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

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INFORMATION
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November 13, 2013

Psomas (A)
Pam Ball
555 South Flower Street, #4300
Los Angeles, CA 90071

Palisades Landmark LLC (O)
10600 Santa Monica Boulevard
Los Angeles, CA 90025

RE: Vesting Tentative Tract No. 52928
17331-17333 Tramonto Drive
Brentwood - Pacific Palisades
Planning Area
Zone : RD2-1
D. M. : 126B117
C. D. : 11
CEQA : ENV 2000-2696-EIR
Legal Description : Portion of
Block D, Catellammare Tract and
Portion of Lot 6, Tract 10238

On June 6, 2005, the Advisory Agency conditionally approved Vesting Tentative Tract Map No. 52928 located at 17331-17333 Tramonto Drive in the Brentwood – Pacific Palisades Community Plan. On December 6, 2007, a five-year time extension was granted pursuant to Chapter 1 of the LAMC, continuing the expiration of the grant until June 6, 2012. In accordance with the provisions of Section 66452.6(e), Article 2, Chapter 3 of the Government Code, and Section 17.07 or 17.56-A of the Los Angeles Municipal Code, the Advisory Agency hereby grants the remaining one-year time extension, totaling 9 years from the decision date for the recording of the final map for Vesting Tentative Tract No. 67122, or until June 6, 2014.

Pursuant to AB 116, all maps are automatically granted an additional two years as along as those maps were still valid as of January 1, 2000 and has not expired as of July 1, 2013.

Therefore, the new expiration date for the subject vesting tentative tract map is **June 6, 2016** and no further extension of time to record a final map can be granted.

Michael J. LoGrande
Director of Planning

Herman Van Buren
City Planner

HVB:MN:mn

NOTE: IF THERE IS A RELATED CASE WITH YOUR TRACT, THIS EXTENSION WILL NOT EXTEND THE RELATED CASE APPROVAL

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries relative to this matter refer to File No.

05-0672

CITY OF LOS ANGELES
CALIFORNIA

JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
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HELEN GINSBURG
Chief, Council and Public Services Division

CD 11

June 6, 2005

Los Angeles County Assessor
Kenneth Hahn Hall of Administration
500 W. Temple Street, Room 225
Los Angeles, CA 90012

Councilmember Miscikowski
City Planning Commission
Attn: Gabriele Williams
cc: Director of Planning
cc: Advisory Agency
cc: Community Planning Section
cc: Geographic Information Section
Attn: Fae Tsukamoto
Department of Water and Power

Council District 1,
Attn: Gerald Gubatan
Planning and Land Use Management
Committee, Attn: B. Greaves
Housing Department,
Attn: General Manager
Bureau of Engineering,
Land Development Group
Department of Transportation
Traffic/Planning Sections
Department of Building and Safety
c/o Zoning Coordinator
cc: Residential Inspection Unit
Bureau of Street Lighting
"B" Permit Section

SEE ATTACHED LIST FOR ADDITIONAL NOTIFICATIONS

RE: APPEALS ON VESTING TENTATIVE TRACT NO. 52928 AT 17331 AND 17333 TRAMONTO DRIVE

At the meeting of the Council held JUNE 3, 2005, the following action was taken:

Attached report adopted	X
Environmental Impact Report Certified	X
Statement of Overriding Consideration adopted	X
Mitigation Monitoring and reporting program adopted	X
Findings adopted	X

Frank T. Martinez

City Clerk
kw

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

FILE NO. 05-0672

Your PLANNING AND LAND USE MANAGEMENT Committee

reports as follows:

	Yes	No
Public Comments	XX	

ENVIRONMENTAL IMPACT REPORT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to appeals on Vesting Tentative Tract No. 52928 located at 17331 and 17333 Tramonto Drive.

Recommendations for Council action:

1. CERTIFY that the Environmental Impact Report (ENV 2000-2696 EIR; State Clearing House No. 2002051086) has been completed in compliance with the California Environmental Quality Act, the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the lead agency, City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council file No. 05-0672 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Environmental Impact Report.

2. ADOPT the FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the City Planning Department.

3. ADOPT the FINDINGS of the Planning Commission including the Subdivision Map Act Findings and Mello Act Findings, as well as all environmental findings and a Mitigation Monitoring and Reporting Program , and the Findings of the Planning and Land Use Management Committee as the Findings of the City Council.

4. DENY APPEALS filed by Pacific Palisades Residents Association, Ms. Beagles, Mr. Congdon, Ms. Heidt, Mr. and Ms. Hirschman, Mr. and Mrs. Knotz, Mr. and Mrs. Mirkin, and Dr. Todd Sadow, Castellammare Mesa Homeowners and Pacific Palisades Community Council.

5. GRANT APPEAL filed by Lou Jacobs and Ken Kahan, Palisades Landmark, LLC, in part, THEREBY APPROVE the November 18, 2004, action of the City Planning Commission in sustaining the decision of the Advisory Agency in part, in approving Vesting Tentative Tract No. 52928 for the proposed construction, use and maintenance of an 82-unit condominium project located at 17331 and 17333 Tramonto Drive, subject to modified Conditions of Approval as approved by the Commission, and Conditions Nos. 117 and 118, as further modified by the Planning and Land Use Management Committee.

   Applicant: Palisades Landmark, LLC VTT 52928

6. ADVISE the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Exemption Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

7. INSTRUCT the City Planning and Housing Departments to identify strategies for systematically conducting independent review of economic feasibility analyses when submitted pursuant to the Mello Act (California

Government Code Section 65590 et seq.) and Interim Administrative Procedures (pursuant to Settlement Agreement, Venice Town Council, et al. v. City of Los Angeles), including but not limited to: creating in-house city staff positions with the appropriate financial expertise and skills; Department of City Planning or Los Angeles Housing Department retention of outside consultants; identifying potential revenue sources, such as appeal fees to off-set administrative costs and outside consultants costs; and to report back with recommendations within 60 days to the Planning and Land Use Management Committee.

8. INSTRUCT the City Clerk to notify as a part of the notification process, the Western Center on Law and Poverty and the Legal Aid Foundation of Los Angeles regarding the Council's action on this matter.

Fiscal Impact Statement: The Planning Department advises that there is no General Fund impact, as administrative costs are recovered through fees.

TIME LIMIT FILE - MAY 31, 2005

(LAST DAY FOR COUNCIL ACTION - MAY 31, 2005)

Summary

At the May 25, 2005, (continued from May 11, 2005 hearing), the Planning and Land Use Management Committee held a public hearing to consider appeals filed by Pacific Palisades Residents Association (Barbara Kohn, Representative); Ms. Beagles, Mr. Congdon, Ms. Heidt, Mr. and Ms. Hirschman, Mr. and Mrs. Knotz, Mr. and Mrs. Mirkin, and Dr. Todd Sadow (Thomas Stewart, Representative); Castellammare Mesa Homeowners (Andrew F. Martin, Representative); Lou Jacobs and Ken Kahan (Palisades Landmark, LLC) - (Ben Reznik, Representative); and Pacific Palisades Community Council (Norma Kulla, Representative), from the determination of the City Planning Commission in whole and in part, in approving Vesting Tentative Tract Map No. 52928 for the proposed construction, use and maintenance of an 82-unit condominium project located at 17331 and 17333 Tramonto Drive in Council District 11, subject to modified Conditions of Approval.

At the prior May 11, 2005, Committee hearing, staff from the Deputy Advisory Agency (staff) of the Planning Department provided exhibits, photographs and described the project and appeals to Council. It was reported by staff that although this project is in the Coastal Development area, the Coastal Development Permit was not before the Committee. Staff explained that when the Planning Commission acted, appeals were filed with the Coastal Commission on the Coastal Development Permit for this 82-unit condominium project, and are pending the Coastal Commission's decision. Staff further explained that the appeals on Vesting Tentative Tract Map No. 52928 are before the Committee and Council, and the appeals addressed matters related to density and five other areas of concern, as follows:

1. Geology, Soils and Grading - Staff explained that the proposed project site is the same area of the 1965 Revello landslide on the west side of the property. Staff noted that the appellants, have raised issues about the 100 conditions imposed on the tract map action. Staff reported that the appellants contend that the shoring for the proposed project is inadequate because the plans are conceptual in nature only and are based upon inadequate geological data. Staff reported that the Department of Building and Safety's Grading Division has reviewed and conditionally approved the geotechnical report, and the conditions are included as a part of the tract action. Staff further noted that approximately 100,000 cubic yards will be moved from the area, and the subdivider will be responsible for stabilizing the slope including removal of approximately 100,000 cubic yards and import of approximately 75,000 cubic yards due to landslide repair.

2. Obstruction of Views - Staff reported that this project will result in the demolition of a two-story, ten unit apartment building (total 20 units), and the construction of the new 82-unit condominium project

with approximately six buildings. Staff provided various illustrations and reported that the project is located in Height District No.1, and is limited to a maximum of 45 feet height. Staff reported that the Environmental Impact Report determined that the proposed project would not result in the obstruction of any public scenic views as alleged by appellants. Staff further reported there is some loss of view, but no ones view is completely blocked. In addition, staff noted when this matter was considered by the Commission, it was determined that there is no ordinance that protects private views. Staff added, that the subdivider expanded the view corridor between two of the buildings in order to allow upslope the properties to maintain a view. There are cross-sections of the project that remain part of the Coastal Development Permit that indicate the view lines that are currently available, will be available under the proposal, and that the new project will not exceed the height of the existing apartment building.

3. Traffic - Staff reported that all concerns and traffic impact noted and expressed by the appellants regarding traffic issues could not be completely mitigated. Staff reported that all of the requirements of the Department of Transportation will be imposed through the Tract Map action, and through the Coastal Development Permit.

4. Height - Staff reported concerns were expressed by appellants regarding how height is measured. Staff reported with respect to this issue, she believes the Department of Building and Safety uses technical requirements in the Building Code. She also mentioned staff from the Department of Building and Safety was available at the meeting for comment.

5. Mello Act Conditions- Staff reported that she had received a letter sent to the Chair of the Planning and Land Use Management Committee challenging the Mello Act Conditions under the tract action. In addition, she reported that the applicant, Palisades Landmark, LLC, has appealed Mello Act Condition No. 118, and requested that some of the language be modified. Staff further reported that the Commission considered four factors, including economics, technical, environmental and social factors in determining the feasibility that the affordable housing was infeasible on site. Condition No. 118 previously required that of the 82-units, 20 percent of the affordable units (16 units) be provided as Low Income, or 10 percent of the affordable units (8 units) be provided as Very Low Income. In addition, the Condition required that the inclusionary Low Income or Very Low Income or Low Income Units be located off-site.

At the May 11, 2005 hearing several appellants and representatives testified relative to the concerns addressed by staff, and in opposition to the project. In addition, representatives from the Western Center on Law and Poverty, representing several agencies, provided testimony relative to the failure of the City Planning Commission to base its decision on a proper feasibility study analysis and findings regarding the affordable units being provided off-site, as opposed to on-site.

The Chief Planning Deputy for Council District 11 speaking on behalf of Councilmember Cindy Miscikowski, representing Council District 11, spoke in support of the project and provided requested modifications to Condition No. 117 relative to landscaping, height, views, off-site improvements, and other issues to address the concerns of the appellants and other residents in the area.

The applicant/subdivider for the project requested permission to locate the affordable accessible units off-site, for sale or rental. In addition, the applicant/subdivider questioned the number of units based on percentages actually specified by the Commission. The applicant requested that the affordable units be provided within three miles of the Coastal Zone, or as specified by the City Planning Commission. The applicant/subdivider and representative reported that would be infeasible primarily for technical and environmental reasons to include the affordable units on-site which would result in increasing the height and mass of the project. In addition, the representatives for the applicant/subdivider added that if the affordable off-site units were denied, this would allow the applicant to increase

the density to over 100 units under the density bonus.

At the conclusion of the May 11, 2005, public hearing, the Committee requested that the matter be continued in Committee until the May 25 Planning and Land Use Management Committee meeting to allow, the Los Angeles Housing and Building and Safety Department to report back on issues related to feasibility of providing the affordable units on site.

At the May 25, 2005, public hearing held by the Planning and Land Use Management Committee similar testimony was provided.

The applicant and one representative reported that in working with the community in the last six years, he has addressed many of the concerns of the residents and proposed to correct a landslide area which may help the City. The representative reported that the Mello Act provides that "feasible" means "capable of being accomplished in a successful manner within a reasonable amount of time taking into account economic, environmental, and technical factors (California Government Code Section 65590 (g)(3). He reported that the problem with this project that in order to include the affordable housing on-site, he reported that the affordable units could not feasibly be included on site without increasing the height or mass of the project in ways that would eliminate views seeking to be protected. In addition, he reported that if environmental reviews were required for the on-site affordable units it would take approximately another 3 ½ to 4 years before he could go to the Coastal Commission to get the approvals for the project (i.e., environmental review, architectural redesigns, entitlements, geological considerations and going back through the City process). Another representative reported that the Los Angeles Housing Department will review the affordable housing and compatible issues as part of its Department review.

Councilmember Ed P. Reyes, Chair of the Planning and Land Use Management Committee, reported that he continued the item from the May 11 to the May 25 public hearing, as he had concerns regarding the feasibility, specifically, economic feasibility of placing on-site affordable housing at the site for this project. He reported that at the May 11, 2005 public hearing, the applicant/subdivider/representatives and opponents of the project made several assertions regarding feasibility on on-site affordable housing. The Committee Chair suggested he was unsure if the City should rely on developers assessment of feasibility. In meeting with the General Manager of the Housing Department, his staff has learned that the City does not have the in-house expertise to assess financial feasibility. However, the General Manager reported that the Department has established a methodology and formula for evaluating financial feasibility. The Chair of the Committee reported that several issues in the Mello Act involve whether units are to be place on-site or off-site, feasibility considerations, timing of affordable units to be in place for a project, and if affordable units are to be for sale, rent, or mixed, for sale or for rent.

In addition, the Chair reported that in his review, he determined that the City does not have a permanent Mello Act ordinance, and is presently operating under interim procedures. The Chair recommended, and member second, that the Council instruct the City Planning and Housing Departments to identify strategies for systematically conducting independent review of economic feasibility analyses when submitted pursuant to the Mello Act (California Government Code Section 65590 et seq.) and Interim Administrative Procedures (pursuant to Settlement Agreement, Venice Town Council v. City of Los Angeles), including but not limited to: creating in-house city staff positions with the appropriate financial expertise and skills; Department of City Planning or Los Angeles Housing Department retention of outside consultants; identifying potential revenue sources, such as appeal fees to off-set administrative costs and outside consultants costs; and to report back with recommendations within 60 days to the Planning and Land Use Management Committee. He acknowledged that this project has over 100 conditions and experience a thorough review in the past six years, including environmental review by City Departments. In addition, he reported that Councilmember of Council District 11 is in support of the project, and has reviewed and consulted residents in the area regarding their concerns.

After the review of the documents on the file and in consideration of the testimony provided, the Committee recommended to deny the appeals filed by Pacific Palisades Residents Association, Ms. Beagles, Mr. Congdon,

Ms. Heidt, Mr. and Ms. Hirschman, Mr. and Mrs. Knotz, Mr. and Mrs. Mirkin, and Dr. Todd Sadow, Castellammare Mesa Homeowners and Pacific Palisades Community Council; and Grant the appeal in part filed by by Lou Jacobs and Ken Kahan, Palisades Landmark, LLC, in part, thereby approving the November 18, 2004, action of the City Planning Commission in sustaining the decision of the Advisory Agency in part, in approving Vesting Tentative Tract No. 52928 for the proposed construction, use and maintenance of a 82-unit condominium project located at 17331 and 17333 Tramonto Drive, subject to modified Conditions of Approval as approved by the Commission, and Conditions No. 117 (as modified by Council District Eleven, and Condition No. 118, as further modified by the Planning and Land Use Management Committee. In addition, the Committee recommended that the Council certify the Environmental Impact Report and adopt the Statement of Overriding Considerations, environmental, subdivision, Mello Act, and two additional findings, as recommended by the Planning and Land Use Management. In addition, the Committee made recommendations that Council adopt recommendations noted in 6 through 8 of this Committee report.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

MEMBER	VOTE
REYES:	YES
CARDENAS:	ABSENT
WEISS:	YES

BG:bg
5-25-05
Enc: VTT No. 52928
Attachment: Conditions of Approval as Modified
CD 11

MAY 31 2005 - CONTINUED TO ~~JUNE~~ 3, 2005

Rept & Finding
ADOPTED
JUN 03 2005
LOS ANGELES CITY COUNCIL

EIR CERTIFIED
STATEMENT OF overriding consideration
&
mitigation monitoring & reporting program
ADOPTED

pink

CONDITIONS OF APPROVAL AND FINDINGS
May 25, 2005 PLUM Committee Action
CF-05-0672/VTT-52928
(Double Underline & Strikeout)

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That an 1-foot by 13-foot wide strip of land be dedicated along Tramonto Drive adjoining the subdivision to complete a 38-foot wide and variable width street dedication satisfactory to the City Engineer.

2. That a 2-foot wide strip of land be dedicated as future street along Castellammare Drive adjoining the subdivision satisfactory to the City Engineer.

3. That any existing public easement within the tract area be correctly shown on the final map.

4. That the following requirements in connection with grading and construction in and adjacent to public right-of-way and/or private streets be complied with in a manner satisfactory to the City Engineer:

   a. Cut or fill slopes shall be no steeper than 2:1 (horizontal to vertical). Cut slopes shall be no steeper than 1:5 (horizontal to vertical) in competent bedrock.

   b. The toes and crests of all cut and fill slopes shall be located on private property and shall be set back 2 and 3 feet, respectively, from the property line.

   c. All landslide debris shall be removed to stable bedrock.

   d. Where fill overlies cut slopes, the fill shall be keyed horizontally into bedrock a minimum width of 12 feet or the slope shall be overexcavated a minimum of 12 feet and replaced as a compacted fill slope.

   e. All streets shall be founded upon firm, natural materials or properly compacted fill. Any existing loose fill, loose soil, or organic material shall be removed prior to placement of engineered fill.

   f. Fill material shall be compacted to a minimum of 90 percent relative compaction as defined in the Bureau of Engineering Standard Plan S-610. Fill shall be benched into competent material.

   g. All slopes shall be planted and an irrigation system installed as soon as possible after grading to alleviate erosion.

h. Adequate perforated pipe and gravel sub-drain systems approved by the City Engineer shall be placed beneath canyon fills and behind retaining walls.

i. Where not in conflict with the above, the recommendations contained in the J. Byer Group, Inc.'s reports dated August 16, 2000, September 22, 2000, November 29, 2000, June 29, 2001, August 28, 2001 and October 2, 2001 by the consulting engineering geologists and civil/geotechnical engineers, Jon A. Irvine CEG 1691/RCE 55005 and Robert I. Zweigler CEG 1210/GE 2120, shall be implemented.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

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 following requirements and conditions:

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

6. The areas to receive compacted fill shall be prepared by removing all vegetation, debris, existing fill, soil, colluvium and slide debris. The exposed excavated area shall be observed by the soils engineer or geologist prior to placing compacted fill. The exposed grade shall be scarified to a depth of six inches, moistened to optimum moisture content, and recompacted to 90 percent of the maximum density.

7. The proposed building site for buildings 1 and 2 shall be excavated to a minimum depth of 10 feet below the bottom of all footings. The excavation shall extend a minimum of 10 feet beyond the building footprint. The excavated areas shall be observed by the soils engineer or geologist prior to placing compacted fill.

8. Fill, consisting of soil approved by the soils engineer, shall be placed in horizontal lifts and compacted in six-inch layers with suitable compaction equipment. The excavated on-site materials are considered satisfactory for reuse in the controlled fills. Any imported fill shall be observed by the soils engineer prior to use in fill areas. Rocks larger than six inches in diameter shall not be used in the fill.

9. The fill shall be compacted to at least 90 percent of the maximum laboratory density for the material used. The maximum density shall be determined by American Society for Testing and Materials (ASTM) D 1557-91 or equivalent.

