



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

Determination Mailing Date: JAN 09 2009

CORRECTED (Conditions)

CASE NO. APCE 2007-5295-ZC
ENV 2006-9508-MND

Location: 4875 Onteora Way
Council District: 14
Plan Area: Eagle Rock
Request(s): Zone Change from RE20-1 to (T)(Q)RE11-1

Applicant: Thaer Mahmoud

At its meeting on August 13, 2008, the following action was taken by the East Los Angeles Area Planning Commission:

Disapproved the requested **Zone Change** from RE20-1 to RE11-1.

Approved the recommend the City Council adopt a **Zone Change** from RE20-1 to (T)(Q)RE11-1

Approved and recommend the City Council adopt Mitigated Negative Declaration ENV 2006-10348-MND.

Adopted the attached Findings of the Recommendation Report dated August 13, 2008 (attached).

Recommended that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative classification or "Q" Qualified Classification are specified in Section 12.32.G of the L.A.M.C. Conditions must be satisfied prior to the issuance of building permits and, that the "T" Tentative classification be removed in the manner indicated on the attached pages.

Advised 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.

Advised 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.

This action was taken by the following vote:

Moved: Lowe

Seconded: Lopez

Ayes: Garcia, Marquez, Vilchez -

Vote: 5-0


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 Council within 20 days after the mailing date of this determination. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

FINAL APPEAL DATE: JAN 29 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: Findings, Conditions of Approval, Map(s), Ordinance
City Planner: Jose Carlos Romero-Navarro

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or 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.

1. **Dedication(s) and Improvement(s):** Prior to the issuance of any building permits, except demolition, ~~excavation, or foundation permits~~, public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Department of Public Works, Bureau of Engineering Fire Department (and other responsible City, regional, and Federal government agencies, as may be necessary). As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning
2. **Site Drainage and Grading.** Submit drainage and grading plans to the Valley District Office of the Bureau of Engineering. Hydrology and hydraulic calculations may be required.
3. **Sewer Facilities.** Construction of necessary sewer facilities to the satisfaction of the Bureau of Engineering. There is an existing mainline sewer in Darby Avenue. Construction of the 6-inch house connection laterals to the property line may be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
4. **Bureau of Sanitation.** An investigation by Bureau of Sanitation *shall* be necessary to determine if the existing public sewers have sufficient capacity to facilitate the proposed development. Submit a request to the Public Counter of the Valley District Office of the Bureau of Engineering (818) 374-5090.
5. **Street Trees.** Installation of tree wells with root barriers and planting of street trees shall be satisfactory to the City Engineer and the Street Tree Division of the Bureau of Street Services. Contact: (213) 847-0833. Note: Some tree removal may be required in conjunction with the street improvements and may require Board of Public Works approval.
6. **Parking and Driveway Plans.** Preparation of a parking area and driveway plan to the satisfaction of the appropriate Valley District Office of the Bureau of Engineering and the Department of Transportation. A parking area and driveway plan shall be prepared for approval by the appropriate district office of the Bureau of Engineering and the Department of Transportation. The driveway, parking and loading area(s) shall be developed substantially in conformance with the Site/ Plot Plan, dated September 2007,

and labeled Exhibit B of the administrative file as to their location and access, but may be modified in order to comply with provisions and conditions of the subject Department of Transportation authorization. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.

7. **Street Lighting.** Street lighting and street light relocation shall be required satisfactory to the Bureau of Street Lighting. Contact: (213) 847-6379. Note: That street lighting modifications be required at an intersection if there are improvements by the Department of Transportation (also for off site improvements).
8. **Fire Department.** Preparation of a plot plan to the satisfaction of the Fire Department.
9. **Police Department.** Preparation of a plot plan in conformance with the Design Out Crime Guideline Booklet and guidelines defined in the Crime Prevention Through Environmental Design (CPTED) handbook to mitigate impacts on police services. Police recommendations may include but are not limited to secured parking, security fencing, security lighting, information signs, building design and landscaping to reduce places of potential concealment. The plans shall be to the satisfaction of LAPD Crime Prevention Section Personnel.
10. **Cable Television.** The applicant shall make any necessary arrangements with the appropriate cable television franchise holder to assure that cable televisions 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 Information Technology Agency (ITA).
11. **Recreation and Parks Dedication.** Per Section 12.33 of the Los Angeles Municipal Code (LAMC), the applicant shall dedicate land for park or recreational purposes or pay the applicable Recreation and Park fees for construction of apartment buildings. ***Priority should be given to Northeast Los Angeles/ CD 14 Council District area.***
12. **School District Fees.** The Project Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the Project area.
13. **Covenant:** Prior to the issuance of any permits relative to this matter, an agreement concerning off the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

