, which contain regulations related to the development of residential uses on parcels located within the Community Plan area. The tract map is to merge and re-subdivide the lot as a small lot subdivision pursuant to LAMC Section 12.22 C.27 as adopted pursuant to Ordinance No. 176,354. As small lot subdivisions are not permitted within the R1 Zone, the applicant has requested a zone change, incidental Case No. APCE-2015-2048-ZC-ZAD-ZAA, from [Q]R1-1D and [Q]RD6-1D to [Q]RD5-1D. The adoption of the zone change would permit the subdivision of the lot as a small lot subdivision as shown in the revised tract map stamped dated November 1, 2016.

As zoned, approximately 56,229 square feet of the site is zoned [Q]R1-1, which would permit the creation of up to eleven (11) lots with a minimum lot area of 5,000 square feet to be created through the approval and recordation of a tract map. The remaining 162,041 square feet of lot area, which is zoned [Q]RD6-1D, would permit the development of up to 27 dwelling units. Combined, the site would permit up to 38 dwelling units as currently zoned. The requested RD5 Zone is consistent with the Low Residential land use designation and would permit a maximum of 43 dwelling units, for a net increase in the maximum permitted density of five (5) dwelling units. As the tract map is for a maximum of 42 small lots in conjunction with the construction of 42 small lot homes, the revised tract map would be consistent the requested Zone Change. The tract map is approved contingent upon the approval and adoption of the Zone Change to RD5 and requires that the map be modified prior to recordation if the requested Zone Change is not approved. The applicant has also requested modification to the adopted "Q" Conditions as it relates to building design, construction, retaining walls, and grading. Additionally, the applicant

has requested the approval of a Zoning Administrator's Determination and Adjustment related to the number and height of retaining and privacy walls. In the event that the incidental case is disapproved or modified, the applicant would be required to submit a revised tract map that is consistent with the determination of Case No. APCE-2015-2048-ZC-ZAD-ZAA.

In addition to LAMC Section 17.05 C, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. The tract map was prepared by Lawrence Wilson, P.L.S 6712, and contains information regarding the boundaries of the project site, as well as the abutting public rights-of-way, existing and proposed dedication, and improvements of the tract map. The tract map indicates the tract number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. As discussed at the public hearing, the applicant submitted a revised tract map with corrections to the setback matrix to provide setbacks from the existing property lines and not from the proposed merger along with other minor revisions. The changes do not change the overall layout of the map. Therefore, the proposed map demonstrates compliance with LAMC Sections 17.05 C, 17.06 B, and is consistent with the applicable General Plan.

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

For purposes of a subdivision, design and improvement is defined by Section 66418 and 66419 of the Subdivision Map Act and LAMC Section 17.02. Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to Section 66427(a) of the Subdivision Map Act, the location of the buildings is not considered as part of the approval or disapproval of the map by the Advisory Agency. Easements and/or access and "improvements" refers to the infrastructure facilities serving the subdivision. LAMC Section 17.05 enumerates the design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the project site. Approximately 56,229 square feet of the site is zoned [Q]R1-1D, which would permit up to 11 lots with a minimum lot area of 5,000 square feet. The remaining 162,041 square feet of lot area is zoned [Q]RD6-1D, which would permit up to 27 dwelling units. As the site is partially zoned [Q]R1-1D, the small lot subdivision as shown in the revised tract map would not be permitted because LAMC Section 12.22 C.27 does not permit small lot subdivisions in the R1 Zone. In conjunction with the requested tract map, the applicant has requested a zone change from [Q]R1-1D and [Q]RD6-1D to [Q]RD5-1D as part of incidental Case No. APCE-2015-2048-ZC-ZAD-ZAA. The requested zone change would permit the subdivision of the site as shown in the revised tract map and would permit a maximum of 43 dwelling units. As discussed in Finding (a), the requested zone change would be consistent with the existing land use designation and would result in a net increase of five (5) dwelling units from the existing zoning. As the revised tract map is for a maximum of 42 small lots for the construction of 42 small lot homes, the revised tract map would be consistent with the requested zone change. The tract map is approved with the condition that the map is in compliance with the approvals of Case No. APCE-2015-2048-ZC-ZAD-ZAA. As such, the proposed density and uses would be consistent the proposed land use designation, zone, and height district.