10. Field observation and testing shall be performed by the soils engineer during grading to assist the contractor in obtaining the required degree of compaction and

the proper moisture content. Where compaction is less than required, additional compactive effort shall be made with adjustment of the moisture content, as necessary, until 90 percent compaction is obtained. One compaction test is required for each 500 cubic yards or two vertical feet of fill placed.

11. Compacted fill slopes may be constructed at a 2:1 gradient and shall be keyed and benched into bedrock or supported laterally with retaining walls or soldier piles.

12. A subdrain system is recommended at the back of the proposed repair. The subdrain shall consist of an eight inch perforated pipe surrounded by five cubic feet of gravel per foot of subdrain.. Gravel ?chimney? drains are recommended along the uphill sides of the repair. The gravel chimney drains shall consist of a 12 inch wide strip of 34 inch gravel placed between the compacted fill and the shored excavation. The chimney drains shall have hydraulic connectivity to the main subdrain.

13. In the event a hard cemented layer is encountered during foundation excavation, coring or the use of jackhammers may be necessary. Groundwater and caving zones may also be encountered in soldier pile excavations. Casing and/or drilling muds may be required shall caving zones be encountered.

14. Continuous and/or pad footings may be used to support the proposed buildings and garage retaining walls provided they are founded in bedrock, approved compacted fill (buildings 1 and 2) or alluvial terrace. Continuous footings shall be a minimum of 12 inches in width. Pad footings shall be a minimum of 24 inches square.

15. Increases in the bearing values of the compacted fill, terrace and bedrock are allowable at a rate of 20 percent for each additional foot of footing width or depth to a maximum of 3,000 pounds per square foot for the fill and terrace and 6,000 pounds per square foot for the bedrock. For bearing calculations, the weight of the concrete in the footing may be neglected.

16. The bearing values shown above are for the total of dead and frequently applied live loads and may be increased by one third for short duration loading, which includes the effects of wind or seismic forces. When combining passive and friction for lateral resistance, the passive component shall be reduced by one third.

17. All continuous footings shall be reinforced with a minimum of four #4 steel bars; two placed near the top and two near the bottom of the footings. Footings shall be cleaned of all loose soil, moistened, free of shrinkage cracks and approved by the geologist prior to placing forms, steel or concrete.

18. Drilled, cast in place concrete friction piles are recommended to support portions of the proposed buildings located over deep fill and adjacent to slopes to achieve the required slope setbacks. Also, piles are recommended to support the southern

portion of Building 2 below the 1:1 setback plane. Piles shall be a minimum of 24 inches in diameter and a minimum of eight feet into bedrock or eight feet into fill below the setback plane. Piles may be assumed fixed at three feet into bedrock or three feet into fill below the setback plane. The piles may be designed for a skin friction of 700 and 500 pounds per square foot for that portion of pile in contact with the bedrock and compacted fill, respectively. All piles shall be tied in two horizontal directions with grade beams.

19. The existing fill and soil on the site are subject to downhill creep. Pile shafts are subject to lateral loads due to the creep forces. Pile shafts shall be designed for a lateral load of 1,000 pounds per linear foot for each foot of shaft exposed to the existing fill and soil. Friction piles supporting the portion of Building 2 within the foundation zone shall be designed for an arbitrary creep force of 5 kips, with a point of application at the ground surface.

20. The friction values are for the total of dead and frequently applied live loads and may be increased by one third for short duration loading, which includes the effects of wind or seismic forces. Resistance to lateral loading may be provided by passive earth pressure within the bedrock.

21. Passive earth pressure may be computed as an equivalent fluid having a density of 380 pounds per cubic foot. The maximum allowable earth pressure is 6,000 pounds per square foot. For design of isolated piles, the allowable passive and maximum earth pressures may be increased by 100 percent. Piles spaced more than 2 ½ pile diameters on center may be considered isolated.

22. Settlement of the foundation system is expected to occur on initial application of loading. A settlement of one-quarter to one-half inch may be anticipated. Differential settlement shall not exceed one-quarter inch.

23. The Building Code requires that foundations be a sufficient depth to provide horizontal setback from a descending slope steeper than 3:1. The required setback is ½ the height of the slope with a minimum of five feet and a maximum of 40 feet measured horizontally from the base of the foundation to the slope face.

24. The Building Code requires a level yard setback between the toe of an ascending slope and the rear wall of the proposed structure of one half the slope height to a maximum 15 feet clearance for slopes steeper than 3:1. For retained slopes, the face of the retaining wall is considered the toe of the slope.

25. Cantilevered retaining walls up to 15 feet high, supporting compacted fill with backslopes between level and 2:1 may be designed for an equivalent fluid pressure of 43 pounds per cubic foot. Cantilevered retaining walls higher than 15 feet will require specific calculations based upon the backslope and surcharge conditions. Restrained basement and parking garage walls, where wall deflection is limited,

shall be designed for a pressure of 30H, where H is the height of the restrained wall in feet. Retaining walls shall be provided with a subdrain or weepholes covered with a minimum of 12 inches of 34 inch crushed gravel.

26. Retaining wall backfill shall be compacted to a minimum of 90 percent of the maximum density as determined by ASTM D 1557-91, or equivalent. Where access between the retaining wall and the temporary excavation prevents the use of compaction equipment, retaining walls shall be backfilled with 34 inch crushed gravel to within two feet of the ground surface. Where the area between the wall and the excavation exceeds 18 inches, the gravel must be vibrated or wheel-rolled, and tested for compaction. The upper two feet of backfill above the gravel shall consist of a compacted fill blanket to the surface. Retaining wall backfill shall be capped with a paved surface drain.

27. Retaining wall footings may be sized per the "Deepened" and "Spread Footings" mitigation measures listed above.

28. Retaining walls surcharged by a sloping condition shall be provided freeboard for slough protection. For manufactured 2:1 slopes, a minimum of 12 inches of freeboard is recommended. For retaining walls supporting existing or natural slopes, the recommended freeboard is 18 inches. An open "V" drain shall be placed behind the wall so that all upslope flows are directed around the structure to the street or approved location.

29. Soldier piles are recommended as part of the stabilization plan to support the compacted fill laterally and to increase the safety factor. Southeast facing vertical excavations are not recommended in the slide debris. All southeast facing excavations in the slide debris shall be trimmed to 1:1 or along other flatter planes of weakness. Non-southeast facing temporary excavations in the slide debris may be created vertically up to five feet high. Where non-southeast facing vertical excavations in the slide debris exceed five feet in height, the upper portion shall be trimmed to 1:1(45 degrees). Northeast-facing excavations in the bedrock will weaken bedding in the down-dip direction. Northeast-facing excavations shall be trimmed to 1:1, or shored.

30. Soldier piles will be required to support temporary excavations and the landslide along the uphill property line and to support offsite properties. Soldier piles will also be required to support excavations along the downhill (southern) property line. Soldier piles shall be spaced a maximum of 10 feet on center. 1 setback plane, or below the base of the excavation, whichever is deeper.

31. The temporary load on soldier piles P1 through P10 is 170 kips per foot. From P17 to P35, the recommended design force is 145 kips per foot. Between piles P10 and P17, the design force shall decrease linearly from 170 to 145 kips per foot. The

point of application is assumed to be 1/3 the retained height of the pile. Piles P1 through P35 shall be embedded in the bedrock below the base of the slide.

32. Piles P36 through 40 shall be founded below a 1 1/2 : 1 plane projected up from the base of the slide. The recommended design equivalent fluid pressure is 65 pounds per cubic foot for the portion of the pile between the ground surface and the1 ½: 1 setback plane. Piles along the upslope property line may also be utilized to support temporary vertical excavations to construct the required rear yard retaining walls.

33. Due to the large forces and high retaining heights, cantilevered piles may not be feasible. Bracing, rakers, tie-back anchors, and additional row(s) of soldier piles, may be used to assist the property line retaining walls. Slopes may be trimmed offsite to reduce the heights of shored excavations with permission from the offsite property owner. The installation of tie-back anchors offsite will also require permission from the offsite property owner.

34. Resistance to lateral loading may be provided by passive earth pressure within the bedrock. Passive earth pressure may be computed as an equivalent fluid having a density of 380 pounds per cubic foot. The maximum allowable earth pressure is 6,000 pounds per square foot. For design of isolated piles, the allowable passive and maximum earth pressures may be increased by 100 percent. Piles spaced more than 2 ½ pile diameters on center may be considered isolated.

35. Tie-back earth anchors may be used to assist the soldier piles in resisting the lateral loads. Either friction anchors or belied anchors may be used.

36. For design purposes, the active wedge within the slide debris is defined by the base of the slide as shown in the cross sections. For earth anchors remote to the slide, it is assumed that the active wedge adjacent to the shoring is defined by a plane drawn at 35 degrees with the vertical through the bottom of the excavation. Friction anchors shall extend at least 25 feet beyond the potential active wedge, or to a greater length if necessary to develop the desired capacities.

37. The capacities of the anchors shall be determined by testing of the initial anchors. For preliminary design purposes, it is estimated that drilled friction anchors will develop an average value of 400 pounds per square foot. Only the frictional resistance developed beyond the active wedge shall be considered in resisting lateral loads. If the anchors are spaced at least six feet on center, no reduction in the capacity of the anchors need be considered due to group action.

38. The frictional resistance between the soldier piles and the retained earth may be used in resisting a portion of the downward component of the anchor load. The coefficient of friction between the soldier piles and the retained earth may be taken as 0.35. In addition, the soldier piles below the excavated level may be used to resist downward loads. The downward frictional resistance between the concrete

soldier piles and the soils below the excavated level may be taken as equal to 700 pounds per square foot.

39. The anchors may be installed at angles of 20 to 40 degrees below the horizontal. Caving and sloughing of the anchor hole shall be anticipated and provisions made to minimize such caving and sloughing. Groundwater and seeps should be anticipated for anchors drilled within the slide debris. The anchors shall be filled with concrete placed by pumping through the auger from the tip out, and the concrete shall extend from the tip of the anchor to the active wedge. To minimize chances of caving and sloughing, that portion of the anchor shaft within the active wedge shall be backfilled with sand before testing the anchor. This portion of the shaft shall be filled tightly and flush with the face of the excavation. The sand backfill shall be placed by pumping; the sand may contain a small amount of cement to facilitate pumping.

40. A representative of J. Byer Group shall select at least eight of the initial anchors for a 24-hour 200% test and eight additional anchors for quick 200% tests. The anchors shall be tested to develop twice the assumed friction value. Anchor rods of sufficient strength shall be installed in these anchors to support the 200 percent test loading. Where satisfactory tests are not achieved on the initial anchors, the anchor diameter and/or length shall be increased until satisfactory test results are obtained. The total deflection during the 24-hour 200% test shall not exceed 12 inches. During the 24-hour test, the anchor deflection shall not exceed 0.75 inch measured after the 200% test load is applied. If the anchor movement after the 200% load has been applied for 12 hours is less than 0.5 inch, and the movement over the previous four hours has been less than 0.1 inch, the 24-hour test may be terminated.

41. For the quick 200% tests, the 200% test load shall be maintained for 30 minutes. The total deflection of the anchor during the 200% quick tests shall not exceed 12 inches; the deflection after the 200% test load has been applied shall not exceed 0.25 inch during the 30-minute period.

42. All of the anchors shall be pretested to at least 150% of the design load; the total deflection during the test shall not exceed 12 inches. The rate of creep under the 150% test shall not exceed 0.1 inch over a 15-minute period for the anchor to be approved for the design loading.

43. After a satisfactory test, each anchor shall be locked-off at the design load. The locked-off load shall be verified by rechecking the load in the anchor. If the locked-off load varies by more than 10% from the design load, the load shall be resent until the anchor is locked-off within 10% of the design load.

44. The installation of the anchors and the testing of the completed anchors shall be observed by the J. Byer Group.

45. Continuous lagging is anticipated for shoring piles supporting slide debris. The soldier piles shall be designed for the full anticipated lateral pressure. However, the pressure on the lagging will be less due to arching in the soils. Lagging shall be designed for the recommended earth pressure, but may be limited to a maximum value of 400 pounds per square foot.

46. Rakers may be used to internally brace the soldier piles. The raker bracing could be supported laterally by temporary concrete footings (deadmen) or by the permanent interior footings. For design of temporary footings or deadmen, poured with the bearing surface normal to rakers inclined at 45 degrees, a bearing value of 4,000 pounds per square foot may be used, provided the shallowest point of the footing is at least one foot below the lowest adjacent grade.

47. Some deflection of the shored embankment shall be anticipated. If excessive deflection occurs during construction, additional bracing may be necessary to minimize deflection. If desired to reduce the deflection of the shoring, a greater active pressure could be used in the shoring design. Monitoring of the performance of the shoring system is recommended. The monitoring shall consist of periodic surveying of the lateral and vertical locations of the tops of all the soldier piles. Also, some means of periodically checking the load on selected anchors may be necessary.

48. The geologist shall be present during grading to see temporary slopes. All excavations shall be stabilized within 30 days of initial excavation. Water shall not be allowed to pond on top of the excavations or to flow toward it. No vehicular surcharge shall be allowed within three feet of the top of the cut.

49. Concrete floor slabs and concrete decking shall be cast over bedrock or approved compacted fill and reinforced with a minimum of #4 bars on 16 inch centers, each way. Slabs which will be provided with a floor covering shall be protected by a polyethylene plastic vapor barrier. The barrier shall be covered with a thin layer of sand, about one inch, to prevent punctures and aid in the concrete cure.

50. Decking which caps a retaining wall shall be provided with a flexible joint to allow for the normal one to two percent deflection of the retaining wall. Decking which does not cap a retaining wall shall not be tied to the wall. The space between the wall and the deck will require periodic caulking to prevent moisture intrusion into the retaining wall backfill.

51. It shall be noted that cracking of concrete floor slabs is very common during curing. The cracking occurs because concrete shrinks as it dries. Crack control joints which are commonly used in exterior decking to control such cracking are normally not used in interior slabs. The reinforcement recommended above is intended to reduce cracking and its proper placement is critical to the slab's performance. The minor shrinkage cracks which often form in interior slabs generally do not present

a problem when carpeting, linoleum, or wood floor coverings are used. The slab cracks can, however, lead to surface cracks in brittle floor coverings such as ceramic tile. A mortar bed or slip sheet is recommended between the slab and tile to limit, the potential for cracking.

52. Paving shall be placed over bedrock, terrace, or approved compacted fill. Base course shall be compacted to at least 95 percent of the maximum dry density. Trench backfill below paving shall be compacted to 90 percent of the maximum dry density. Irrigation water shall be prevented from migrating under paving.

53. Roof gutters are recommended for the proposed structures. Pad and roof drainage shall be collected and transferred to the street or approved location in non-erosive drainage devices. Drainage shall not be allowed to pond on the pad or against any foundation or retaining wall. Drainage shall not be allowed to flow uncontrolled over any descending slope. Planters located within retaining wall backfill shall be sealed to prevent moisture intrusion into the backfill. Planters located next to raised floor type construction shall be sealed to the depth of the footings. Drainage control devices require periodic cleaning, testing and maintenance to remain effective.

54. Interior and exterior retaining walls are subject to moisture intrusion, seepage, and leakage and shall be waterproofed. Waterproofing paints, compounds, or sheeting can be effective if properly installed. Equally important is the use of a subdrain that daylights to the atmosphere. The subdrain shall be covered with 34 inch crushed gravel to help the collection of water. Yard areas above the wall shall be sealed or properly drained to prevent moisture contact with the wall or saturation of wall backfill.

55. Construction of raised floor buildings where the grade under the floor has been lowered for joist clearance can also lead to moisture problems. Surface moisture can seep through the footing and pond in the underfloor area. Positive drainage away from the footings, waterproofing the footings, compaction of trench backfill and subdrains can help to reduce moisture intrusion.

56. Formal plans ready for submittal to the Building Department shall be reviewed by The J. Byer Group. Any change in scope of the project may require additional work.

57. The Building Department requires that the geotechnical company provide site observations during construction. The observations include foundation excavations, tie-back excavations, shoring piles, keyways for fill, benching, and temporary slopes. All fill that is placed shall be tested for compaction and approved by the soils engineer prior to use for support of engineered structures. The City of Los Angeles requires that all retaining wall subdrains be observed by a representative of the geotechnical company and the City Inspector.

58. The J. Byer Group, Inc. shall be advised at least 24 hours prior to any required site visit. The agency approved plans and permits shall be at the jobsite and available to the J. Byer Group. The project consultant will perform the observation and post a notice at the jobsite of their visit and findings. This notice shall be given to the agency inspector.

59. Final geologic and soils engineering reports shall be prepared upon completion of the grading and shall be approved by the City Department of Building and Safety.

60. It is the responsibility of the contractor to maintain a safe construction site. When excavations exist on a site, the area shall be fenced and warning signs posted. All pile excavations must be properly covered and secured. Soil generated by foundation and subgrade excavations shall be either removed from the site or properly placed as a certified compacted fill. Soil must not be spilled over any descending slope. Workers shall not be allowed to enter any unshored trench excavations over five feet deep.

61. Prior to the recordation of the final map, a grading permit shall be obtained from the Department of Building and Safety.

62. Prior to issuance of a permit, the owners shall record a sworn affidavit with the Office of the County Recorder which attests to their knowledge that the western portion of the site (buildings 1 & 2) will still be bordered by active landslide on three sides after the completion of the development, and that they are aware of the potential for debris to collect behind the rear property line wall and the western property line wall, affecting the surface drain system, and that there is the potential for the landslide to remove support from the lower property line which could require the future construction of walls between the piles to provide support, and that the owner and future homeowners association agrees to assume the responsibility to keep the surface drain system behind the retaining walls clear of debris, to take responsibility for any future maintenance/repairs, and to inform all future owners of these conditions. The owner and future homeowners association shall provide proof of compliance with this mitigation measure to the Department of Building and Safety on an annual basis.

63. All existing landslide debris shall be removed and replaced as certified compacted fill, as recommended.

64. The following piles shall be designed for a minimum thrust, times pile spacing, as recommended:

- Piles P1 to P10 - 175 Kips
- Piles P11 to P17 - decreasing from 175 to 145 Kips
- Piles P17 to P35 - 145 Kips
- Piles P36 to P40 and all other pile supported retaining wall structures shall

be designed for a minimum EFP of 65 PCF and 30 PCF, respectively, times pile spacing, as recommended.

65. Piles P1 through P40 shall be designed so that the deflection at the top of the piles is a maximum of 1 (one) inch as recommended.

66. Pile(s) supporting Building 2 shall derive support from below the 1:1 set back plane projected up from the bottom of the fill along the southern property line. Also, the piles shall be embedded a minimum of 8 feet into bedrock or compacted fill, as recommended.

67. The structures shall be supported entirely either on compacted fill or bedrock.

68. Seismic design shall be based on Soil Profile Type Sc, as recommended.

69. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.

70. The soils engineer shall review and approve the shoring plans prior to issuance of the permit. Installation of shoring shall be performed under the continuous inspection and approval of the soils engineer.

71. Pile shafts shall be designed for a lateral load of 1000 pounds per linear foot of shaft exposed to the existing fill, soil and weathered bedrock. Friction piles supporting the portion of building 2 shall be designed for a minimum of 5 kips creep, with a point of application at the ground surface, as recommended.

72. The pile excavations shall be logged by the geologist to verify that the geologic conditions are not different than presented in the reports; the data shall be submitted to the Department prior to beginning the grading of the landslide.

73. All friction pile drilling and installation shall be performed under the continuous inspection and approval of the soils engineer.

74. The grading of the landslide shall not begin until it is verified that groundwater levels are below the bottom of the landslide. Additionally, the grading of the landslide shall not begin unless there is adequate time to complete the grading before the start of the rainy season.

75. A minimum of ten feet of freeboard shall be provided along the northern property line, above soldier pile Nos. P17 to P29; the freeboard shall be designed for a minimum EFP of 65 pcf, as recommended. The freeboard shall also be extended along the western property line.

76. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation.

77. A registered grading deputy inspector approved by and responsible to the project geotechnical engineer shall be required to provide continuous inspection for the proposed shoring.