Notice. Prior to issuance of a clearance letter by the Bureau of Engineering, all engineering fees pertaining to Ordinance No. 176,077 adopted by the City Council, must be paid in full at the Development Services Division office.

Notice: Compliance with the Oak Tree Protection Plan to the satisfaction of the Urban and Forestry Division.

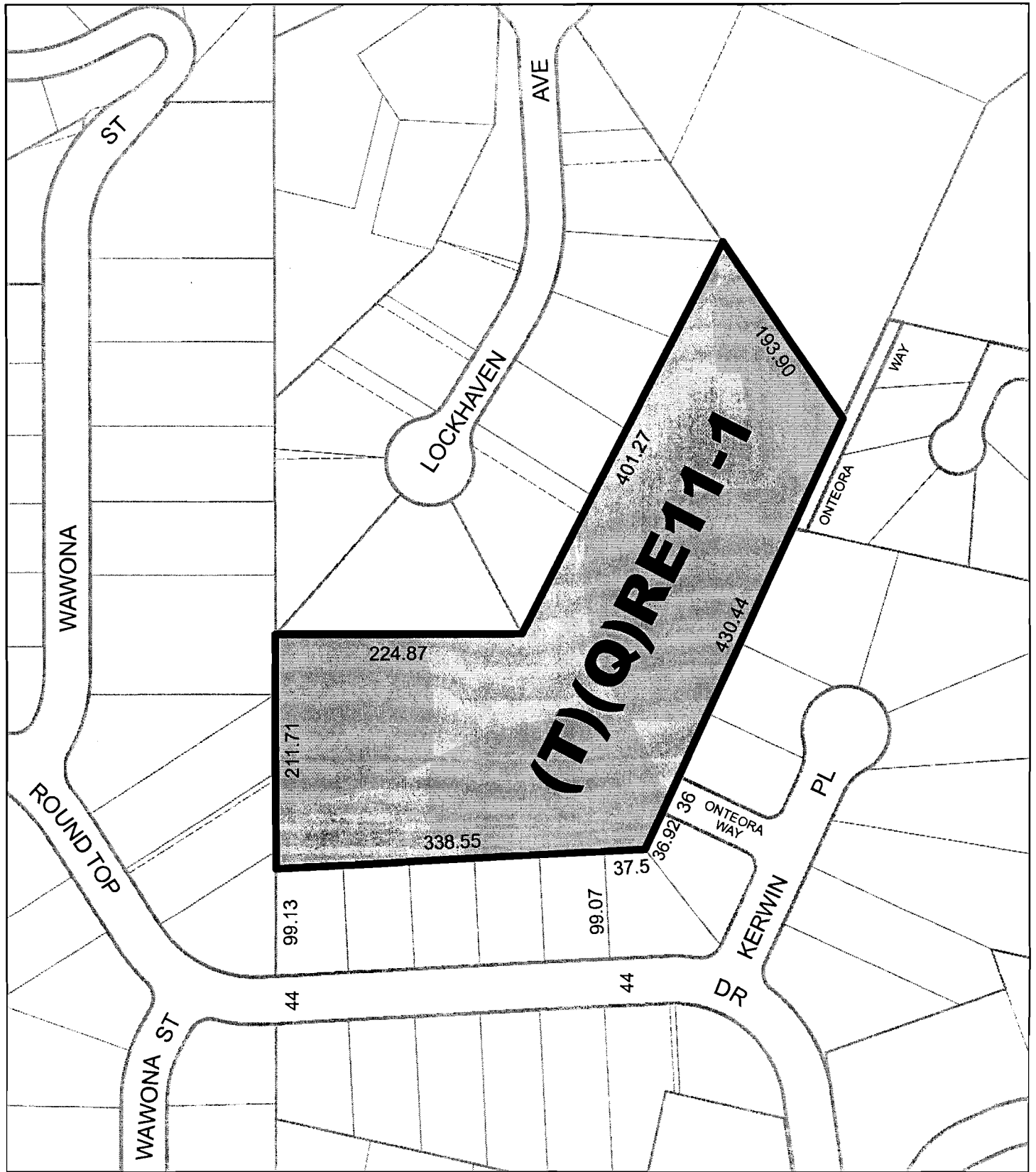
Notice: Certificates of Occupancies for the subject properties will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