The tract map was distributed to and reviewed by the various city agencies of the Subdivision Committee that have the authority to make dedication, and/or improvement recommendations. The Bureau of Engineering reviewed the tract map for compliance with

the Street Design Standards. As part of the revised tract map, the applicant requested to merge a portion of the existing public right-of-way to tract. As indicated in the recommendation from the Bureau of Engineering, the merger has not been recommended as the area is currently improved with an existing sidewalk for public use. During the public hearing, the representative confirmed that a vacation of a portion of the public right-of-way along Lombardy Avenue was no longer being requested and that the revised map would no longer show the requested merger. The representative from the Bureau of Engineering requested clarification regarding the notation for the variable width common access easement be clarified. Planning Staff clarified that that the width of the common access easement has been recommended at 28 feet for the entirety of the easement and that this does not refer to the actual improved width of the common access driveway. The representative requested clarification that the width of common access driveway from Lombardy Avenue be allowed to have a minimum width of 20 feet in lieu of 28 feet. Planning Staff concurred with the request as the common access driveway from Lombardy Avenue would only serve four (4) small lot homes and each home has frontage along an improved public right-of-way. The Bureau of Engineering has recommended dedication and/or improvements to the public right-of-way along Eastern Avenue and Lombardy Boulevard, consistent with the standards of the Mobility Element. In addition, the Bureau of Engineering has recommended the construction of the necessary on-site mainline sewers and all necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 2010. The Bureau of Street Lighting has not required any new street lights; however, would require the relocation and upgrading of existing lights if widening is requiring by BOE. As conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General Plan.

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

The project site is an irregularly shaped site that is comprised of approximately 218,270 square feet of lot area. The site is currently vacant and contains 102 Protected Trees (Black Walnut trees), as well as 72 non-protected trees. The applicant proposes the removal of 39 Protected Trees and 59 non-protected trees and the grading and export of approximately 78,000 cubic yards of dirt for the construction of 42 small lot homes. In addition to the construction of the small lot homes, the applicant proposes the construction of a total of 178 retaining walls comprised of 129 walls which will be less than 3 feet in height, 18 walls with a height between 3 and 4 feet, and 32 walls with a height between 4 and 6 feet. Up to 103 of the retaining walls will have an additional 6-foot high privacy/security fence constructed on top of the retaining wall. The project site is located within the 0.86 km (0.53 miles) from the Upper Elysian Park Fault, but is not located within the Alquist-Priolo Fault Zone. The site is located within a designated hillside area and within the BOE Special Grading Area. The site is not located within a flood zone, landslide, liquefaction, methane, or tsunami inundation zone. The site is not located within Fire District No. 1, but is located within the Very High Fire Hazard Severity Zone. The Project would be required to comply with all applicable regulations as it pertains to development within the the Very High Fire Hazard Severity Zone. Prior to the issuance of any permits, the project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. The site is not identified as having hazardous waste or past remediation. The site is within Flood Zone Type C, which denotes areas minimal flooding. 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 tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division and compliance with the Geology and Soils Report Approval Letter dated October 4, 2019, Log No. 109928 prior to the recordation of the map

and issuance of any permits. Therefore, the site will be physically suitable for the proposed type of development.