78. Tie-backs are currently not proposed or approved.

79. Subdrain systems shall be installed between the soldier piles in the landslide and along the bottom of the landslide removal. A minimum of three continuous drains shall be provided beneath the proposed fill, as shown on the cross-sections in the reports and a continuous drain shall be provided at the bottom of the fill along the western property line. The water from the subdrain systems shall be conducted by gravity flow to an acceptable location at Castellammare Drive.

80. The 20-foot-wide strip of the property that extends up from Castellammare Drive shall be stabilized, as recommended in the reports.

81. All new slopes shall be no steeper than 2:1.

82. Adequate temporary erosion control devices acceptable to the Department, and if applicable the Department of Public Works, shall be provided and maintained during the rainy season.

83. All recommendations of the reports dated 08/16/00, 11/29/00, 06/29/01, 08/28/01 and 10/02/01, prepared by Jon Irvine (CEG 1691, RCE 55005) of the J. Byer Group, which are in addition or more restrictive than the conditions contained herein shall be incorporated into the plans.

84. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety.

85. A grading permit shall be secured and a grading bond posted.

86. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.

87. The geologist and soil engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading.

88. Any recommendations prepared by the consulting geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Department for approval prior to utilization in the field.

89. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557; or 95 percent where less than 15 perfect fines passes 0.005mm.

90. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill.

91. All roof and pad drainage shall be conducted to the street in an acceptable manner.

92. Retaining walls shall be designed for a minimum EFP as specified on page 28 of the report dated 08/16/2000.

93. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device.

94. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind retaining walls shall be approved by the soils engineer and accepted by the Department. Installation of the subdrainage system shall be inspected and approved by the soils engineer and by the City grading inspector.

95. Footings adjacent to a descending slope steeper than 3:1 in gradient shall be located a distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the face of the slope.

96. Buildings adjacent to ascending slopes shall be set back from the toe of the slope a level distance equal to one half the vertical height of the slope, but need not exceed 15 feet in accordance with Code Section 91.1806.5.2.

97. Pile caisson and/or isolated foundation ties are required by Code Section 91.1807.2

Exceptions and medication to this requirement are provided in Rule of General Application 662.

98. For grading involving import or export of more than 1000 cubic yards of earth materials within the grading hillside area, approval is required by the Board of

Building and Safety. Application for approval of the haul route must be filed with the Grading Section. Processing time for application is approximately 8 weeks to hearing plus 10-day appeal period.

99. Prior to the placing of compacted fill, a representative of the consulting Soils Engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the City Grading Inspector has also inspected and approved the bottom excavations. A writt en certification to this effect shall be filed with the Department upon completion of the work. The fill shall be placed under the inspection and approval of the Foundation Engineer. A compaction report shall be submitted to the Department upon completion of the compaction.

100. The consulting geologist shall periodically inspect the grading and upon completion submit a final report stating that the completed work complies with his recommendations. Geological data shall be obtained from grading exposure, particularly at back slope cuts for fills and buttress and on cut surfaces. This data shall be presented on a final geological map and as-graded plan.

101. Prior to the pouring of concrete, a representative of the consulting Soil Engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work.

102. When water over 3 inches in depth is present in drilled pile holes, a concrete mix with a strength pounds per square inch (p.s.i.) of 1000 over the design p.s.i. shall be trimmed from the bottom up; an admixture that reduces the problem of segregation of paste/aggregates and dilution of paste shall be included.

103. The dwellings shall be connected to the public sewer system.

104. Prior to excavation, an initial inspection shall be called at which time sequence of shoring, protection fences, and dust and traffic control will be scheduled.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

105. 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. Obtain permit for demolition or removal of all existing structures. Provide copy of demolition permit and signed inspection card to show completion of work.

b. Note: The District Map notes a 10' and 20' underground Public Utility Easement crossing three proposed buildings.

106. Conduct pre-construction assessments for ACMs. **Prior to the issuance of the demolition permit**, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACMs are present in the building. If ACMs are found to be present, they will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

DEPARTMENT OF TRANSPORTATION

107. The project applicant shall, at his own expense and to the satisfaction of the Department of Transportation and the Department of Public Works:

a. remove any existing vegetation within the right-of-way between the roadway edge and the property line along the convex curve of Tramonto Drive, approximately eighty feet arc length, in the vicinity of the project driveway; and

b. install a permanent aesthetic surface or material along this portion of the roadway that prevents the growth of vegetation within this right-of-way.

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

109. DOT approval shall be accomplished by submitting detailed site/driveway plans at a scale of 1" = 40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Avenue, Los Angeles, 90045.

FIRE DEPARTMENT

110. 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 Tentative Tract Action.

b. 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;

c. Construction of a private roadway in the proposed development shall not exceed 15 percent in grade;

d. Private roadway development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan D-22549;

e. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width;

f. Fire lanes, where required, and dead-ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be more than 700 feet in length or secondary access shall be required.

g. 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;

h. All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner?s expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code;

i. Standard cut-corners will be used on all turns;

j. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance, or exit of individual units;

k. The entrance or exit of all ground floor apartment units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane;

l. 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;

m. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet;

n. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.

o. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined by the Fire Department.

p. The project shall be equipped with an automatic sprinkler system to the satisfaction of the Los Angeles Fire Department.

DEPARTMENT OF WATER AND POWER

111. 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

112. Street light improvements shall be made to the satisfaction of the Bureau of Street Lighting and/or the following street lighting improvements shall be required. (This condition shall be deemed cleared at the time the City Engineer clears Condition S-3. (c).). 1 Street Light shall be required on Tramonto Drive.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY AGENCY

114. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the Los Angeles Municipal Code Section 17.05N. Written evidence of such arrangements

must be submitted to the Information Technology Agency, 120 S. San Pedro Street, Room 600, Los Angeles, CA 90012, (213) 485-7969.

DEPARTMENT OF RECREATION AND PARKS

115. That the Quimby fee be based on the RD2 Zone.

STREET TREE DIVISION AND THE DEPARTMENT OF CITY PLANNING

116. Prior to the issuance of a grading 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 Department of City Planning and the Street Tree Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Street Tree Division standards.

The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency.

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Street Tree Division at: 213-485-5675. Failure to comply with this condition as written shall require the filing of a modification to this Tentative Tract in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

117. 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 82 dwelling units.

b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit. In addition, ½ guest parking space per dwelling unit shall be provided (3 of which shall be exclusively reserved for use by the adjoining Ocean Wood Terrace Condominiums). All guest spaces shall be readily accessible, conveniently located and specifically reserved for guest parking.

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

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 No. Spring Street, Room 763).

c. 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 along the northerly side of the property.

d. Install within the project an air filtration system (either charcoal or electronic) to reduce the air quality effects on the proposed residents.

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

h. The maximum height of the building shall not exceed 45 feet or the maximum height permitted by the L.A.M.C., except that the height of the building shall not exceed the height restriction required by condition 'i' below. No variance for the height provisions of the L.A.M.C. is authorized by this action.

i. As volunteered by the applicant, no structure or landscaping shall be higher than the lower view lines created by the existing ridge lines as shown on revised Sections A, B, C, D, E and G (except chimneys, vents, and in the case "flat" buildings colored in red on the Site Plan, limited rooftop projections as allowed by the L.A.M.C.).

j. As volunteered by the applicant, at the request of the Ocean Woods Terrace Condominiums (OWTC), the subdivider shall allow access to the project site by a licensed surveyor hired by the OWTC (at OWTC's expense) to perform an as-built survey to confirm the height of the Project, or OWTC may request that the subdivider , at subdivider's expense, perform an as built survey to confirm the height of the Project. Such request may be made by OWTC prior to or upon completion of the framing of the Project and prior to or upon completion of the Project but prior to the issuance of a Certificate of Occupancy.

k. As volunteered by the applicant, prior to the issuance of any Certificate of Occupancy, new off-site landscaping shall be installed on the adjacent OWTC's property. The new landscaping shall not interfere with the views of the coastline or of the ocean from OWTC. The design of the landscape plan shall be created with the participation of OWTC.

l. As volunteered by the applicant, prior to the issuance of any Certificate of Occupancy, the subdivider shall construct the following off-site improvements:

(1) A vehicle warning device and required physical improvements shall be installed to warn motorists exiting the adjoining Ocean Woods Terrace Condominiums of any vehicles entering or exiting the development. Required approvals and permits shall be obtained by the applicant from the appropriate City agencies for all improvements in the right of way.

(2) Tramonto Drive shall be repaved from Los Liones Drive to a point past the ingress driveway of the adjoining Ocean Woods Terrace Condominiums. Required approvals and permits shall be obtained by the subdivider from the appropriate City agencies for all improvements in the right-of-way.

(3) The entire exit driveway of the adjoining Ocean Woods Terrace Condominiums, which joins the ingress/egress driveway of the subject site, shall be repaved. Any permits required by the City to repave the driveway shall be applied for by the Ocean Woods Terrace Condominium or with the expressed written consent fo the OWTC.

118. OFF-SITE AFFORDABLE UNITS: Prior to the Recordation of the Final Map, or prior to the issuance of a building permit, the subdivider shall submit an Affordable Housing Provision Plan approved by the Los Angeles Housing Department, for the required Inclusionary Residential Units to be provided off-site as new, net for-sale units, for-rent units or any combination through new construction or adaptive reuse (conversion of existing non-residential structures) within the Coastal Zone or within three miles of the Coastal Zone and within Council District 11. Any off-site Inclusionary Residential Units shall conform to the Performance Standards contained in Part IV of the Affordable Housing Incentives Guidelines adopted by the City Planning Commission on December 14, 1995.

a. The Plan shall provide either: ~~eight (8)~~ ten percent of the total new condominium dwelling units shall be reserved for Very Low Income ~~affordable units~~ households; OR ~~sixteen (16)~~ twenty percent of the total new condominium dwelling units shall be reserved for Low Income or Very Low Income ~~affordable units~~ households. (NOTE: The maximum 82-dwelling

units approved herein would require either eight (8) Very Low Income units or sixteen (16) Low Income units be provided).

b. The subdivider shall record a Covenant and Agreement (Planning Department General Form CP-6770) binding the subdivider to place the required off-site units in service (i.e. either rented or issuance of a Certificate of Occupancy) prior to the issuance of a Temporary or Final Certificate of Occupancy for the 55th on-site market rate unit.

To be cleared by City Planner or above.

c. The Housing Department, or its successor or assignee, shall be responsible for the ongoing monitoring and enforcement of these (accessible affordable unit requirements.

d. **Deleted**

NOTES: The provision of Inclusionary Residential Units for senior or disabled persons who do not have a Low or Very Low Income does not fulfill the inclusionary requirements for New Housing Development for the Mello Act.

119. BIOLOGICAL SURVEY: Prior to commencing site preparation or construction activities:

a. The applicant shall have a field survey conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 100 feet (200 feet for raptors) of the construction zone. The field survey shall occur no earlier than 3 days prior to construction or Site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March 1 through August 31).

b. Additionally, raptor (nesting) surveys shall be conducted on the site prior to the commencement of construction related activities. Should an active raptor nest be discovered on the Project Site, a 500-foot buffer shall be maintained between Project-related activities and the nest until such time fledglings leave the nest and the site and it has been determined by the Sites' biological monitor that the nest is not being used for repeated, same-season nesting attempts. If active nests are found (other than raptors), a minimum 50-foot fence barrier shall be erected around the nest, and clearing within the fenced area shall be postponed or halted, at the discretion of a biologist, until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, as determined by a qualified biologist.

c. Construction personnel shall be instructed on the sensitivity of the area. The project proponent shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

d. The subdivider shall provide a clearance letter or other evidence/documentation from the Department of Fish and Game, to the satisfaction of the Advisory Agency, that Conditions a, b, and c above have been satisfied.

e. In the event site preparation or construction activities are not commenced prior to the recordation of the final map, the subdivider shall record and execute a covenant and agreement satisfactory to the Advisory Agency guaranteeing that the field survey will be completed by a qualified biologist prior to site preparation and construction activities.

A copy of the letter required by Condition No. C-5 from the project civil engineer, architect or licensed land surveyor certifying that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building shall be attached to the covenant.

120. 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: Tramonto Drive, Los Liones Drive, Sunset Boulevard, Pacific Coast Highway, 10 Freeway, 5 Freeway, Penrose Street, Bradley Avenue.

b. As volunteered by the applicant, hours of operation shall be from 8:00 a.m. to 4:00 p.m. Monday through Friday; and from 9:00 am to 4:00 pm on Saturdays.

c. No hauling on Sundays.

d. Trucks shall be restricted to 10-wheel dump trucks or smaller, semi-trailers, or 18-wheel bottom dump trucks.

e. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).

f. Streets shall be cleaned of spilled materials at the termination of each work day.

g. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.

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

i. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.

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

k. All trucks are to be watered at the job site to prevent excessive blowing dirt.

l. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.

m. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.

n. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.

o. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.

p. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."

q. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.

r. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.

s. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.

t. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.

u. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Valley District Engineering Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401. Further information regarding the bond may be obtained by calling 818.374.5090.

OR

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

OR

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

OR

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

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

121. That prior to recordation of the final map, or prior to the issuance of any grading or building permit, whichever occurs first, the subdivider shall execute a Covenant and Agreement, to the satisfaction of the Advisory Agency, binding the subdivider to implement the Mitigation Monitoring Program contained in Section IV of Final EIR (ENV-2000-2696-EIR) and to provide certification, as identified by the MMP, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented.

In addition, the subdivider shall identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by both the MMP and Condition No(s). **116, 118, 119, 120, 122, 123, & C-4** of the Tract's

approval and Section IV of the Final EIR, 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 mitigation items required.

122. 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 The proposed project shall comply with the City's Landform Grading Guidelines.

MM-2 All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the City Planning Department.

MM-3 Landscape buffers shall be planted between the project site and adjacent residential uses.

MM-4 Outdoor lighting shall be directed on-site and designed and installed with shielding so that the light source can not be seen from adjacent land uses.

MM-5 Outdoor lighting and indoor parking garage lighting shall be limited to that necessary for safety and security, and shall be directed on-site and designed and installed with shielding so that the light source can not be seen from adjacent land uses or from off-site locations.

MM-6 The exterior of the proposed buildings shall be constructed of non-reflective building materials.

MM-7 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood and vegetation. Non-recyclable materials/wastes must be taken to an appropriate landfill, such as the Calabasas Sanitary Landfill, the Azusa Landfill, or the Bradley Landfill Toxic wastes must be discarded at a licensed regulated disposal site.

MM-8 Clean up leaks, drips and spills immediately to prevent contamination soil on paved surfaces, including Tramonto Drive and Los Liones Drive, that can be washed away into the storm drains.

MM-9 Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

MM-10 Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

MM-11 Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

MM-12 Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

MM-13 The project shall comply with Ordinance No. 172,176 to provide for Stormwater and Urban Runoff Pollution Control which requires the application of BMPs, including the following mitigation measures:

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

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

MM-14 The applicant shall pay the required school fees to the LAUSD.

MM-15 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.

MM-16 The project applicant shall consult with the LAPD's Crime Prevention Unit (CPU) on the design and implementation of a security plan for the proposed project and, which shall consider the following elements:

- Design entryways, the lobby, and parking areas with lighting that eliminates areas of concealment;
- Landscaping should be designed so as to not conceal potential criminal activities near windows or doors
- Outdoor night lighting should be provided to aid crime prevention and enforcement efforts;
- All garages should be enclosed;
- Provide solid core doors with deadbolt locks to all units;
- The use of louvered windows should be prohibited

MM-17 Upon the completion of the project, it is recommended that site plans for the property be provided to the West Los Angeles area commanding officer to help facilitate any necessary police response.

MM-18 The applicant shall comply with the City of Los Angeles Housing Department's relocation assistance requirements.

MM-19 Automatic sprinkler systems should be set to irrigate landscaping during early morning hours or during the evening to reduce water losses from evaporation. Care must be taken to reset sprinklers to water less often in cooler months and during the rainfall season to avoid wasting water by excessive landscape irrigation.

MM-20 Selection of native, drought-tolerant, low water consuming plant varieties should be used to reduce irrigation water consumption.

MM-21 Adherence to the provisions within the Water Conservation Ordinance of April 1988.

MM-22 The project applicant should demonstrate that construction and demolition debris, to the maximum extent feasible, would be salvaged and recycled in a practical, available, and accessible manner during the construction phase.

MM-23 The applicant shall institute a recycling program to the satisfaction of the Deputy Advisory Agency to reduce the volume of solid waste going to landfills in compliance with the City's goal of a 70 percent reduction in the amount of solid waste going to landfills by the year 2020.

MM-24 Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

MM-25 The applicant should consult with LADWP during the design process of the proposed project regarding potential energy conservation measures for the project. Examples of such energy conservation measures include:

- Design windows (i.e., tinting, double pane glass, etc.) to reduce thermal gain and loss and thus cooling loads during warm weather, and heating loads during cool weather.
- Install thermal insulation in walls and ceilings that meets or exceeds the requirements of the State Administrative Code Title 24.
- Install high-efficiency lamps for outdoor security lighting.
- Time control exterior lighting. These systems should be programmed to account for variations in seasonal daylight times.
- Limit outdoor lighting while still maintaining minimum security and safety standards.
- Built-in appliances, refrigerators, and space-conditioning equipment should exceed the minimum efficiency levels mandated in the California Code of Regulations.
- Use natural ventilation wherever possible.

MM-26 As a condition of each grading permit required of the project applicant by the City, the applicant shall be responsible for the repair of any damage to roads resulting from the delivery of heavy machinery, equipment, and building materials to or from the project site, as well as the import and export of soil to and from the project site. Such roadway repair shall be to the satisfaction of the City of Los Angeles Bureau of Street Services.

MM-27 If construction or haul trucks driving to and/or from the project site cause any substantial damage to private driveways in the immediate vicinity of the project site, such damage shall be repaired by, or paid for by, the project applicant.

123. **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 Tentative Tract 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 Hours of construction shall be limited to 8:00am to 5:00pm during excavation, recompaction and prior to the covering of the exterior of the buildings ("wrapping"), Monday through Friday and 9am to 5pm on Saturdays. No construction on Sundays. Workers may arrive at the site after 7:00am and engage in pre-construction work that does not involve the use of any equipment or work that generates noise that can be heard inside the dwelling units of adjacent properties.

CM-3 As volunteered by the applicant, after the "wrapping" phase of the exterior of the buildings, construction may commence at 7:00am, Mondays through Saturdays,

providing that such construction does not generate noise that can be heard inside the dwelling units of adjacent properties.

CM-4 As volunteered by the applicant, OWTC shall be given written schedules of construction activities upon request but not more than once a month which set forth the scope of scheduled construction activities. Written notice of any changes to the construction schedule shall be provided.

CM-5 As volunteered by the applicant OWTC shall be given 72 hours prior notice of all vibration generating construction operations.

CM-6 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-7 Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-8 No construction equipment shall be started in or in operation on-site outside the allowable construction hours of 8:00 a.m. to 5:00 p.m. (M-F) and 9:00 am to 5:00 pm (Saturdays).

CM-9 Trucks and construction equipment shall not be staged in adjacent residential areas during the overall period of construction.

CM-10 Temporary "Truck Crossing" warning signs shall be placed approximately 300 feet in advance of the construction driveway in each direction on Tramonto Drive.

CM-11 Up to two flag persons shall be used at the project site to assist the truck operators in and out of the project area, as well as minimize conflicts with motorists.

CM-12 Construction workers shall not be allowed to park on Sunset Boulevard or any residential or local street in the vicinity, except Los Liones Drive.

CM-13 A construction worker ridesharing plan shall be implemented in order to reduce construction-related trips and parking demand.

CM-14 As volunteered by the applicant, construction vehicles shall not interfere with egress from the driveway used by OWTC.

CM-15 As volunteered by the applicant, there shall be no construction-related parking or staging of trucks/vehicles on Tramonto Drive at any time.

CM-16 All unpaved demolition and construction areas shall be wetted at least twice daily, or more frequently as necessary, during excavation and construction, and temporary

dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

CM-17 All materials transported off site shall be securely covered or sufficiently watered to prevent excessive amounts of dust and protect against spillage.