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:



1 inch equals 125 feet

D.M. 160.5 A 219, 162 A 219	APCE 2007-5295-ZC
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(Q) QUALIFIED CONDITIONS OF APPROVAL

Section 2. Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

1. Environmental Conditions

1. Aesthetics (Hillside Site Design)

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

Aesthetics (Landscape Buffer)

- d. A minimum five-foot wide landscape buffer shall be planted adjacent to the existing residential uses.
- e. A landscape plan for each lot shall be prepared by a licensed landscape architect to the satisfaction of the decision maker.

Aesthetics (Light)

- f. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

Tree Removal (Locally Protected Species)

- g. 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 tree expert as designated by LAMC Ordinance No. 153,478, for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services.
- h. A minimum of two trees (a minimum of 48 inch box in size if available) 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 Urban Forestry Division of the Bureau of Street Services and the decision maker.

Note: All protected tree removals shall be approved by the Board of Public Works. Contact: Urban Forestry Division at: 213-485-5675.

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

Tree Removal (Non Protected Trees)

- i. 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.

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.

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: Urban Forestry Division at: 213-485-5675.

Bonding (Protected Tree Survival)

- j. 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 Urban Forestry 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.

Seismic

- k. 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.

Subsidence

- l. Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety.

Hillside Mitigation Measures

Special Conditions added by APCE

m-apce

(1) 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.

(2) 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 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.

(3) Retaining Walls

(a) The maximum total height of all retaining walls shall not exceed 12 feet, with no individual wall measuring higher than 6 feet on private property. Each freestanding retaining wall shall not exceed 75 feet in linear length, nor extend beyond one lot. Walls shall be separated by a minimum horizontal distance equal to the height of the highest wall. Freestanding garden walls 36" in height or less shall not be considered retaining walls for the purposes of this regulation.

(b) Require that all retaining walls provide a standard surface backdrain system and all drainage shall be conducted to the street in a non-erosive device, as required by approved Soils Report.

(4) Landscaping

(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.

(d) Landscaping plans must be submitted to Bureau of Street Services, Urban Forestry Division, and Department of City Planning for review and approval consistent with LAMC Ordinance No. 177,404 (Protected Trees).

(e) A signed "Certified Arborist's or Licensed Landscape Architect's Certificate of Compliance" must be filed with the Department of Building & Safety prior to issuance of a "Certificate of Compliance" to ensure that landscaping plans are fully implemented.

(5) Environmental

(a) A Geotechnical Investigation Report that evaluates the proposed project's soil and grading shall be submitted to the LADBS Grading Division for review. An approved Soils & Grading report letter from LADBS – Grading Division shall be required prior to approval of a grading, foundation or building permit.

(b) Grading shall be done in accordance with the Planning Guidelines Landform Grading Manual adopted by the City Council.

(c) All new graded slopes shall be no steeper than 2:1 (rise: run), except when the Grading Division has determined that slopes may exceed 2:1 as part of an approved Soils Report.

(d) Grading shall be limited to a maximum of 500 cubic yards + numeric value equal to 5 percent of the total lot size, up to a maximum of 1,000 cubic yards total. Any deviations beyond these limits shall require a Zoning Administrator's approval under LAMC §12.27.

(e) New hardscape areas, not including foundations, shall utilize permeable paving systems including, but not limited to pavers, porous asphalt, porous concrete, grasscrete and/or similar materials as approved by LADBS.

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

The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

No parking shall be permitted on street during Red Flag Days in compliance with the "Los Angeles Fire Department Red Flag No Parking" program.

In order to preserve adequate access for emergency vehicles, all construction material shall be stored on-site and not on the existing streets during hauling operations.