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

The Project Site and parcels directly adjacent to the site to the east and south, and further east, across Lombardy Avenue, have a land use designation of Low Residential and are zoned [Q]RD6-1D and [Q]R1-1D and are developed primarily with one-story single-family dwellings. The parcels to the west and northwest of the site, across Eastern Avenue, have a land use designation of Open Space and Public Facilities and are zoned [Q]OS-1XLD and [Q]PF-1D, respectively. The parcels are developed with the El Sereno Park and Farmdale Elementary School. To the northeast, along Eastern Avenue, the parcels have a land use designation of Neighborhood Commercial and are zoned [Q]C4-1XL. The parcels are developed with one- to two-story residential uses and one-story commercial uses. The parcels to the northeast, across Lombardy Boulevard, have a land use designation of Low Medium I Residential and are zoned [Q]RD3-1D and are developed with one- and two-story single- and multi-family homes.

The site is currently vacant and contains 102 Protected Trees (Black Walnut trees), as well as 72 non-protected trees. In conjunction with the requested tract map, the applicant has requested a Zone Change to permit the construction of 42 small lot homes in conjunction with the revised tract map for the small lot subdivision. The requested zone change would change the existing [Q]R1-1D and [Q]RD6-1D Zone to [Q]RD5-1D, which would permit a maximum of 43 dwelling units. As discussed in Finding (a), the requested zone change would be consistent with the existing land use designation and would result in a net increase of five (5) dwelling units from the existing zoning. As the revised tract map is for a maximum of 42 small lots for the construction of 42 small lot homes, the revised tract map would be consistent with the requested zone change. Additionally, the applicant has requested modifications to the existing Q Conditions as it relates to building design, construction, retaining walls, and grading. As part of the construction of the dwelling units, the applicant has requested a Zoning Administrator's Determination and Adjustment to permit the construction of up to 178 retaining walls, with approximately 103 retaining walls having a privacy fence installed on top of them. The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division and compliance with the Geology and Soils Report Approval Letter dated October 4, 2019, Log No. 109928 prior to the recordation of the map and issuance of any permits.

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

The site is currently vacant and contains 102 Protected Trees (Black Walnut trees), as well as 72 non-protected trees. The tract map is conditioned to require the approval of the Board of Public Works prior to the issuance of any permits for the removal of any protected trees and those located within the public right-of-way. The surrounding area is presently developed with structures. Neither the project site nor the surrounding area provides a natural habitat for fish or wildlife. On April 6, 2017, the City Planning Department re-circulated Mitigated Negative Declaration, Case No. ENV-2015-1918-MND, which determined that the project would result in significant impacts relating to biological resources due to the proposed removal of trees; however, mitigations have been identified which would mitigate impacts to a less than significant level. Those mitigations have been incorporated as conditions of approval of this determination. As such, the proposed project

will not cause substantial environmental damage or injury to wildlife or their habitat.

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

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

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

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

As required by LAMC Section 12.03, the project site has a minimum of 20 feet of frontage along Eastern Avenue and Lombardy Boulevard, which are public streets. The project site consists of a parcel identified as Lot Nos. FR Cornwall 10 Acres Arb 6 of Tract Partition Map of Lots 3&4 and E ½ of SQ ¼ of Sec 18 and NE ¼ of NW ¼ of Sec 19 T1S R12W S.B.M. and Lot FR1 and Vac Ord 83066 of Farmdale Tract, and Lot 562 of Tract TR 6900. The Site is comprised of the following APN Nos. 5216-008-016, -034, and -037. The revised tract map includes easements within the tract for vehicular access purposes; however, there are no known easements acquired by the public at large for access through or use of the property within the proposed subdivision, as identified on the tract map. Necessary easements for utilities will be acquired by the City prior to the recordation of the proposed parcel map.

Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

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

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

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

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

The topography of the site has been considered in the maximization of passive or natural

heating and cooling opportunities.

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

These findings shall apply to both the tentative and final maps for Tract No. 73531-SL.

VINCENT P. BERTONI, AICP  
 Advisory Agency




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Christina Toy-Lee  
 Deputy Advisory Agency  
 CTL:MS

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 or Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 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,  
 4th 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

**West Los Angeles**  
 Development Services Center  
 1828 Sawtelle Boulevard,  
 2nd Floor  
 Los Angeles, CA 90025  
 (310) 231-2912

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

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