CM-18 All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

CM-19 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

CM-20 Cover any on-site stockpiles of debris, dirt or other dusty material.

CM-21 Actively stabilize any cleared area that is planned to remain inactive for more than 30 days after clearing is completed.

CM-22 Establish an on-site construction equipment staging area and construction worker parking lot, located on either paved surfaces or unpaved surfaces subjected to soil stabilization treatments, as close as possible to a public highway.

CM-23 Encourage car-pooling for construction workers.

CM-24 Sweep access points daily.

124. Prior to recordation of the Final Map, the subdivider shall obtain a Coastal Development Permit.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.

2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. That prior to recordation of the final map, the subdivider shall record an "Agreement for Development of Units for Lease or Sale ("15% Ordinance")" covenant, to benefit the Housing Authority, for certification of the development in accordance with Section 12.39A. Arrangements shall be made with the Department of Building and Safety, Zoning Section - Subdivisions (213.482.0000) to approve the covenant format, prior to recording the covenant.

C-3. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with Section 17.12 of the Los Angeles Municipal Code and to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-4. That a landscape plan, prepared by a licensed landscape architect, be submitted to Council District 11 prior to review and approval by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map.

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

C-5. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Construct any necessary drainage facilities.

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

(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 planting's shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division ((213) 485-5675) upon completion of construction to expedite tree planting.

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

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

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

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

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

After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, drainage facilities may include the construction of storm drain system 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.

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

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

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

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

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

The subdivider should consult the Department of Water and Power to obtain energy saving design features 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.

Further, in the event the Advisory Agency approves the Vesting Tentative Tract, the following findings for the California Environmental Quality Act and Subdivision Map Act should be adopted by the Advisory Agency.

1.0 FINDINGS OF FACT (CEQA)

An Environmental Impact Report (EIR) has been prepared to analyze the potential environmental effects that could result from the construction and operation of the project. The EIR identifies mitigation measures, monitoring measures when necessary, and alternatives which would mitigate the negative environmental effects of the project. The EIR was completed and recommended for certification by the Environmental Review Section of the Los Angeles City Planning Department on December 1, 2003.

The EIR Report for the subject project, pursuant to and in accordance with Section 21081 of the State of California Public Resources Code, identifies potential significant impacts from the proposed project including:

> Aesthetics; Air Quality; Geology and Soils; Hydrology and Water Quality; Population and Housing; Public Services (Police Services, Fire Protection, Schools, Parks & Road Maintenance); Biological Resources; Transportation/Traffic;

However, changes or alterations which will mitigate or avoid significant environmental effects have been identified in the Final EIR for the subject project. Feasible mitigation measures and a monitoring program have been defined for those impacts. Other identified potential impacts not mitigated by these measures are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The Final EIR identifies three impacts not mitigated to a less than significant level for the proposed project:

> Visual Resources (Private Views); Short-Term Noise; and Traffic (Residential Streets) Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby Finds that the benefits outweigh and override the significant unavoidable impacts.

The Deputy Advisory Agency hereby certifies and finds that: the Final Environmental Impact Report for the Palisades Landmark Project, Case No. VTT-52928, State

Clearinghouse Number 2002051086, (which consists of the Draft Environmental Impact Report (Draft EIR) dated January 16, 2003; Appendices to the Draft EIR dated January 16, 2003; and Final Environmental Impact Report, including Responses to Comments, Additions and Corrections, and Mitigation Monitoring and Reporting Program ("MMRP"), dated December 1, 2003; collectively referred to as the "Final EIR"), has been completed in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; ["CEQA"]) and the Deputy Advisory Agency reviewed and considered the information contained in the Final EIR, the application for VTT-52928, the public hearing and submissions of testimony from officials and departments of the City, the Applicant the public and other agencies. Concurrently with the adoption of these Findings, the Deputy Advisory Agency adopts a MMRP as part of the Final EIR. Having reviewed and considered the foregoing information, as well as any and all information in the administrative record, the Deputy Advisory Agency hereby makes Findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

1.1 PROJECT BACKGROUND AND ENVIRONMENTAL IMPACT REPORT PROCESS

The City is the local Lead Agency for the Project, with the Los Angeles Department of City Planning ("City Planning") administering the state-mandated environmental review process for the approval of the Project. The City has prepared a Draft EIR with Technical Appendices, and a Final EIR to comply with CEQA and the State CEQA Guidelines (Cal. Code Regs. Title 14, Division 6, Chapter 3, Section 15000 et seq. ["CEQA Guidelines"]).

Notice of Completion: A Notice of Completion form together with the Draft EIR was sent to the California State Clearinghouse in Sacramento. The State Clearinghouse acknowledged receipt of the Draft EIR and established a 45-day public review period for the report beginning January 16, 2003 and closing March 3, 2003. At the request of the Council Office, comment letters were accepted for an additional 30 days to allow the agencies and the public additional time to review and comment on the Draft EIR.
The Deputy Advisory Agency and Zoning Administrator held a concurrent public hearing on the proposed Project on March 17, 2004.

Location of Records: Documents constituting the record of proceedings on which approval of the Project and certification of the EIR have been based are available at the City of Los Angeles Planning Department, 200 N. Spring Street, Room 750, Los Angeles, California, 90012.

1.2 PROJECT FINDINGS INTRODUCTION

The Findings made by the Deputy Advisory Agency, pursuant to Section 21081 of CEQA, and Section 15091 of the CEQA Guidelines, on the Project are presented below. All significant impacts of the Project identified in the Final EIR are included herein and are organized according to the area of potential impact. The Findings in this document are for the Project and are supported by information and analysis from the Draft EIR, technical appendices, the MMRP, and the responses to all public comments, together comprising the Final EIR. Where applicable, these Findings note the documents that contain the substantiation for each Finding.

The California Environmental Quality Act ("CEQA") and State CEQA Guidelines provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless for each significant impact, the public agency makes one or more of the following findings, as appropriate in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091:

(i) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR;

(ii) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or

(iii) Specific economic, legal, social, technological and/or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A narrative of supporting facts follows the appropriate Finding. For many of the impacts, one or more of the Findings above have been made. Finding (B) appears because, although the City is the CEQA Lead Agency, it has jurisdiction over only a portion of the Project and thus has limitations on its power to require or enforce certain mitigation. Whenever Finding (B) occurs, agencies with jurisdiction to make any necessary changes or alterations have been specified. It is these agencies, within their respective scopes of authority, that would have the ultimate responsibilities to adopt, implement, and enforce the mitigation discussed within each type of potential impact that could result from Project implementation. However, under adopted California statutory legislation, the CEQA Lead Agency has the responsibility to ensure that mitigation measures contained in the Final EIR are effectively implemented. Whenever Finding (C) was made, the Deputy Advisory Agency has determined that there will be, even after mitigation, an unavoidable significant level of impact due to the Project, and sufficient mitigation is not feasible to reduce the impact to a level of insignificance. Such impacts are always specifically identified in the supporting discussions. The Statement of Overriding Considerations applies to all such unavoidable significant impacts, as required by Sections 15092 and 15093 of the CEQA Guidelines.

I.3 DESCRIPTION OF PROPOSED PROJECT

The Palisades Landmark Condominium Project site is located at 17331-17333 Tramonto Drive (the "Project Site"). The Project Site is an irregularly shaped parcel containing approximately 3.98 acres of hillside terrain -- a southeast-facing slope, immediately south of Tramonto Drive. Designated as a Limited Hillside Street, Tramanto Drive intersects Los Liones Drive, which in turn provides access to Sunset Boulevard. Just southeast of the Project Site, Sunset Boulevard connects to Pacific Coast Highway, which is designated as a Scenic Highway.

The properties situated below the Project Site are developed with apartments and commercial buildings, except the area of the Revello Landslide, which remains vacant. Properties situated uphill from the site are developed with single-family residences and condominium buildings. The Proposed Project is a residential development consisting of 82 condominium units, divided among six buildings. Three buildings are proposed to contain three stories, including 25 three-bedroom townhomes with parking below each unit. The other three buildings are proposed to contain four stories, including 57 three-bedroom flats with parking being provided in a subterranean garage. None of the proposed buildings will exceed 45 feet.

All existing on-site structures would be removed, including two apartment buildings, a swimming pool, and a carport area. The grading for the proposed project will require 130,000 cubic yards (cy) of cut and 80,000 cy of fill. Approximately 100,000 cy of the cut material would be removed from the Project Site, and approximately 75,000 cy of fill would be imported for the permanent stabilization of the portion of the Revello Landslide that is located on the Project Site.

1.4 FINDINGS OF FACT

After reviewing the Final EIR and the public record on the project, pursuant to Section 15091 of the State CEQA Guidelines the Deputy Advisory Agency hereby makes the findings set forth below in this document, regarding the significant effects of the Proposed Project. Except to the extent they conflict with the findings and determinations set forth in Section 1.6 below, the analysis and conclusions of the EIR, including but not limited to the responses to comments, are incorporated herein by this reference, and are hereby adopted as findings. Both the Draft EIR and the Final EIR reflect the independent judgment of the City of Los Angeles.

Cumulative Impacts

Except as expressly provided to the contrary in Section 1.6 below, all effects of the Project on the environment are hereby found to be not significant. Cumulative impacts of the Project in conjunction with other past, present and foreseeable future projects have been addressed where applicable and will not be significant after mitigation.

1.5 POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS DETERMINED TO BE REDUCED TO A LEVEL OF INSIGNIFICANCE

A. Visual Resources Impacts, Massing, Nighttime Lighting, and Glare

Although the Project is consistent with the permitted density and building height for the site, the increase in density and height compared to the existing on-site apartments represent a potentially significant building massing impact in relation to the upslope single-family homes located along Revello Drive.

Additionally, compared to the existing apartment buildings, the Proposed Project would introduce a greater amount of nighttime lighting to the project site. Such lighting sources include interior lighting, exterior security lighting, and headlights on motor

vehicles entering or exiting the Site. Some of the project building materials (i.e., windows) as well as automobile windshields also represent sources of daytime glare.

Finding

Except as provided in Section 1.6 below, changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Except as provided in Section 1.6 below, potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 116 and 122 (MM-1 through MM-7) of the Tract's approval.

B. Air Quality Impacts

Given the age of existing structures on the project site, there may be asbestos containing materials (ACMs) in pipe insulation, fire retardant features, roofing, flooring or other elements of the existing residential buildings. The Project is too limited in scope to cause air quality impact significance thresholds to be exceeded during construction. However, even though total daily emissions of dust or equipment exhaust will be less than significant, the short distance between on-site activities and adjacent occupied homes creates a potential for dust deposition soiling nuisance on parked cars, landscaping foliage, or outdoor furniture. Mitigation measures that reduce small-diameter, respirable particulate emissions also reduce larger soiling particles. Mitigation measures for dust control are thus recommended even if the SCAQMD threshold is not exceeded.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 106 and 123 (CM-16 through CM-24) of the tract's approval.

C. Geology and Soils Impacts

Repair of the Revello Landslide would help to stabilize the Site for the construction of the Proposed Project. In order to repair the landslide, the landslide debris would be removed down to bedrock. Once the landslide debris is removed, compacted fill would be placed on the bedrock. This compacted fill would be used as primary structural fill to support the proposed buildings.

Soldier piles would be required in order to support vertical excavations along the north, west. and south sides of the removal. These piles would be embedded into the bedrock

below the base of the landslide. Additional piles along the upslope property line may also be required to support temporary vertical excavations to construct the required rear yard retaining walls.

The owner of the downslope property (17325 Castellammare Drive, also known as Related Project No. 4) has received City approval to develop a 21-unit condominium complex and also plans to permanently stabilize and develop the toe of the Revello Landslide. Significant geotechnical impacts from the Revello Landslide would be mitigated to less than significant levels provided the mitigation measures listed below are implemented.

The principal seismic hazard to the Proposed Project is strong ground shaking from earthquakes produced by local faults. The proposed construction would be consistent with all applicable provisions of the City of Los Angeles Building Code, as well as the seismic design criteria contained within the Uniform Building Code. It is likely that the project site will be shaken by future earthquakes produced in southern California.

Provided the Proposed Project and Related Project No. 4 (a proposed 21-unit condominium complex at 17325 Castellammare Drive that has been approved for construction by the City of Los Angeles) implement all of the slope stabilization techniques approved by the Department of Building and Safety, cumulative geology and soils impacts would be less than significant. In the event that Related Project No. 4 is not constructed, the stabilization measures for the Proposed Project would be adequate to stabilize the portion of the landslide located on the Project Site as the required slope stabilization improvements for each project are not co-dependent.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 5 through 104 of the tract's approval.

D. Hydrology and Water Quality Impacts

During construction, the Project Site will contain a variety of materials that are potential sources of stormwater pollution, such as adhesives, cleaning agents, landscaping, plumbing, painting, heat/cooling, masonry materials, floor and wall coverings; and demolition debris. Construction material spills can also be a source of stormwater pollution and/or soil contamination.

Grading and brush clearing activities can greatly increase erosion processes. Appropriate dust suppression techniques, such as watering or tarping, are used in areas that must be exposed. Erosion control devices, including temporary diversion

dikes/berms, drainage swales, and siltation basins, are typically required around construction areas to insure that sediment is trapped and properly removed.

Two basic areas of concern related to the long-term operation of the Proposed Project are stormwater quality and quantity.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 122 (MM-7 through MM-13).

E. Population and Housing Impacts

Prior to construction of the proposed project, all on-site uses would be demolished, including approximately 20 multi-family units. Demolition of these residential units would result in the displacement of the estimated 33 occupants and would therefore constitute a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 118 and 122 MM-18.

F. Public Service - Police Protection Impacts

According to the Los Angeles Police Department (LAPD), development of the Proposed Project would potentially result in a significant impact to police protection services provided by the West L.A. Community Police Station. The various construction phases of the proposed project could also result in increased response times the LAPD responding to other calls in the Castellammare area. Upon completion of the proposed project, the number of permanent residents and site visitors within the project site would generate a potential increase in the level of police service calls from the project site.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 122 MM-16 and MM-17.

G. Public Services - Fire Protection Impacts

The demolition, grading and construction phases of the proposed project would add construction employee vehicles and heavy trucks on the Project-area roadways, including Tramonto Drive which fronts the Project Site. Such activities could increase response times for emergency calls further uphill on Tramonto Drive and in the Castellammare area. These are considered to be potentially significant impacts that can be mitigated to less than significant levels via the implementation of the traffic mitigation measures.

Implementation of the proposed project would increase the need for fire protection and emergency medical services in the project area due to the increased number of residents and visitors to the project site. The Project Site is located 0.3 miles from the nearest fire station. Because this response distance is within City Fire Code requirements, there are no impacts with respect to distance criteria. However, the

Proposed Project would incorporate a number of fire safety features in accordance with applicable City fire-safety codes and ordinance requirements for construction, access, fire flows, and fire hydrants.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition No. 110.

H. Public Services - Schools Impacts

The increase in the number of permanent residents on the Project Site and the potential need to enroll any school-aged children into Los Angeles Unified School District (LAUSD) schools would result in an increased demand for school services. It is probable that some of the future residents of the proposed project already reside within the service boundaries of the LAUSD with their school-aged children enrolled in the LAUSD schools serving the Project Site. However, to provide for a worst-case scenario, it is assumed that all of the students projected to be generated by the Proposed Project are not currently enrolled in the LAUSD schools near the Project Site and would be enrolled upon relocation to the Project Site. Given the worst-case student generation factors, the total number of elementary, middle school, and high school students would be 36. The schools serving the project site would have adequate space

to accommodate the students projected to be generated by the project without going over capacity.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition No. 122 MM-14

I. Public Services - Recreation/Parks Impacts

Typically, residential developments have the greatest potential to result in impacts to parks and recreation facilities. This impact is a result of residential developments generating a permanent increase in the population. The Proposed Project would result in an increase of 199 permanent residents. This increase in population would only further exacerbate the need for parks and recreational services, which is experienced throughout the City of Los Angeles. The project residents would have use of the Topanga State Park and various beaches along Pacific Coast Highway for their recreational needs, in addition to the City parks.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of Condition Nos 115 and C-3.

J. Public Services - Road Maintenance Impacts

Due to the weight of the various trucks in the transportation of construction debris, soil, heavy equipment, and building materials (particularly the number of trips necessary for the soil exportation), roads used for the proposed truck haul route (i.e. Tramonto Drive, Los Liones Drive, Sunset Boulevard, and the Pacific Coast Highway) could be damaged, increasing the demand for road maintenance services provided by the Bureau of Street Services. Additional ly, the extent to which the roads could be damaged would also depend upon the condition of the roads prior to usage by the trucks.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 1, 2, and 122 MM-26 and MM-27.

K. Biological Resources Impacts

The Project Site is located in a highly urbanized area and does not contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (Fish and Game) or U. S. Fish and Wildlife Service. In addition, there are no known locally designated natural communities on the Project Site or immediate vicinity.

Likewise, there are no oak or other indigenous tree species found on the project site. Twenty-nine trees are proposed for removal with development of the proposed project. However, a majority of the trees found on the Project Site have sparse foliage, insect and disease infestations, and show signs of lack of regular irrigation and proper structural pruning.

Finally, while no native bird species have been found on the site, the Department of Fish and Game has expressed concern that the Proposed Project would result in the removal and/or disturbance of vegetation, ground substrates and building demolition and therefore might have the potential to directly impact nesting native bird species.

Finding

Changes or alterations have been incorporated into the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potential impacts to biological resources would be mitigated to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 116 and 119.

L. Traffic Impacts - Study Intersections and Traffic Hazards

Adequate driveway visibility is provided at the Project Site. However, existing visibility for the inbound (uphill) left-turn motorists from Tramonto Drive onto the project site driveway is partially obstructed by existing vegetation located on the north-northwest side of Tramonto Drive. The existing vegetation is located on the convex side of the curve at Tramonto Drive, within a City of Los Angeles slope easement and on undeveloped private property. LADOT conducted a field investigation of the Project Site and concluded that existing visibility for the inbound left-turn motorists from Tramonto Drive onto the Project driveway "appears to be inadequate due to the hairpin curve protruding from across the street."

Construction of the project buildings will take approximately 18 to 19 months. The number of construction-related trips generated during this period will fluctuate as the number of workers needed for the different steps of construction will vary. The peak times for construction traffic are expected to occur during the completion of construction for each building, when subcontractors for electrical, mechanical, plumbing, painting, etc., are on-site. It is estimated that up to approximately 100 construction workers will be on-site during these peak times. It is further estimated that construction at the Project Site will generate (at peak times) 25 inbound and 25 outbound delivery truck trips per day and 85 inbound and 85 outbound construction worker and miscellaneous trips per day.

It is anticipated that trucks bringing building materials to the Project Site will use Tramonto Drive, Los Liones Drive, Sunset Boulevard, Pacific Coast Highway (including possibly Pacific Coast Highway to the west) and the Santa Monica Freeway (Interstate 10).

Although construction traffic is a temporary condition, it is recognized that it may contribute to traffic congestion on Tramonto Drive and Los Liones Drive, as discussed in Section 1.6 C Below.

Finding

Except as provided in Section 1.6 C below, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Except as provided in Section 1.6 C below, potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 107, 120, and 123 (CM-8 through CM-15).

1.6 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE REDUCED TO A LEVEL OF INSIGNIFICANCE

A. Visual Resources Impacts - Private Views

The Proposed Project would obstruct or partially obstruct private views of the Pacific Ocean and shoreline as seen from the four-story condominium building located immediately north of the Project Site. The Proposed Project would also partially obstruct private views of the shoreline and Pacific Ocean as seen from the single-family homes located immediately north-northwest of the Project Site along Revello Drive. The Proposed Project's obstruction and partial obstruction of scenic views from the adjacent private properties is considered to be a significant unavoidable impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but will not completely avoid the significant environmental

effects on private views identified in the EIR.

Facts in Support of the Finding

Mitigation measures will be implemented as required by Condition Nos. 116 and 122 (MM-1 through MM-6).