The applicant shall provide a soils and/or geotechnical report to LADBS (reports needed to be determined by LADBS) for review and approval that shall include measures to mitigate impacts related to grading.

Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

- n. 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.

Public Services (Fire)

- o. 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.

Public Services (Schools)

- p. 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.

Public Services (Street Improvements Not Required by DOT)

- q. The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation.

Recreation

r. The applicant shall pay the applicable Quimby fees.

s. **Erosion/Grading/Short-Term Construction Impacts**

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.
- The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- 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 the generation of excessive amounts of dust.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of 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.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

General Construction

- 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 must be discarded at a licensed regulated disposal site. **The owner / contractor shall provide documentation / verification of waste disposal to license regulator disposal in recycling sites as a monitoring measure to prevent illegal toxic waste dumping and recycling compliance.**
- 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. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
- Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
- 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.
- **The owner/ contractor shall submit traffic circulation and parking plans; worker's vehicles to park on construction site and not on adjacent streets. An alternative parking site may be provided and a shuttle must be provided to transport construction crews to the project site.**
- **Dust screen shall be used to the satisfaction of the Department of Building and Safety (preferably from 8-12 feet) to prevent the adverse construction dust impact to adjacent residents.**
- **Contact information shall be provided on site and to abutting neighbors and Neighborhood Council indicating the phone number and e-mail contact in the event there is any complaints from neighbors regarding construction nuisances.**

Administrative Conditions

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

- 8. Project Plan Modifications.** Any correction and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yard or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission or Board.
- 9. Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 10. 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.

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

Pursuant to Section 558 of the City Charter,
the East Los Angeles Area Planning Commission on August 13, 2008,
recommended this ordinance be adopted by the City Council.



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

File No. _____

FINDINGS

General Plan Findings

1. **General Plan Land Use Designation.** The subject property is located within the Northeast Community Plan area which, was adopted on June 15, 1999 (pursuant to Council File 99-0711). The Northeast Community Plan designates the subject site for Very Low Density Residential uses with corresponding zones of RE20, RA, RE15 and RE11. The proposed RE11 Zone and the proposed development are consistent with the existing General Plan designation on the subject site.
2. **General Plan Text.** The following Northeast Community Plan's land use objectives are consistent with the proposed development:

Objective 1-3: "To preserve and enhance the residential character and scale of existing single-family neighborhoods." The proposed development is located in a low density residential area, and the subject request conforms to the scale and character of lots in the RE11 Zone.

Objective 1-5: "To limit the density and intensity of development in hillside areas." The proposed project can accommodate a larger number of lots (higher density), but the applicant requested a number of lots less than the maximum density permitted. The scale of the proposed homes is compatible with hillside development in that the lot coverage will be less than 40 percent permitted by the hillside ordinance.

3. The **Transportation Element** of the General Plan will be affected by the recommended action herein. However, any necessary dedication and/or improvements of proposed private streets assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.
4. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
5. **Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the street which adjoin the subject property.
6. **Zone Change Findings**

The adoption of a zone change from RE20-1 to RE11-1 is in conformance with public necessity, convenience and general welfare, because there is a general public benefit from providing a consistent zoning that allows compatible uses and new housing development. The RE11 Zone provides compatible density to those properties adjoining the subject project site. This project site supports residential development which will be accessible to sectors of the population in Los Angeles. The proposed zone change of the entire Property allows the applicant to provide a development consistent with surrounding residential uses on adjacent property and in the immediate vicinity.

Public Necessity. According to the adopted City of Los Angeles Housing Element, the City is in need of new dwelling units to serve both the current population and the projected population.

Convenience. One of the objectives of the Northeast Los Angeles Community Plan is, "To preserve and enhance the residential character and scale of existing single-family neighborhoods." Changing the existing zone to an RE11 Zone and allowing the construction of a limited number of dwelling units fewer than what the project site area otherwise can accommodate is consistent with the objectives of the Community Plan.

Good Zoning Practices the subject site is planned for Very Low Residential uses and zoned RE20. The Applicant is proposing the construction of 9 dwelling units which will be served by two private streets meeting City agencies' standards.

7. **Environmental Findings (CEQA)** - For the reasons set forth in the proposed Mitigated Negative Declaration number ENV-2006-9508-MND, the project will not have a significant effect on the environment.