Additionally, in response to concerns raised by the public during circulation of the Draft EIR, the applicant agreed to incorporate vertical breaks in the facade of the project, which will better preserve the existing scenic views from the single-family and mult-family dwellings located above the project site. Revised renderings of the proposed project which incorporate these vertical breaks are provided in Chapter III of the Final EIR. These vertical breaks, coupled with the mitigation measures set forth above, will substantially lessen, but will not completely avoid, the significant environmental effects on private views identified in the EIR.

B. Short-Term Noise Impacts

Baseline noise levels in yards surrounding the project site are estimated to be 45 dB (LEQ). A noise level of 50 dB LEQ or more would constitute a potentially significant noise impact. For purposes of analysis, an 85 dB (LEQ) reference noise level was assumed during daytime construction.

Even with intervening barriers and other noise protection features, reduction of construction noise levels to 50 dB or less in the closest residential yards is not feasible. Construction activities will have a significant, unmitigable noise impact during parts of the three-year construction cycle. However, because not every construction day will necessarily entail heavy equipment operations, the actual number of days of a potentially significant impact is a small fraction of the total construction period. In addition to on-site equipment noise generation, truck traffic to and from the Project Site would affect the off-site noise environment. Heaviest truck traffic will occur for four to six months during landslide repair and slope stabilization.

The City of Los Angeles CEQA Threshold Guidelines specify that that a noise increase of five dB or greater for ten days in a three-month period would be a significant impact. If soil hauling activity exceeds 70 loads per day (10 per hour), a significant noise impact may result along Tramonto Drive because the noise level would increase by five dB or more. If soil hauling activities exceed 112 loads per day (16 per hour), truck noise impacts would be significant along both Tramonto Drive and Los Liones Drive.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but not completely avoid the significant environmental effects on short-term noise identified in the EIR.

Facts in Support of the Finding

Implementation of the mitigation measures required by Condition No. 122 MM-15 and

by Condition Nos. 123 CM-2 & CM-6 will substantially reduce but not completely mitigate the significant effects.

C. Traffic Impacts - Residential Streets

Potential traffic effects on both Tramonto Drive and Los Liones Drive were analyzed. This analysis indicated that Project would likely increase the average daily traffic volume (ADT) on Tramanto Drive south of Los Liones Drive by 14.5%, and would likely increase the ADT on Los Liones Drive between Tramanto Drive and Sunset Boulevard by 11.4%. According to the LADOT traffic study guidelines, a project would significantly impact a residential street if it increases the ADT by 10% or more. Therefore, LADOT has concluded that the project would cause a significant residential street traffic impact on both Tramonto Drive and Los Liones Drive.

However, it should be noted that the Project Site is near the downstream terminus of Tramonto Drive. The approximately 470-foot-long segment of Tramonto Drive between the Project driveway and Los Liones Drive, which is expected to be used entirely by Project traffic, is currently undeveloped on both sides. Consequently, the flow of Project traffic on this segment of Tramonto Drive would not be affecting any existing uses, residential or otherwise.

Likewise, the only existing uses along Los Liones Drive are non-residential, i.e., a fire station at the northwest corner and a plant nursery at the southwest corner of the intersection of Los Liones Drive and Sunset Boulevard. A 16-unit multiple-family residential project (Related Project No. 3) is proposed at 321 Los Liones Drive between Tramonto Drive and Sunset Boulevard; however, its development is tentative. Therefore, in terms of existing development along Los Liones Drive, Project traffic would be traversing only two existing uses, both of which are non-residential.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but not completely avoid the significant environmental traffic effects on residential streets identified in the EIR.

Facts in Support of the Finding

Implementation of the mitigation measures required by Condition No. 107 and by Condition Nos. 123 CM-8 through CM-15 will substantially reduce but not completely mitigate the significant effects.

1.7 FINDINGS REGARDING ALTERNATIVES TO THE PROPOSED PROJECT

Four alternatives to the Proposed Project have been identified and considered:

a) No Project Alternative;
b) 61-Unit Condominium and Townhouse Alternative;
c) 50-Unit Planned Unit Development (PUD) Alternative; and
d) 102-Unit Density Bonus Alternative.

These four alternatives are briefly described below.

A. No Project Alternative - Under the No Project Alternative (Alternative A), the Proposed Project would not be constructed and the Project Site would remain in its current condition. Two apartment buildings (consisting of a total of 20 dwelling units) known as the Ocean Woods Terrace apartments would remain on the Project Site.

B. 61-Unit Condominium and Townhouse Alternative - Under the 61-Unit Condominium Project Alternative (Alternative B), the Project Site would be developed with 61 multi-family dwelling units --21 fewer units or a 26 percent decrease in on-site density compared to the Proposed Project. The design concept would be similar to the proposed 82-unit concept. Also similar to the Proposed Project, access to the townhouse units would be provided by an upper surface road. Likewise, access to the apartment flats would be via a subterranean parking structure. The townhouse unit count (25 units) and design for Alternative B would be similar to the townhouse unit layout for the proposed 82-unit project. However, the total number of apartment flats on the lower (southerly) portion of the site would be reduced to 36 units.

C. 50-Unit Planned Unit Development (PUD) Alternative - Under the 50-Unit Planned Unit Development (PUD) Alternative (Alternative C), the Project would consist of a PUD of townhouse and single-family style residences. The site plan would be similar to the Proposed Project, including a single road that would access the northerly (upslope) townhouses or single-family style residences (totaling 25 units). The same surface road would also access the southerly (downslope) units consisting of 25 townhouse or single-family style residences. However, there would be no subterranean garage.

D. 102-Unit Density Bonus Alternative - Under the 102-Unit Density Bonus Alternative (Alternative D), the Project would incorporate a density bonus of 25 percent over the Proposed Project's unit count. The design concept would be similar to the proposed 82-unit concept; however, Alternative D would exceed the 45-foot height limit. Alternative D would include 51 townhouse units and 51 apartment flats. Similar to the Proposed Project, access to the townhouse units would be provided by an upper surface road. Access to the apartment flats would be via a subterranean parking structure.

Finding

The Deputy Advisory Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the EIR.

Facts in Support of Finding

A. No Project Alternative - Because Alternative A would not permit any additional development, it would result in the least amount of environmental impacts, as compared to the Proposed Project and the other alternatives, with the exception of slope-stability impacts. However, Alternative A would not meet any of the objectives of the proposed project and would not provide the significant benefits of the Proposed Project, as described below in Section 1.8.

B. 61-Unit Condominium and Townhouse Alternative - Due to the reduction in density, Alternative B would result in fewer long-term impacts than the Proposed Project relative to traffic, air quality, and noise. Likewise, impacts to public services and utilities would be less under this alternative compared to the proposed project. However, impacts to road maintenance would be similar, as Alternative B would require the same amount of grading, which includes construction vehicles and haul trucks. Short-term noise impacts during grading and construction would be slightly less compared to the proposed project because while this alternative requires the same amount of grading on-site, it also requires the construction of fewer residential units. While Alternative B would obstruct private views, view obstruction impacts would be less compared to the proposed project because of the reduced density associated with this alternative. However, Alternative B would not provide the full benefits of the Proposed Project, as described below in Section 1.8.

C. 50-Unit Planned Unit Development (PUD) Alternative - Due to the reduction in density, Alternative C would result in fewer long-term impacts than the Proposed Project relative to traffic, air quality, and noise. Likewise, impacts to public services and utilities would be less under this alternative compared to the proposed project. However, impacts to road maintenance would be similar, as Alternative C would require the same amount of grading, which includes construction vehicles and haul trucks. Short-term noise impacts during grading and construction would be slightly less compared to the proposed project because while this alternative requires the same amount of grading on-site, it also requires the construction of fewer residential units.

While Alternative C would obstruct private views, view obstruction impacts would be less compared to the proposed project because of the reduced density associated with this alternative. However, Alternative C would not provide the full benefits of the Proposed Project, as described below in Section 1.8.

D. 102-Unit Density Bonus Alternative - Grading impacts under Alternative D would be similar compared to the Proposed Project, because the amount of grading associated with slope stabilization required for Alternative D would be essentially the same as for the Proposed Project. However, due to the increase in density, all other impacts associated with Alternative D would be greater than those associated with the Proposed Project.

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable adverse risks in determining whether to approve the project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse impacts may be considered acceptable.

Specificially, where the decision of a public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.

Project benefits are defined as those improvements or gains to the community that would not occur without the Proposed Project.

Project Benefits

The Deputy Advisory Agency finds that the following substantial benefits will occur as a result of approval of the Proposed Project:

1. the Proposed Project will bring 82 new for-sale housing units to a part of the City in need of new housing supply;

2. the Proposed Project will stabilize and put to productive use land that has been vacant since the occurrence of the Revello Landslide in 1965;

3. the Proposed Project will result in needed improvements to Tramonto Drive; and

4. the Proposed Project will improve the aesthetic character of the area by replacing two outdated apartment buildings with an attractive and well-designed condominium project and associated landscaping.

Statement of Overriding Considerations

The Deputy Advisory Agency hereby finds that approval of the Palisades Landmark Condominium Project could result in significant unavoidable impacts related to private views, short-term noise, and traffic on residential streets. Implementation of the mitigation measures referenced in Sections 1.5 and 1.6, and incorporated as conditions of the tract's approval, would substantially reduce but not completely mitigate these significant effects.

The City of Los Angeles hereby finds that the unmitigable impacts associated with the Proposed Project are outweighed by the benefits of the Proposed Project, as described above, and therefore are acceptable.

1.9 MITIGATION MONITORING PROGRAM

The Deputy Advisory Agency hereby adopts the Mitigation Monitoring and Reporting Program for the Proposed Project, which is described in full in Section IV of the Final EIR for the Proposed Project, and is incorporated herein by this reference.

2.0 FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 52928, 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 IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

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

The adopted Brentwood-Pacific Palisades Community Plan designates the subject property for Low Medium II and Low Residential land uses with the corresponding zone(s) of RD1.5-1, RD2-1 and RE9-1. The property contains approximately 3.98 net acres (173,496 net square feet after required dedication) and is presently zoned RD2-1 and RE9-1. The proposed development of 82 residential condominium units is allowable under the current adopted zone and the land use designation.

The site is located in the Flood Plain Management Specific Plan area (flood hazard area/hillside area/mud prone area).

The project conforms with both the specific provisions and the intent of the Flood Plain Management Specific Plan (Section 5.13.4 of Ordinance 154,405)

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

On May 25, 2005 the Planning and Land Use Management Committee found that the Vesting Tentative Tract 52928 and the Coastal Development Permit (Case No. 2000-2697-CDP) together constitute the project, and that the Coastal Development Permit is for a maximum 82-unit condominium project.

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

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

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

The project site is a 3.98 acre, sloping, irregular-shaped interior parcel with a frontage of approximately 157 feet on the south side of Tramonto Drive. The 82-unit condominium consist of several three and four story buildings over subterranean parking and with surface parking.

The subject site contains a portion of the Revello Landslide, which occurred in 1965 to the west and southwest of the existing on-site apartment buildings. Development of the site will repair the existing landslide and stabilize the site. The landslide debris will be removed down to bedrock and compacted fill will be placed on the bedrock which will be used as primary structural fill to support the proposed buildings.

Soldier piles would be required in order to support vertical excavations along the north, west, and south sides of the removal. These piles would be embedded into the bedrock below the base of the landslide. Additional piles along the upslope

property line may also be required to support temporary vertical excavations to construct the required rear yard retaining walls.

The owner of the downslope property (17325 Castellammare Drive, also known as Related Project No. 4) has received City approval to develop a 29-unit condominium complex and also plans to permanently stabilize and develop the toe of the Revello Landslide. Significant geotechnical impacts from the Revello Landslide would be mitigated to less than significant levels provided Condition Nos. 5 through 104 of the tract's approval are implemented.

The principal seismic hazard to the Proposed Project is strong ground shaking from earthquakes produced by local faults. The proposed construction would be consistent with all applicable provisions of the City of Los Angeles Building Code, as well as the seismic design criteria contained within the Uniform Building Code. It is likely that the project site will be shaken by future earthquakes produced in southern California.

Provided the Proposed Project and Related Project No. 4 (a proposed 29-unit condominium complex at 17325 Castellammare Drive that has been approved for construction by the City of Los Angeles) implement all of the slope stabilization techniques approved by the Department of Building and Safety, cumulative geology and soils impacts would be less than significant. In the event that Related Project No. 4 is not constructed, the stabilization measures for the Proposed Project would be adequate to stabilize the portion of the landslide located on the Project Site as the required slope stabilization improvements for each project are not co-dependent.

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

The Final EIR prepared for the project identifies potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset are concerned. Mitigation measures are required as part of this approval for significant environmental impacts, and the level of impact significance after mitigation is also identified. The Final EIR also identified significant unavoidable environmental impacts that can not be mitigated to a less than significant level.

A Statement of Environmental Effects, Findings, and Mitigation Measures; Statement of Overriding Considerations; and Mitigation Monitoring Program has been prepared for Vesting Tentative Tract 52928 (the "Proposed Project"). The Advisory Agency hereby finds that the unmitigable impacts associated with the Proposed Project are outweighed by the benefits of the Proposed Project, as described in Sections 1.6 through 1.9 above. Furthermore, the project site, as well as the surrounding area is presently developed with residential and commercial structures and does not provide a natural habitat for either fish or wildlife.

The project does not qualify for the De Minimis Exemption for Fish and Game fees (AB 3158). There are no known locally designated natural communities on the site or project vicinity. The proposed project would not result in the direct removal of, filling or hydrological interruption of a federally protected wetland as defined by Section 404 of the Clean Water Act. However, while no native bird species have been found on the site, Condition No. 119 requires that a field survey be completed by a qualified biologist prior to construction of site preparation to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present and sets forth conditions to protect any bird species if found.

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

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

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

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

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

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

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

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

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

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

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

3.0 MELLO FINDINGS

The Mello Act (California Government Code Sections 65590and 65590.1) is a statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion and construction of housing units in California's Coastal Zone. All projects that consist of demolition, replacement, conversion, and/or constructions of one or more housing units located within the Coastal Zone in the City of Los Angeles must go through a Mello Act Compliance review.

This compliance review is required by the Mello Act, by the City's Interim Administrative procedures for Complying with the Mello Act (Interim Procedures), and by the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, the Barton Hill Neighborhood Organization and Carol Berman concerning implementation of the Mello Act in the coastal zone areas of the City of Los Angeles.

The City's Interim procedures became effective on May 17, 2000. The Settlement Agreement became effective January 3, 2001.

Based upon the information submitted by the applicant/owner/developer for the construction of 82 condominium units, the proposed project is not eligible for any of the Mello Act automatic exemptions.

With respect to the existing apartment units to be demolished, the Los Angeles Housing Department declared on June 11, 2004 that there are NO affordable dwelling units on the project site. Therefore, the applicant/owner/developer is required to provide ZERO replacement affordable dwelling units on-site or within the coastal zone.

The Interim Procedures (IP) require an applicant for a new housing development to comply with Inclusionary Requirement Options (IP, Part 5.0). It affords an applicant one of two inclusionary options:

Option #1: reserve at least 20% of all residential units for Very Low or Low Income Households.

Option#2: reserve at least 10 percent of all residential units for Very Low Income Household.

Seniors or disabled persons who do not have a Very Low or Low Income are not eligible for New Housing inclusionary dwelling units.

Under the Interim Procedures (IP), these inclusionary requirements were applied to the 82 dwelling units approved. Thus, the subdivider is required to provide 16 units under Option #1 and 8 units under Option #2.

For the reasons set-forth below, the City Planning Commission concurred with the developer's position that providing the the required inclusionary units on-site was not feasible. The City Planning Commission supported the provision of net, new, affordable off-site units within the Coastal Zone or within 3 miles of the Coastal Zone.

The Mello Act states:

New housing developments constructed within the coastal zone shall, *where feasible*, provide housing units for persons and families of low or moderate income... Where it is *not feasible* to provide these housing units in a proposed new housing development, the local government shall require the developer to provide such housing, if feasible to do so, at another location...

Cal. Gov't Code § 65590(d) (emphasis added).

The Mello Act further provides that "feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors." Cal. Gov't Code § 65590 (g)(3).

After thorough consideration of these specifically enumerated factors, the City Planning Commission finds that locating affordable-accessible units on the Subject Property is not "feasible," as defined by the applicable statute.

1. Economic Factors

It is estimated that setting aside units for sale to very-low-income households would cost the Subdivider approximately $7 million. (For example, current Los Angeles Housing Department guidelines suggest the Subdivider would be required to sell VLI units within the Project for approximately $50,000 each, compared with a market price for those same units of approximately $900,000; the Subdivder would thus forego $850,000 in connection with the sale of each of eight VLI units.) At least a portion of this cost would normally be recouped by building up to 28 density-bonus units on-site. However, as discussed below, environmental, social, and technical considerations and constraints generally make it infeasible for the Subdivider to construct more than 82 condominium units on the Subject Property, and the Subdivider's development of affordable-accessible units would not be otherwise subsidized.

Additionally, given that any on-site affordable-accessible units would need to pay their fair share of homeowners' association dues (which the Subdivider estimates would be $1200 per unit, per month, or $14,400 per year), on-site affordable-accessible units would not be economically feasible from the vantage point of prospective low-income purchasers. Locating the affordable-accessible units off-site

and thereby avoiding steep HOA dues will thus ease the financial burden on low-income purchasers.

2. Environmental Factors

Providing the prescribed numbers of LI or VLI units would entitle the Subdivider to develop an additional 28 units on-site as a density bonus, pursuant to state and local zoning laws. However, intensifying the use of the Subject Property by increasing the number of units in the Project would increase the severity of nearly all of the potential adverse impacts that were identified and analyzed in the extensive Environmental Impact Report ("EIR") for the Project.

a. Traffic: More dwelling units means more traffic. While the City Planning Commission has found that the traffic generated by the 82-unit Project can be mitigated to a level of insignificance (for study intersections and traffic hazards), it is likely that the traffic impacts associated with a larger project (that includes density bonus units) could not be similarly mitigated. The City Planning Commission has also found that traffic impacts on residential streets (Tramonto and Los Liones) cannot be reduced to a level of insignificance. Such impacts would likely be exacerbated by the inclusion of additional dwelling units.

b. Views/Visual Resources: The project is designed so as to preserve and protect existing views. Including additional density bonus units will increase the height and massing of the project so that these views would be negatively impacted or lost altogether. Additional units would also produce additional nighttime lighting and daytime glare.

3. Technical Factors

The Project is situated in the heart of the area decimated by the 1965 Revello Landslide, the repair and stabilization of which is likely to be technically challenging and extraordinarily expensive. The Subdivider's geotechnical consultant has designed a state-of-the art solution that essentially involves the removal and re-compaction of significant portions of the slide area, which will ensure the safety of its Project and dramatically improve the safety of neighboring properties as well.

However, locating an additional 28 density-bonus units (and associated automobiles, which will necessitate construction of an additional subterranean parking garage) on the Subject Property would require major revisions to the approved geotechnical reports and may require new or different engineering solutions (to compensate for additional weight and stress) that would complicate the Subdivider's stabilization plan and significantly increase development costs.

4. Likelihood of Significant Delay

Locating an additional 28 units on the Subject Property will significantly increase the duration of the development process insofar as it will take approximately 6 months for architectural revisions, 6 months for geotechnical program revisions, 12 or more months for additional environmental review, 12 or more months for processing of revised subdivision applications, and 6 months of additional construction time, for

a total delay of between 12 and 18 months. The City Planning Commission finds that locating an additional 28 units on-site cannot be accomplished within a "reasonable period of time" as contemplated by the Mello Act.

5. Authorization to Provide Affordable-Accessible Units Off-Site

In light of the economic, environmental, social, technical and practical timing considerations discussed above, the City Planning Commission finds it would not be "feasible" for purposes of the Mello Act to provide affordable-accessible units on the Subject Property. Therefore, in accordance with Cal. Gov't Code § 65590(d), and Section 7.3.1 of the City's Interim Procedures, the City Planning Commission find it necessary to allow the Subdivider to instead provide the above-prescribed number of affordable-accessible units on another property within the Coastal Zone or within three miles of the Coastal Zone and within Council District 11.

The City Planning Commission further concluded that to ensure that the developer fulfills this obligation; and to ensure the feasibility of the Subdivider's provision of affordable-accessible units, it is necessary to require that the off-site affordable units be placed in service (i.e. either rented or issuance of a Certificate of Occupancy) prior to the issuance of a Temporary or Final Certificate of Occupancy for the 55th on-site market rate unit so that the Subdivider is able to cover at least a portion of the costs of providing off-site affordable-accessible units by first selling some of the on-site market-rate units.

~~The City Planning Commission also finds it necessary in this instance to require that the affordable units be maintained as rental units. Condition No. 118 of the Tract's approval requires that the LI or VLI Inclusionary Units be maintained as rental units for at least 30 years. There is evidence that monitoring and enforcement of the sale and resale of the LI or VLI units has been problematic with other projects and has resulted in the purchase or resale of the LI or VLI units by a non-eligible household. An alternative to sell the LI or VLI units to a non-profit organization who in turn would sell the VLI units to an eligible LI or VLI household has previously been evaluated and was determined to present practical problems with respect to the readiness or ability by a non-profit to acquire the units. Therefore, maintaining the LI or VLI condominium units as rental units provides the best chance that the units will be used for their intended purpose.~~

On May 25, 2005 the Planning and Land Use Management (PLUM) Committee modified Condition No. 118 to: (1) require that either 10% of the total units be set aside for VLI households or that 20% of the total units be set aside for VLI or LI households; (2) allow the off-site Inclusionary Units to be maintained as rental or sale units; and (3) ensure that the off-site Inclusionary Units conform to the Performance Standards contained in the Affordable Housing Incentives Guidelines adopted by the City Planning Commission on December 14, 1995, with respect to design of the units, equal distribution of amenities, and eligibility, affordability and monitoring requirements.

The PLUM Committee also found that the determination to allow the Applicant to build affordable units off-site shall have no precedential effect since the Applicant filed the appeal to City Council prior to the Council establishing new procedures for the review of Mello Act appeals relative to feasibility analyses.

Los Angeles City Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300
Website: http://www.lacity.org/pln/index.htm

CORRECTED COPY

Mailing Date: MAR 1 5 2005

Case No.: Vesting Tentative Tract No. 52928-1A
CEQA: ENV-2000-2696-EIR
Location: 17331 & 17333 Tramonto Drive

Council District: 11
Plan Area: Brentwood-Pacific Palisades
Zone: RE9-1 and RD2-1
District Map: 126B 117

Applicant: Palisades Landmark, LLC

Appellant: 1) Castellammare Mesa Homeowners Association; 2) Alice Beagles, William and Sylvia Grieb and Janet Commeau; 3) Thomas Stewart; 4) Pacific Palisades Residents Association; 5) Ken Kahan (Palisades Landmark, LLC).

At its meeting of November 4, 2004, the City Planning Commission took the following action:

Denied the appeals filed by 1) Castellammare Mesa Homeowners Association; 2) Alice Beagles, William and Sylvia Grieb and Janet Commeau; 3) Thomas Stewart; 4) Pacific Palisades Residents Association.

Granted the appeal in part filed by Ken Kahan (Palisades Landmark, LLC) and sustained the decision of the Advisory Agency in part.

Approved a Vesting Tentative Tract No. 52928 for the proposed construction, use and maintenance of a 82-unit condominium project.

Approved the attached **modified** Conditions of Approval.

Certified the Environmental Impact Report No. ENV-2000-2696-EIR (SCH No. 2002051086).

Adopted the attached Findings of the Advisory Agency, as corrected by the City Planning Commission, as follows:

a. Adopted the CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring Program (Findings 1.0 through 1.9).

b. Adopted the Subdivision Map Act Findings (Finding 2.0 a through h).

c. Adopted the Mello Act Findings (Finding 3.0)

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 filing.

This action was taken by the following vote:

Moved: Burg
Seconded: Mahdesian
Ayes: Atkinson, Chang, Cardenas, George, Mindlin, Schiff
Vote: 8-0

Gabriele Williams, Commission Executive Assistant II
City Planning Commission

EFFECTIVE DATE / APPEALS:

Effective Date / Appeals: The Commission's determination will be final 10 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. 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.

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 90th day following the date on which the City's decision becomes final.

Attachment(s): Modified Conditions and Amended Findings

c: Notification List

CONDITIONS OF APPROVAL
(Modifications = Strikeout & Underline)

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That an 1-foot by 13-foot wide strip of land be dedicated along Tramonto Drive adjoining the subdivision to complete a 38-foot wide and variable width street dedication satisfactory to the City Engineer.

2. That a 2-foot wide strip of land be dedicated as future street along Castellammare Drive adjoining the subdivision satisfactory to the City Engineer.

3. That any existing public easement within the tract area be correctly shown on the final map.

4. That the following requirements in connection with grading and construction in and adjacent to public right-of-way and/or private streets be complied with in a manner satisfactory to the City Engineer:

    a. Cut or fill slopes shall be no steeper than 2:1 (horizontal to vertical). Cut slopes shall be no steeper than 1:5 (horizontal to vertical) in competent bedrock.

    b. The toes and crests of all cut and fill slopes shall be located on private property and shall be set back 2 and 3 feet, respectively, from the property line.

    c. All landslide debris shall be removed to stable bedrock.

    d. Where fill overlies cut slopes, the fill shall be keyed horizontally into bedrock a minimum width of 12 feet or the slope shall be over excavated a minimum of 12 feet and replaced as a compacted fill slope.

    e. All streets shall be founded upon firm, natural materials or properly compacted fill. Any existing loose fill, loose soil, or organic material shall be removed prior to placement of engineered fill.

    f. Fill material shall be compacted to a minimum of 90 percent relative compaction as defined in the Bureau of Engineering Standard Plan S-610. Fill shall be benched into competent material.

    g. All slopes shall be planted and an irrigation system installed as soon as possible after grading to alleviate erosion.

    h. Adequate perforated pipe and gravel sub-drain systems approved by the City Engineer shall be placed beneath canyon fills and behind retaining

walls.

i. Where not in conflict with the above, the recommendations contained in the J. Byer Group, Inc.'s reports dated August 16, 2000, September 22, 2000, November 29, 2000, June 29, 2001, August 28, 2001 and October 2, 2001 by the consulting engineering geologists and civil/geotechnical engineers, Jon A. Irvine CEG 1691/RCE 55005 and Robert I. Zweigler CEG 1210/GE 2120, shall be implemented.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

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 following requirements and conditions:

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

6. The areas to receive compacted fill shall be prepared by removing all vegetation, debris, existing fill, soil, colluvium and slide debris. The exposed excavated area shall be observed by the soils engineer or geologist prior to placing compacted fill. The exposed grade shall be scarified to a depth of six inches, moistened to optimum moisture content, and recompacted to 90 percent of the maximum density.

7. The proposed building site for buildings 1 and 2 shall be excavated to a minimum depth of 10 feet below the bottom of all footings. The excavation shall extend a minimum of 10 feet beyond the building footprint. The excavated areas shall be observed by the soils engineer or geologist prior to placing compacted fill.

8. Fill, consisting of soil approved by the soils engineer, shall be placed in horizontal lifts and compacted in six-inch layers with suitable compaction equipment. The excavated on-site materials are considered satisfactory for reuse in the controlled fills. Any imported fill shall be observed by the soils engineer prior to use in fill areas. Rocks larger than six inches in diameter shall not be used in the fill.

9. The fill shall be compacted to at least 90 percent of the maximum laboratory density for the material used. The maximum density shall be determined by American Society for Testing and Materials (ASTM) D 1557-91 or equivalent.

10. Field observation and testing shall be performed by the soils engineer during grading to assist the contractor in obtaining the required degree of compaction and the proper moisture content. Where compaction is less than required, additional compactive effort shall be made with adjustment of the moisture content, as necessary, until 90 percent compaction is obtained. One compaction test is required for each 500 cubic yards or two vertical feet of fill placed.

11. Compacted fill slopes may be constructed at a 2:1 gradient and shall be keyed and benched into bedrock or supported laterally with retaining walls or soldier piles.

12. A subdrain system is recommended at the back of the proposed repair. The subdrain shall consist of an eight inch perforated pipe surrounded by five cubic feet of gravel per foot of subdrain. Gravel ?chimney? drains are recommended along the uphill sides of the repair. The gravel chimney drains shall consist of a 12 inch wide strip of 34 inch gravel placed between the compacted fill and the shored excavation. The chimney drains shall have hydraulic connectivity to the main subdrain.

13. In the event a hard cemented layer is encountered during foundation excavation, coring or the use of jackhammers may be necessary. Groundwater and caving zones may also be encountered in soldier pile excavations. Casing and/or drilling muds may be required shall caving zones be encountered.

14. Continuous and/or pad footings may be used to support the proposed buildings and garage retaining walls provided they are founded in bedrock, approved compacted fill (buildings 1 and 2) or alluvial terrace. Continuous footings shall be a minimum of 12 inches in width. Pad footings shall be a minimum of 24 inches square.

15. Increases in the bearing values of the compacted fill, terrace and bedrock are allowable at a rate of 20 percent for each additional foot of footing width or depth to a maximum of 3,000 pounds per square foot for the fill and terrace and 6,000 pounds per square foot for the bedrock. For bearing calculations, the weight of the concrete in the footing may be neglected.

16. The bearing values shown above are for the total of dead and frequently applied live loads and may be increased by one third for short duration loading, which includes the effects of wind or seismic forces. When combining passive and friction for lateral resistance, the passive component shall be reduced by one third.

17. All continuous footings shall be reinforced with a minimum of four #4 steel bars; two placed near the top and two near the bottom of the footings. Footings shall be cleaned of all loose soil, moistened, free of shrinkage cracks and approved by the geologist prior to placing forms, steel or concrete.

18. Drilled, cast in place concrete friction piles are recommended to support portions of the proposed buildings located over deep fill and adjacent to slopes to achieve the required slope setbacks. Also, piles are recommended to support the southern portion of Building 2 below the 1:1 setback plane. Piles shall be a minimum of 24 inches in diameter and a minimum of eight feet into bedrock or eight feet into fill below the setback plane. Piles may be assumed fixed at three feet into bedrock or three feet into fill below the setback plane. The piles may be designed for a skin friction of 700 and 500 pounds per square foot for that portion of pile in contact with the bedrock and compacted fill, respectively. All piles shall be tied in two horizontal directions with grade beams.

19. The existing fill and soil on the site are subject to downhill creep. Pile shafts are subject to lateral loads due to the creep forces. Pile shafts shall be designed for a lateral load of 1,000 pounds per linear foot for each foot of shaft exposed to the existing fill and soil. Friction piles supporting the portion of Building 2 within the foundation zone shall be designed for an arbitrary creep force of 5 kips, with a point of application at the ground surface.

20. The friction values are for the total of dead and frequently applied live loads and may be increased by one third for short duration loading, which includes the effects of wind or seismic forces. Resistance to lateral loading may be provided by passive earth pressure within the bedrock.

21. Passive earth pressure may be computed as an equivalent fluid having a density of 380 pounds per cubic foot. The maximum allowable earth pressure is 6,000 pounds per square foot. For design of isolated piles, the allowable passive and maximum earth pressures may be increased by 100 percent. Piles spaced more than 2 ½ pile diameters on center may be considered isolated.

22. Settlement of the foundation system is expected to occur on initial application of loading. A settlement of one-quarter to one-half inch may be anticipated. Differential settlement shall not exceed one-quarter inch.

23. The Building Code requires that foundations be a sufficient depth to provide horizontal setback from a descending slope steeper than 3:1. The required setback is ½ the height of the slope with a minimum of five feet and a maximum of 40 feet measured horizontally from the base of the foundation to the slope face.

24. The Building Code requires a level yard setback between the toe of an ascending slope and the rear wall of the proposed structure of one half the slope height to a maximum 15 feet clearance for slopes steeper than 3:1. For retained slopes, the face of the retaining wall is considered the toe of the slope.

25. Cantilevered retaining walls up to 15 feet high, supporting compacted fill with backslopes between level and 2:1 may be designed for an equivalent fluid pressure of 43 pounds per cubic foot. Cantilevered retaining walls higher than 15 feet will require specific calculations based upon the backslope and surcharge conditions. Restrained basement and parking garage walls, where wall deflection is limited, shall be designed for a pressure of 30H, where H is the height of the restrained wall in feet. Retaining walls shall be provided with a subdrain or weepholes covered with a minimum of 12 inches of 34 inch crushed gravel.

26. Retaining wall backfill shall be compacted to a minimum of 90 percent of the maximum density as determined by ASTM D 1557-91, or equivalent. Where access between the retaining wall and the temporary excavation prevents the use of compaction equipment, retaining walls shall be backfilled with 34 inch crushed gravel to within two feet of the ground surface. Where the area between the wall and the excavation exceeds 18 inches, the gravel must be vibrated or wheel-rolled, and tested

for compaction. The upper two feet of backfill above the gravel shall consist of a compacted fill blanket to the surface. Retaining wall backfill shall be capped with a paved surface drain.

27. Retaining wall footings may be sized per the "Deepened" and "Spread Footings" mitigation measures listed above.

28. Retaining walls surcharged by a sloping condition shall be provided freeboard for slough protection. For manufactured 2:1 slopes, a minimum of 12 inches of freeboard is recommended. For retaining walls supporting existing or natural slopes, the recommended freeboard is 18 inches. An open "V" drain shall be placed behind the wall so that all upslope flows are directed around the structure to the street or approved location.

29. Soldier piles are recommended as part of the stabilization plan to support the compacted fill laterally and to increase the safety factor. Southeast facing vertical excavations are not recommended in the slide debris. All southeast facing excavations in the slide debris shall be trimmed to 1:1 or along other flatter planes of weakness. Non-southeast facing temporary excavations in the slide debris may be created vertically up to five feet high. Where non-southeast facing vertical excavations in the slide debris exceed five feet in height, the upper portion shall be trimmed to 1:1(45 degrees). Northeast-facing excavations in the bedrock will weaken bedding in the down-dip direction. Northeast-facing excavations shall be trimmed to 1:1, or shored.

30. Soldier piles will be required to support temporary excavations and the landslide along the uphill property line and to support offsite properties. Soldier piles will also be required to support excavations along the downhill (southern) property line. Soldier piles shall be spaced a maximum of 10 feet on center. 1 setback plane, or below the base of the excavation, whichever is deeper.

31. The temporary load on soldier piles P1 through P10 is 170 kips per foot. From P17 to P35, the recommended design force is 145 kips per foot. Between piles P10 and P17, the design force shall decrease linearly from 170 to 145 kips per foot. The point of application is assumed to be 1/3 the retained height of the pile. Piles P1 through P35 shall be embedded in the bedrock below the base of the slide.

32. Piles P36 through 40 shall be founded below a 1 ½ : 1 plane projected up from the base of the slide. The recommended design equivalent fluid pressure is 65 pounds per cubic foot for the portion of the pile between the ground surface and the1 ½: 1 setback plane. Piles along the upslope property line may also be utilized to support temporary vertical excavations to construct the required rear yard retaining walls.

33. Due to the large forces and high retaining heights, cantilevered piles may not be feasible. Bracing, rakers, tie-back anchors, and additional row(s) of soldier piles, may be used to assist the property line retaining walls. Slopes may be trimmed offsite to reduce the heights of shored excavations with permission from the offsite property

owner. The installation of tie-back anchors offsite will also require permission from the offsite property owner.

34. Resistance to lateral loading may be provided by passive earth pressure within the bedrock. Passive earth pressure may be computed as an equivalent fluid having a density of 380 pounds per cubic foot. The maximum allowable earth pressure is 6,000 pounds per square foot. For design of isolated piles, the allowable passive and maximum earth pressures may be increased by 100 percent. Piles spaced more than 2 ½ pile diameters on center may be considered isolated.

35. Tie-back earth anchors may be used to assist the soldier piles in resisting the lateral loads. Either friction anchors or belied anchors may be used.

36. For design purposes, the active wedge within the slide debris is defined by the base of the slide as shown in the cross sections. For earth anchors remote to the slide, it is assumed that the active wedge adjacent to the shoring is defined by a plane drawn at 35 degrees with the vertical through the bottom of the excavation. Friction anchors shall extend at least 25 feet beyond the potential active wedge, or to a greater length if necessary to develop the desired capacities.

37. The capacities of the anchors shall be determined by testing of the initial anchors. For preliminary design purposes, it is estimated that drilled friction anchors will develop an average value of 400 pounds per square foot. Only the frictional resistance developed beyond the active wedge shall be considered in resisting lateral loads. If the anchors are spaced at least six feet on center, no reduction in the capacity of the anchors need be considered due to group action.

38. The frictional resistance between the soldier piles and the retained earth may be used in resisting a portion of the downward component of the anchor load. The coefficient of friction between the soldier piles and the retained earth may be taken as 0.35. In addition, the soldier piles below the excavated level may be used to resist downward loads. The downward frictional resistance between the concrete soldier piles and the soils below the excavated level may be taken as equal to 700 pounds per square foot.

39. The anchors may be installed at angles of 20 to 40 degrees below the horizontal. Caving and sloughing of the anchor hole shall be anticipated and provisions made to minimize such caving and sloughing. Groundwater and seeps should be anticipated for anchors drilled within the slide debris. The anchors shall be filled with concrete placed by pumping through the auger from the tip out, and the concrete shall extend from the tip of the anchor to the active wedge. To minimize chances of caving and sloughing, that portion of the anchor shaft within the active wedge shall be backfilled with sand before testing the anchor. This portion of the shaft shall be filled tightly and flush with the face of the excavation. The sand backfill shall be placed by pumping; the sand may contain a small amount of cement to facilitate pumping.

40. A representative of J. Byer Group shall select at least eight of the initial anchors for a 24-hour 200% test and eight additional anchors for quick 200% tests. The anchors

shall be tested to develop twice the assumed friction value. Anchor rods of sufficient strength shall be installed in these anchors to support the 200 percent test loading. Where satisfactory tests are not achieved on the initial anchors, the anchor diameter and/or length shall be increased until satisfactory test results are obtained. The total deflection during the 24-hour 200% test shall not exceed 12 inches. During the 24-hour test, the anchor deflection shall not exceed 0.75 inch measured after the 200% test load is applied. If the anchor movement after the 200% load has been applied for 12 hours is less than 0.5 inch, and the movement over the previous four hours has been less than 0.1 inch, the 24-hour test may be terminated.

41. For the quick 200% tests, the 200% test load shall be maintained for 30 minutes. The total deflection of the anchor during the 200% quick tests shall not exceed 12 inches; the deflection after the 200% test load has been applied shall not exceed 0.25 inch during the 30-minute period.

42. All of the anchors shall be pretested to at least 150% of the design load; the total deflection during the test shall not exceed 12 inches. The rate of creep under the 150% test shall not exceed 0.1 inch over a 15-minute period for the anchor to be approved for the design loading.

43. After a satisfactory test, each anchor shall be locked-off at the design load. The locked-off load shall be verified by rechecking the load in the anchor. If the locked-off load varies by more than 10% from the design load, the load shall be resent until the anchor is locked-off within 10% of the design load.

44. The installation of the anchors and the testing of the completed anchors shall be observed by the J. Byer Group.

45. Continuous lagging is anticipated for shoring piles supporting slide debris. The soldier piles shall be designed for the full anticipated lateral pressure. However, the pressure on the lagging will be less due to arching in the soils. Lagging shall be designed for the recommended earth pressure, but may be limited to a maximum value of 400 pounds per square foot.

46. Rakers may be used to internally brace the soldier piles. The raker bracing could be supported laterally by temporary concrete footings (deadmen) or by the permanent interior footings. For design of temporary footings or deadmen, poured with the bearing surface normal to rakers inclined at 45 degrees, a bearing value of 4,000 pounds per square foot may be used, provided the shallowest point of the footing is at least one foot below the lowest adjacent grade.

47. Some deflection of the shored embankment shall be anticipated. If excessive deflection occurs during construction, additional bracing may be necessary to minimize deflection. If desired to reduce the deflection of the shoring, a greater active pressure could be used in the shoring design. Monitoring of the performance of the shoring system is recommended. The monitoring shall consist of periodic surveying of the lateral and vertical locations of the tops of all the soldier piles. Also, some

means of periodically checking the load on selected anchors may be necessary.

48. The geologist shall be present during grading to see temporary slopes. All excavations shall be stabilized within 30 days of initial excavation. Water shall not be allowed to pond on top of the excavations or to flow toward it. No vehicular surcharge shall be allowed within three feet of the top of the cut.

49. Concrete floor slabs and concrete decking shall be cast over bedrock or approved compacted fill and reinforced with a minimum of #4 bars on 16 inch centers, each way. Slabs which will be provided with a floor covering shall be protected by a polyethylene plastic vapor barrier. The barrier shall be covered with a thin layer of sand, about one inch, to prevent punctures and aid in the concrete cure.

50. Decking which caps a retaining wall shall be provided with a flexible joint to allow for the normal one to two percent deflection of the retaining wall. Decking which does not cap a retaining wall shall not be tied to the wall. The space between the wall and the deck will require periodic caulking to prevent moisture intrusion into the retaining wall backfill.

51. It shall be noted that cracking of concrete floor slabs is very common during curing. The cracking occurs because concrete shrinks as it dries. Crack control joints which are commonly used in exterior decking to control such cracking are normally not used in interior slabs. The reinforcement recommended above is intended to reduce cracking and its proper placement is critical to the slab's performance. The minor shrinkage cracks which often form in interior slabs generally do not present a problem when carpeting, linoleum, or wood floor coverings are used. The slab cracks can, however, lead to surface cracks in brittle floor coverings such as

    ceramic tile. A mortar bed or slip sheet is recommended between the slab and tile to limit, the potential for cracking.

52. Paving shall be placed over bedrock, terrace, or approved compacted fill. Base course shall be compacted to at least 95 percent of the maximum dry density. Trench backfill below paving shall be compacted to 90 percent of the maximum dry density. Irrigation water shall be prevented from migrating under paving.

53. Roof gutters are recommended for the proposed structures. Pad and roof drainage shall be collected and transferred to the street or approved location in non-erosive drainage devices. Drainage shall not be allowed to pond on the pad or against any foundation or retaining wall. Drainage shall not be allowed to flow uncontrolled over any descending slope. Planters located within retaining wall backfill shall be sealed to prevent moisture intrusion into the backfill. Planters located next to raised floor type construction shall be sealed to the depth of the footings. Drainage control devices require periodic cleaning, testing and maintenance to remain effective.

54. Interior and exterior retaining walls are subject to moisture intrusion, seepage, and leakage and shall be waterproofed. Waterproofing paints, compounds, or sheeting

can be effective if properly installed. Equally important is the use of a subdrain that daylights to the atmosphere. The subdrain shall be covered with 34 inch crushed gravel to help the collection of water. Yard areas above the wall shall be sealed or properly drained to prevent moisture contact with the wall or saturation of wall backfill.

55. Construction of raised floor buildings where the grade under the floor has been lowered for joist clearance can also lead to moisture problems. Surface moisture can seep through the footing and pond in the underfloor area. Positive drainage away from the footings, waterproofing the footings, compaction of trench backfill and subdrains can help to reduce moisture intrusion.

56. Formal plans ready for submittal to the Building Department shall be reviewed by The J. Byer Group. Any change in scope of the project may require additional work.

57. The Building Department requires that the geotechnical company provide site observations during construction. The observations include foundation excavations, tie-back excavations, shoring piles, keyways for fill, benching, and temporary slopes. All fill that is placed shall be tested for compaction and approved by the soils engineer prior to use for support of engineered structures. The City of Los Angeles requires that all retaining wall subdrains be observed by a representative of the geotechnical company and the City Inspector.

58. The J. Byer Group, Inc. shall be advised at least 24 hours prior to any required site visit. The agency approved plans and permits shall be at the jobsite and available to the J. Byer Group. The project consultant will perform the observation and post a notice at the jobsite of their visit and findings. This notice shall be given to the agency inspector.

59. Final geologic and soils engineering reports shall be prepared upon completion of the grading and shall be approved by the City Department of Building and Safety.

60. It is the responsibility of the contractor to maintain a safe construction site. When excavations exist on a site, the area shall be fenced and warning signs posted. All pile excavations must be properly covered and secured. Soil generated by foundation and subgrade excavations shall be either removed from the site or properly placed as a certified compacted fill. Soil must not be spilled over any descending slope. Workers shall not be allowed to enter any unshored trench excavations over five feet deep.

61. Prior to the recordation of the final map, a grading permit shall be obtained from the Department of Building and Safety.

62. Prior to issuance of a permit, the owners shall record a sworn affidavit with the Office of the County Recorder which attests to their knowledge that the western portion of the site (buildings 1 & 2) will still be bordered by active landslide on three sides after the completion of the development, and that they are aware of the potential for debris to collect behind the rear property line wall and the western property line wall,

affecting the surface drain system, and that there is the potential for the landslide to remove support from the lower property line which could require the future construction of walls between the piles to provide support, and that the owner and future homeowners association agrees to assume the responsibility to keep the surface drain system behind the retaining walls clear of debris, to take responsibility for any future maintenance/repairs, and to inform all future owners of these conditions. The owner and future homeowners association shall provide proof of compliance with this mitigation measure to the Department of Building and Safety on an annual basis.

63. All existing landslide debris shall be removed and replaced as certified compacted fill, as recommended.

64. The following piles shall be designed for a minimum thrust, times pile spacing, as recommended:

    - Piles P1 to P10 - 175 Kips
    - Piles P11 to P17 - decreasing from 175 to 145 Kips
    - Piles P17 to P35 - 145 Kips
    - Piles P36 to P40 and all other pile supported retaining wall structures shall be designed for a minimum EFP of 65 PCF and 30 PCF, respectively, times pile spacing, as recommended.

65. Piles P1 through P40 shall be designed so that the deflection at the top of the piles is a maximum of 1 (one) inch as recommended.

66. Pile(s) supporting Building 2 shall derive support from below the 1:1 set back plane projected up from the bottom of the fill along the southern property line. Also, the piles shall be embedded a minimum of 8 feet into bedrock or compacted fill, as recommended.

67. The structures shall be supported entirely either on compacted fill or bedrock.

68. Seismic design shall be based on Soil Profile Type Sc, as recommended.

69. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.

70. The soils engineer shall review and approve the shoring plans prior to issuance of the permit. Installation of shoring shall be performed under the continuous inspection and approval of the soils engineer.

71. Pile shafts shall be designed for a lateral load of 1000 pounds per linear foot of shaft exposed to the existing fill, soil and weathered bedrock. Friction piles supporting the portion of building 2 shall be designed for a minimum of 5 kips creep, with a point of application at the ground surface, as recommended.

72. The pile excavations shall be logged by the geologist to verify that the geologic conditions are not different than presented in the reports; the data shall be submitted to the Department prior to beginning the grading of the landslide.

73. All friction pile drilling and installation shall be performed under the continuous inspection and approval of the soils engineer.

74. The grading of the landslide shall not begin until it is verified that groundwater levels are below the bottom of the landslide. Additionally, the grading of the landslide shall not begin unless there is adequate time to complete the grading before the start of the rainy season.

75. A minimum of ten feet of freeboard shall be provided along the northern property line, above soldier pile Nos. P17 to P29; the freeboard shall be designed for a minimum EFP of 65 pcf, as recommended. The freeboard shall also be extended along the western property line.

76. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation.

77. A registered grading deputy inspector approved by and responsible to the project geotechnical engineer shall be required to provide continuous inspection for the proposed shoring.

78. Tie-backs are currently not proposed or approved.

79. Subdrain systems shall be installed between the soldier piles in the landslide and along the bottom of the landslide removal. A minimum of three continuous drains shall be provided beneath the proposed fill, as shown on the cross-sections in the reports and a continuous drain shall be provided at the bottom of the fill along the western property line. The water from the subdrain systems shall be conducted by gravity flow to an acceptable location at Castellammare Drive.

80. The 20-foot-wide strip of the property that extends up from Castellammare Drive shall be stabilized, as recommended in the reports.

81. All new slopes shall be no steeper than 2:1.

82. Adequate temporary erosion control devices acceptable to the Department, and if applicable the Department of Public Works, shall be provided and maintained during the rainy season.

83. All recommendations of the reports dated 08/16/00, 11/29/00, 06/29/01, 08/28/01 and

10/02/01, prepared by Jon Irvine (CEG 1691, RCE 55005) of the J. Byer Group, which are in addition or more restrictive than the conditions contained herein shall be incorporated into the plans.

84. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety.

85. A grading permit shall be secured and a grading bond posted.

86. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.

87. The geologist and soil engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading.

88. Any recommendations prepared by the consulting geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Department for approval prior to utilization in the field.

89. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557; or 95 percent where less than 15 perfect fines passes 0.005mm.

90. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill.

91. All roof and pad drainage shall be conducted to the street in an acceptable manner.

92. Retaining walls shall be designed for a minimum EFP as specified on page 28 of the report dated 08/16/2000.

93. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device.

94. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind retaining walls shall be approved by the soils engineer and accepted by the Department. Installation of the subdrainage system shall be inspected and approved by the soils engineer and by the City grading inspector.

95. Footings adjacent to a descending slope steeper than 3:1 in gradient shall be located a distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the face of the slope.

96. Buildings adjacent to ascending slopes shall be set back from the toe of the slope a level distance equal to one half the vertical height of the slope, but need not exceed 15 feet in accordance with Code Section 91.1806.5.2.

97. Pile caisson and/or isolated foundation ties are required by Code Section 91.1807.2

    Exceptions and medication to this requirement are provided in Rule of General Application 662.

98. For grading involving import or export of more than 1000 cubic yards of earth materials within the grading hillside area, approval is required by the Board of Building and Safety. Application for approval of the haul route must be filed with the Grading Section. Processing time for application is approximately 8 weeks to hearing plus 10-day appeal period.

99. Prior to the placing of compacted fill, a representative of the consulting Soils Engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the City Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be filed with the Department upon completion of the work. The fill shall be placed under the inspection and approval of the Foundation Engineer. A compaction report shall be submitted to the Department upon completion of the compaction.

100. The consulting geologist shall periodically inspect the grading and upon completion submit a final report stating that the completed work complies with his recommendations. Geological data shall be obtained from grading exposure, particularly at back slope cuts for fills and buttress and on cut surfaces. This data shall be presented on a final geological map and as-graded plan.

101. Prior to the pouring of concrete, a representative of the consulting Soil Engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work.

102. When water over 3 inches in depth is present in drilled pile holes, a concrete mix with a strength pounds per square inch (p.s.i.) of 1000 over the design p.s.i. shall be trimmed from the bottom up; an admixture that reduces the problem of segregation of paste/aggregates and dilution of paste shall be included.

103. The dwellings shall be connected to the public sewer system.

104. Prior to excavation, an initial inspection shall be called at which time sequence of shoring, protection fences, and dust and traffic control will be scheduled.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

105. 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. Obtain permit for demolition or removal of all existing structures. Provide copy of demolition permit and signed inspection card to show completion of work.

- Note: The District Map notes a 10' and 20' underground Public Utility Easement crossing three proposed buildings.

106. Conduct pre-construction assessments for ACMs. **Prior to the issuance of the demolition permit**, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACMs are present in the building. If ACMs are found to be present, they will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

DEPARTMENT OF TRANSPORTATION

107. The project applicant shall, at his own expense and to the satisfaction of the Department of Transportation and the Department of Public Works:

- remove any existing vegetation within the right-of-way between the roadway edge and the property line along the convex curve of Tramonto Drive, approximately eighty feet arc length, in the vicinity of the project driveway; and

- install a permanent aesthetic surface or material along this portion of the roadway that prevents the growth of vegetation within this right-of-way.

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

109. DOT approval shall be accomplished by submitting detailed site/driveway plans at a scale of 1" = 40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Avenue, Los Angeles, 90045.

FIRE DEPARTMENT

110. 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 Tentative Tract Action.

b. 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;

c. Construction of a private roadway in the proposed development shall not exceed 15 percent in grade;

d. Private roadway development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan D-22549;

e. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width;

f. Fire lanes, where required, and dead-ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be more than 700 feet in length or secondary access shall be required.

g. 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;

h. All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner?s expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code;

i. Standard cut-corners will be used on all turns;

j. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance, or exit of individual units;

k. The entrance or exit of all ground floor apartment units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane;

l. 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;

m. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet;

n. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.

o. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined by the Fire Department.

p. The project shall be equipped with an automatic sprinkler system to the satisfaction of the Los Angeles Fire Department.

DEPARTMENT OF WATER AND POWER

111. 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

112. Street light improvements shall be made to the satisfaction of the Bureau of Street Lighting and/or the following street lighting improvements shall be required. (This condition shall be deemed cleared at the time the City Engineer clears Condition S-3. (c).). 1 Street Light shall be required on Tramonto Drive.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY AGENCY

114. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the Los Angeles Municipal Code Section 17.05N. Written evidence of such arrangements

must be submitted to the Information Technology Agency, 120 S. San Pedro Street, Room 600, Los Angeles, CA 90012, (213) 485-7969.

DEPARTMENT OF RECREATION AND PARKS

115. That the Quimby fee be based on the RD2 Zone.

STREET TREE DIVISION AND THE DEPARTMENT OF CITY PLANNING

116. Prior to the issuance of a grading 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 Department of City Planning and the Street Tree Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Street Tree Division standards.

The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency.

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Street Tree Division at: 213-485-5675. Failure to comply with this condition as written shall require the filing of a modification to this Tentative Tract in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

117. 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 82 dwelling units.

b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit. In addition, ½ guest parking space per dwelling unit shall be provided (3 of which shall be exclusively reserved for use by the adjoining Ocean Wood Terrace Condominiums). All guest spaces shall be readily accessible, conveniently located and specifically reserved for guest parking.

If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.
In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for

review and approval by the Department of City Planning (200 No. Spring Street, Room 763).

c. 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 along the northerly side of the property.

d. Install within the project an air filtration system (either charcoal or electronic) to reduce the air quality effects on the proposed residents.

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

118. ~~VERY-LOW OR LOW INCOME CONDOMINIUM UNITS~~ OFF-SITE AFFORDABLE UNITS: Prior to the Recordation of the Final Map, or prior to the issuance of a building permit, the subdivider shall ~~execute and record a covenant and agreement (Planning Department Form CP-6770) satisfactory to the Department of City Planning and the Housing Department, binding the applicant or any subsequent property owner, heirs, or assigns to:~~ submit an Affordable Housing Provision Plan approved by the Los Angeles Housing Department, for the required Inclusionary Residential Units to be provided off-site as rental units.

a. ~~designate and maintain (including rent schedule) 16 condominium units (20% of the 82 identified new whole dwelling units) as Very-Low Income (VLI) or Low Income (LI) affordable accessible rental dwelling units as defined in LAMC Section 12.22 A 25(b);~~

~~OR~~

~~designate and maintain 8 condominium units (10% of the 82 identified new whole dwelling units) for Very Low Income (VLI) affordable accessible rental dwelling units as defined in LAMC Section 12.22 A 25(b).~~

The Plan shall provide either: eight (8) Very Low Income affordable units; OR sixteen (16) Low Income or Very Low Income affordable units.

b. ~~execute and record, prior to the issuance of any building permit for the subject property by the Department of Building and Safety, a covenant and agreement, in a manner approved by the Housing Department, guaranteeing that the designated affordable accessible dwelling units shall be reserved for~~

~~occupancy by eligible households for at least 30 years from the issuance of a Certificate(s) of Occupancy for the affordable accessible dwelling units. A copy of the recorded Covenant and Agreement approved by the Housing Department shall be placed in the tract file, and~~

The subdivider shall record a Covenant and Agreement (Planning Department General Form CP-6770) binding the subdivider to place the required off-site units in service (i.e. either rented or issuance of a Certificate of Occupancy) prior to the issuance of a Temporary or Final Certificate of Occupancy for the 55th on-site market rate unit.

To be cleared by City Planner or above.

c. The Housing Department, or its successor or assignee, shall be responsible for the ongoing monitoring and enforcement of these (accessible affordable unit requirements.

~~d. Prior to recordation of the Final Map, the subdivider shall submit a copy of the Covenants, Conditions and Restrictions (CC & R's) for approval by the Advisory Agency that will identify: 1) the designated 16 or 8 units reserved for LI or VLI accessible household incomes, 2) acknowledgment that the designated LI or VLI accessible units will be reserved as rentals for LI or VLI accessible households for a period of 30 years. The CC & R's shall contain language that a (Vesting) Tentative Tract modification shall be approved prior to any changes by the Homeowners Association affecting the requirements for the designated LI or VLI accessible units.~~

~~These Inclusionary LI or VLI units shall be located on-site. Applicants claiming it is infeasible for them to comply with this requirement may request permission to provide the required units elsewhere within the Coastal Zone, or within three miles of the Coastal Zone, by submitting an appeal pursuant to Part 8.0 of the Interim Administrative Procedures for Complying with the Mello Act in the Coastal Zone Portions of the City of Los Angeles, signed in May of 2000.~~

NOTES: The provision of Inclusionary Residential Units for senior or disabled persons who do not have a Low or Very Low Income does not fulfill the inclusionary requirements for New Housing Development for the Mello Act.

119. BIOLOGICAL SURVEY: Prior to commencing site preparation or construction activities:

a. The applicant shall have a field survey conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 100 feet (200 feet for raptors) of the construction zone. The field survey shall occur no earlier than 3 days prior to construction or Site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March 1 through August 31).

b. Additionally, raptor (nesting) surveys shall be conducted on the site prior to the commencement of construction related activities. Should an active raptor nest be discovered on the Project Site, a 500-foot buffer shall be maintained between Project-related activities and the nest until such time fledglings leave the nest and the site and it has been determined by the Sites' biological monitor that the nest is not being used for repeated, same-season nesting attempts. If active nests are found (other than raptors), a minimum 50-foot fence barrier shall be erected around the nest, and clearing within the fenced area shall be postponed or halted, at the discretion of a biologist, until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, as determined by a qualified biologist.

c. Construction personnel shall be instructed on the sensitivity of the area. The project proponent shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

d. The subdivider shall provide a clearance letter or other evidence/documentation from the Department of Fish and Game, to the satisfaction of the Advisory Agency, that Conditions a, b, and c above have been satisfied.

e. In the event site preparation or construction activities are not commenced prior to the recordation of the final map, the subdivider shall record and execute a covenant and agreement satisfactory to the Advisory Agency guaranteeing that the field survey will be completed by a qualified biologist prior to site preparation and construction activities.

A copy of the letter required by Condition No. C-5 from the project civil engineer, architect or licensed land surveyor certifying that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building shall be attached to the covenant.

120. 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; Tramonto Drive, Los Liones Drive, Sunset Boulevard, Pacific Coast Highway, 10 Freeway, 5 Freeway, Penrose Street, Bradley Avenue.

b. As volunteered by the applicant, hours of operation shall be from 8:00 a.m. to 4:00 p.m. Monday through Friday; and from 9:00 am to 4:00 pm on Saturdays.

c. No hauling on Sundays.

d. Trucks shall be restricted to 10-wheel dump trucks or smaller, semi-trailers, or 18-wheel bottom dump trucks.

e. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).

f. Streets shall be cleaned of spilled materials at the termination of each work day.

g. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.

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

i. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.

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

k. All trucks are to be watered at the job site to prevent excessive blowing dirt.

l. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.

m. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.

n. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.

o. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.

p. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."

q. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.

r. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.

s. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.

t. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.

u. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Valley District Engineering Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401. Further information regarding the bond may be obtained by calling 818.374.5090.

OR

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

OR

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

OR

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

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

121. That prior to recordation of the final map, or prior to the issuance of any grading or building permit, whichever occurs first, the subdivider shall execute a Covenant and Agreement, to the satisfaction of the Advisory Agency, binding the subdivider to implement the Mitigation Monitoring Program contained in Section IV of Final EIR (ENV-2000-2696-EIR) and to provide certification, as identified by the MMP, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented.

    In addition, the subdivider shall identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by both the MMP and Condition No(s). **116, 118, 119, 120, 122, 123, & C-4** of the Tract's approval and Section IV of the Final EIR, 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 mitigation items required.

122. 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 The proposed project shall comply with the City's ~~Hillside Development~~ Landform Grading Guidelines.

MM-2 All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the City Planning Department.

MM-3 Landscape buffers shall be planted between the project site and adjacent residential uses.

MM-4 Outdoor lighting shall be directed on-site and designed and installed with shielding so that the light source can not be seen from adjacent land uses.

MM-5 Outdoor lighting and indoor parking garage lighting shall be limited to that necessary for safety and security, and shall be directed on-site and designed and installed with shielding so that the light source can not be seen

from adjacent land uses or from off-site locations.

MM-6 The exterior of the proposed buildings shall be constructed of non-reflective building materials.

MM-7 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood and vegetation. Non-recyclable materials/wastes must be taken to an appropriate landfill, such as the Calabasas Sanitary Landfill, the Azusa Landfill, or the Bradley Landfill Toxic wastes must be discarded at a licensed regulated disposal site.

MM-8 Clean up leaks, drips and spills immediately to prevent contamination soil on paved surfaces, including Tramonto Drive and Los Liones Drive, that can be washed away into the storm drains.

MM-9 Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

MM-10 Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

MM-11 Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

MM-12 Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

MM-13 The project shall comply with Ordinance No. 172,176 to provide for Stormwater and Urban Runoff Pollution Control which requires the application of BMPs, including the following mitigation measures:

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

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

MM-14 The applicant shall pay the required school fees to the LAUSD.

MM-15 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.

MM-16 The project applicant shall consult with the LAPD's Crime Prevention Unit

(CPU) on the design and implementation of a security plan for the proposed project and, which shall consider the following elements:

- Design entryways, the lobby, and parking areas with lighting that eliminates areas of concealment;
- Landscaping should be designed so as to not conceal potential criminal activities near windows or doors
- Outdoor night lighting should be provided to aid crime prevention and enforcement efforts;
- All garages should be enclosed;
- Provide solid core doors with deadbolt locks to all units;
- The use of louvered windows should be prohibited

MM-17 Upon the completion of the project, it is recommended that site plans for the property be provided to the West Los Angeles area commanding officer to help facilitate any necessary police response.

MM-18 The applicant shall comply with the City of Los Angeles Housing Department's relocation assistance requirements.

MM-19 Automatic sprinkler systems should be set to irrigate landscaping during early morning hours or during the evening to reduce water losses from evaporation. Care must be taken to reset sprinklers to water less often in cooler months and during the rainfall season to avoid wasting water by excessive landscape irrigation.

MM-20 Selection of native, drought-tolerant, low water consuming plant varieties should be used to reduce irrigation water consumption.

MM-21 Adherence to the provisions within the Water Conservation Ordinance of April 1988.

MM-22 The project applicant should demonstrate that construction and demolition debris, to the maximum extent feasible, would be salvaged and recycled in a practical, available, and accessible manner during the construction phase.

MM-23 The applicant shall institute a recycling program to the satisfaction of the Deputy Advisory Agency to reduce the volume of solid waste going to landfills in compliance with the City's goal of a 70 percent reduction in the amount of solid waste going to landfills by the year 2020.

MM-24 Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

MM-25 The applicant should consult with LADWP during the design process of the proposed project regarding potential energy conservation measures for the project. Examples of such energy conservation measures include:

- Design windows (i.e., tinting, double pane glass, etc.) to reduce thermal gain and loss and thus cooling loads during warm weather, and heating loads during cool weather.
- Install thermal insulation in walls and ceilings that meets or exceeds the requirements of the State Administrative Code Title 24.
- Install high-efficiency lamps for outdoor security lighting.
- Time control exterior lighting. These systems should be programmed to account for variations in seasonal daylight times.
- Limit outdoor lighting while still maintaining minimum security and safety standards.
- Built-in appliances, refrigerators, and space-conditioning equipment should exceed the minimum efficiency levels mandated in the California Code of Regulations.
- Use natural ventilation wherever possible.

MM-26 As a condition of each grading permit required of the project applicant by the City, the applicant shall be responsible for the repair of any damage to roads resulting from the delivery of heavy machinery, equipment, and building materials to or from the project site, as well as the import and export of soil to and from the project site. Such roadway repair shall be to the satisfaction of the City of Los Angeles Bureau of Street Services.

MM-27 If construction or haul trucks driving to and/or from the project site cause any substantial damage to private driveways in the immediate vicinity of the project site, such damage shall be repaired by, or paid for by, the project applicant.

123. **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 Tentative Tract 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 Hours of construction shall be limited to 8:00am to 5:00pm during excavation, recompaction and prior to the covering of the exterior of the buildings ("wrapping"), Monday through Friday and 9am to 5pm on Saturdays. No construction on Sundays. Workers may arrive at the site after 7:00am and engage in pre-construction work that does not involve the use of any equipment or work that generates noise that can be heard inside the dwelling units of adjacent properties.

CM-3 As volunteered by the applicant, after the "wrapping" phase of the exterior of the buildings, construction may commence at 7:00am, Mondays through Saturdays, providing that such construction does not generate noise that can be heard inside the dwelling units of adjacent properties.

CM-4 As volunteered by the applicant, OWTC shall be given written schedules of construction activities upon request but not more than once a month which set forth the scope of scheduled construction activities. Written notice of any changes to the construction schedule shall be provided.

CM-5 As volunteered by the applicant OWTC shall be given 72 hours prior notice of all vibration generating construction operations.

CM-6 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-7 Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-8 No construction equipment shall be started in or in operation on-site outside the allowable construction hours of 8:00 a.m. to 5:00 p.m. (M-F) and 9:00 am to 5:00 pm (Saturdays).

CM-9 Trucks and construction equipment shall not be staged in adjacent residential areas during the overall period of construction.

CM-10 Temporary "Truck Crossing" warning signs shall be placed approximately 300 feet in advance of the construction driveway in each direction on Tramonto Drive.

CM-11 Up to two flag persons shall be used at the project site to assist the truck operators in and out of the project area, as well as minimize conflicts with motorists.

CM-12 Construction workers shall not be allowed to park on Sunset Boulevard or any residential or local street in the vicinity, except Los Liones Drive.

CM-13 A construction worker ridesharing plan shall be implemented in order to reduce construction-related trips and parking demand.

CM-14 As volunteered by the applicant, construction vehicles shall not interfere with egress from the driveway used by OWTC.

CM-15 As volunteered by the applicant, there shall be no construction-related parking or staging of trucks/vehicles on Tramonto Drive at any time.

CM-16 All unpaved demolition and construction areas shall be wetted at least twice daily, or more frequently as necessary, during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

CM-17 All materials transported off site shall be securely covered or sufficiently watered to prevent excessive amounts of dust and protect against spillage.

CM-18 All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

CM-19 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

CM-20 Cover any on-site stockpiles of debris, dirt or other dusty material.

CM-21 Actively stabilize any cleared area that is planned to remain inactive for more than 30 days after clearing is completed.

CM-22 Establish an on-site construction equipment staging area and construction worker parking lot, located on either paved surfaces or unpaved surfaces subjected to soil stabilization treatments, as close as possible to a public highway.

CM-23 Encourage car-pooling for construction workers.

CM-24 Sweep access points daily.

124. Prior to recordation of the Final Map, the subdivider shall obtain a Coastal Development Permit.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.

2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. That prior to recordation of the final map, the subdivider shall record an "Agreement for Development of Units for Lease or Sale ("15% Ordinance")" covenant, to benefit the Housing Authority, for certification of the development in accordance with Section 12.39A. Arrangements shall be made with the Department of Building and Safety, Zoning Section - Subdivisions (213.482.0000) to approve the covenant format, prior to recording the covenant.

C-3. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with Section 17.12 of the Los Angeles Municipal Code and to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-4. That a landscape plan, prepared by a licensed landscape architect, be submitted to Council District 11 prior to review and approval by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map.

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

C-5. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans

shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

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

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

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

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

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

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

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

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

(i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall

include a restriction against their use of access purposes until such time as they are accepted for public use.

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

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

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

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

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

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

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

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

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

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

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

(b) Construct any necessary drainage facilities.

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

(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 planting's shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division ((213) 485-5675) upon completion of construction to expedite tree planting.

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

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

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

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

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

After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, drainage facilities may include the construction of storm drain system 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.

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

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

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

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

No building permit will be issued until the subdivider has secured a certification from the Housing Authority that the development complies with the requirements for low-and

moderate-income housing, per Section 12.39-A of the LAMC.

The subdivider should consult the Department of Water and Power to obtain energy saving design features 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.

Further, in the event the Advisory Agency approves the Vesting Tentative Tract, the following findings for the California Environmental Quality Act and Subdivision Map Act should be adopted by the Advisory Agency.

1.0 FINDINGS OF FACT (CEQA)

An Environmental Impact Report (EIR) has been prepared to analyze the potential environmental effects that could result from the construction and operation of the project. The EIR identifies mitigation measures, monitoring measures when necessary, and alternatives which would mitigate the negative environmental effects of the project. The EIR was completed and recommended for certification by the Environmental Review Section of the Los Angeles City Planning Department on December 1, 2003.

The EIR Report for the subject project, pursuant to and in accordance with Section 21081 of the State of California Public Resources Code, identifies potential significant impacts from the proposed project including:

> Aesthetics; Air Quality; Geology and Soils; Hydrology and Water Quality; Population and Housing; Public Services (Police Services, Fire Protection, Schools, Parks & Road Maintenance); Biological Resources; Transportation/Traffic;

However, changes or alterations which will mitigate or avoid significant environmental effects have been identified in the Final EIR for the subject project. Feasible mitigation measures and a monitoring program have been defined for those impacts. Other identified potential impacts not mitigated by these measures are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The Final EIR identifies three impacts not mitigated to a less than significant level for the proposed project:

> Visual Resources (Private Views); Short-Term Noise; and Traffic (Residential Streets) Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby Finds that the benefits outweigh and override the significant unavoidable impacts.

The Deputy Advisory Agency hereby certifies and finds that: the Final Environmental Impact Report for the Palisades Landmark Project, Case No. VTT-52928, State Clearinghouse Number 2002051086, (which consists of the Draft Environmental Impact Report (Draft EIR) dated January 16, 2003; Appendices to the Draft EIR dated January 16, 2003; and Final Environmental Impact Report, including Responses to Comments, Additions and Corrections, and Mitigation Monitoring and Reporting Program ("MMRP"), dated December 1, 2003; collectively referred to as the "Final EIR"), has been completed in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; ["CEQA"]) and the Deputy Advisory Agency reviewed and considered the information contained in the Final EIR, the application for VTT-52928, the public hearing and submissions of testimony from officials and departments of the City, the Applicant the public and other agencies. Concurrently with the adoption of these Findings, the Deputy Advisory Agency adopts a MMRP as part of the Final EIR. Having reviewed and considered the foregoing information, as well as any and all information in the administrative record, the Deputy Advisory Agency hereby makes Findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

1.1 PROJECT BACKGROUND AND ENVIRONMENTAL IMPACT REPORT PROCESS

The City is the local Lead Agency for the Project, with the Los Angeles Department of City Planning ("City Planning") administering the state-mandated environmental review process for the approval of the Project. The City has prepared a Draft EIR with Technical Appendices, and a Final EIR to comply with CEQA and the State CEQA Guidelines (Cal. Code Regs. Title 14, Division 6, Chapter 3, Section 15000 et seq. ["CEQA Guidelines"]).

Notice of Completion: A Notice of Completion form together with the Draft EIR was sent to the California State Clearinghouse in Sacramento. The State Clearinghouse acknowledged receipt of the Draft EIR and established a 45-day public review period for the report beginning January 16, 2003 and closing March 3, 2003. At the request of the Council Office, comment letters were accepted for an additional 30 days to allow the agencies and the public additional time to review and comment on the Draft EIR.
The Deputy Advisory Agency and Zoning Administrator held a concurrent public hearing on the proposed Project on March 17, 2004.

Location of Records: Documents constituting the record of proceedings on which approval of the Project and certification of the EIR have been based are available at the City of Los Angeles Planning Department, 200 N. Spring Street, Room 750, Los Angeles, California, 90012.

1.2 PROJECT FINDINGS INTRODUCTION

The Findings made by the Deputy Advisory Agency, pursuant to Section 21081 of CEQA, and Section 15091 of the CEQA Guidelines, on the Project are presented below. All significant impacts of the Project identified in the Final EIR are included herein and are organized according to the area of potential impact. The Findings in this document are for

the Project and are supported by information and analysis from the Draft EIR, technical appendices, the MMRP, and the responses to all public comments, together comprising the Final EIR. Where applicable, these Findings note the documents that contain the substantiation for each Finding.

The California Environmental Quality Act ("CEQA") and State CEQA Guidelines provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless for each significant impact, the public agency makes one or more of the following findings, as appropriate in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091:

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR;

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or

3. Specific economic, legal, social, technological and/or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A narrative of supporting facts follows the appropriate Finding. For many of the impacts, one or more of the Findings above have been made. Finding (B) appears because, although the City is the CEQA Lead Agency, it has jurisdiction over only a portion of the Project and thus has limitations on its power to require or enforce certain mitigation. Whenever Finding (B) occurs, agencies with jurisdiction to make any necessary changes or alterations have been specified. It is these agencies, within their respective scopes of authority, that would have the ultimate responsibilities to adopt, implement, and enforce the mitigation discussed within each type of potential impact that could result from Project implementation. However, under adopted California statutory legislation, the CEQA Lead Agency has the responsibility to ensure that mitigation measures contained in the Final EIR are effectively implemented. Whenever Finding (C) was made, the Deputy Advisory Agency has determined that there will be, even after mitigation, an unavoidable significant level of impact due to the Project, and sufficient mitigation is not feasible to reduce the impact to a level of insignificance. Such impacts are always specifically identified in the supporting discussions. The Statement of Overriding Considerations applies to all such unavoidable significant impacts, as required by Sections 15092 and 15093 of the CEQA Guidelines.

I.3 DESCRIPTION OF PROPOSED PROJECT

The Palisades Landmark Condominium Project site is located at 17331-17333 Tramonto Drive (the "Project Site"). The Project Site is an irregularly shaped parcel

containing approximately 3.98 acres of hillside terrain -- a southeast-facing slope, immediately south of Tramonto Drive. Designated as a Limited Hillside Street, Tramonto Drive intersects Los Liones Drive, which in turn provides access to Sunset Boulevard. Just southeast of the Project Site, Sunset Boulevard connects to Pacific Coast Highway, which is designated as a Scenic Highway.

The properties situated below the Project Site are developed with apartments and commercial buildings, except the area of the Revello Landslide, which remains vacant. Properties situated uphill from the site are developed with single-family residences and condominium buildings. The Proposed Project is a residential development consisting of 82 condominium units, divided among six buildings. Three buildings are proposed to contain three stories, including 25 three-bedroom townhomes with parking below each unit. The other three buildings are proposed to contain four stories, including 57 three-bedroom flats with parking being provided in a subterranean garage. None of the proposed buildings will exceed 45 feet.

All existing on-site structures would be removed, including two apartment buildings, a swimming pool, and a carport area. The grading for the proposed project will require 130,000 cubic yards (cy) of cut and 80,000 cy of fill. Approximately 100,000 cy of the cut material would be removed from the Project Site, and approximately 75,000 cy of fill would be imported for the permanent stabilization of the portion of the Revello Landslide that is located on the Project Site.

1.4 FINDINGS OF FACT

After reviewing the Final EIR and the public record on the project, pursuant to Section 15091 of the State CEQA Guidelines the Deputy Advisory Agency hereby makes the findings set forth below in this document, regarding the significant effects of the Proposed Project. Except to the extent they conflict with the findings and determinations set forth in Section 1.6 below, the analysis and conclusions of the EIR, including but not limited to the responses to comments, are incorporated herein by this reference, and are hereby adopted as findings. Both the Draft EIR and the Final EIR reflect the independent judgment of the City of Los Angeles.

Cumulative Impacts

Except as expressly provided to the contrary in Section 1.6 below, all effects of the Project on the environment are hereby found to be not significant. Cumulative impacts of the Project in conjunction with other past, present and foreseeable future projects have been addressed where applicable and will not be significant after mitigation.

1.5 POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS DETERMINED TO BE REDUCED TO A LEVEL OF INSIGNIFICANCE

A. Visual Resources Impacts, Massing, Nighttime Lighting, and Glare

Although the Project is consistent with the permitted density and building height for the

site, the increase in density and height compared to the existing on-site apartments represent a potentially significant building massing impact in relation to the upslope single-family homes located along Revello Drive.

Additionally, compared to the existing apartment buildings, the Proposed Project would introduce a greater amount of nighttime lighting to the project site. Such lighting sources include interior lighting, exterior security lighting, and headlights on motor vehicles entering or exiting the Site. Some of the project building materials (i.e., windows) as well as automobile windshields also represent sources of daytime glare.

Finding

Except as provided in Section 1.6 below, changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Except as provided in Section 1.6 below, potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 116 and 122 (MM-1 through MM-7) of the Tract's approval.

B. Air Quality Impacts

Given the age of existing structures on the project site, there may be asbestos containing materials (ACMs) in pipe insulation, fire retardant features, roofing, flooring or other elements of the existing residential buildings. The Project is too limited in scope to cause air quality impact significance thresholds to be exceeded during construction. However, even though total daily emissions of dust or equipment exhaust will be less than significant, the short distance between on-site activities and adjacent occupied homes creates a potential for dust deposition soiling nuisance on parked cars, landscaping foliage, or outdoor furniture. Mitigation measures that reduce small-diameter, respirable particulate emissions also reduce larger soiling particles. Mitigation measures for dust control are thus recommended even if the SCAQMD threshold is not exceeded.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 106 and 123 (CM-16 through CM-24) of the tract's approval.

C. Geology and Soils Impacts

Repair of the Revello Landslide would help to stabilize the Site for the construction of the Proposed Project. In order to repair the landslide, the landslide debris would be removed down to bedrock. Once the landslide debris is removed, compacted fill would be placed on the bedrock. This compacted fill would be used as primary structural fill to support the proposed buildings.

Soldier piles would be required in order to support vertical excavations along the north, west, and south sides of the removal. These piles would be embedded into the bedrock below the base of the landslide. Additional piles along the upslope property line may also be required to support temporary vertical excavations to construct the required rear yard retaining walls.

The owner of the downslope property (17325 Castellammare Drive, also known as Related Project No. 4) has received City approval to develop a 21-unit condominium complex and also plans to permanently stabilize and develop the toe of the Revello Landslide. Significant geotechnical impacts from the Revello Landslide would be mitigated to less than significant levels provided the mitigation measures listed below are implemented.

The principal seismic hazard to the Proposed Project is strong ground shaking from earthquakes produced by local faults. The proposed construction would be consistent with all applicable provisions of the City of Los Angeles Building Code, as well as the seismic design criteria contained within the Uniform Building Code. It is likely that the project site will be shaken by future earthquakes produced in southern California.

Provided the Proposed Project and Related Project No. 4 (a proposed 21-unit condominium complex at 17325 Castellammare Drive that has been approved for construction by the City of Los Angeles) implement all of the slope stabilization techniques approved by the Department of Building and Safety, cumulative geology and soils impacts would be less than significant. In the event that Related Project No. 4 is not constructed, the stabilization measures for the Proposed Project would be adequate to stabilize the portion of the landslide located on the Project Site as the required slope stabilization improvements for each project are not co-dependent.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 5 through 104 of the tract's approval.

D. Hydrology and Water Quality Impacts

During construction, the Project Site will contain a variety of materials that are potential sources of stormwater pollution, such as adhesives, cleaning agents, landscaping, plumbing, painting, heat/cooling, masonry materials, floor and wall coverings; and demolition debris. Construction material spills can also be a source of stormwater pollution and/or soil contamination.

Grading and brush clearing activities can greatly increase erosion processes. Appropriate dust suppression techniques, such as watering or tarping, are used in areas that must be exposed. Erosion control devices, including temporary diversion dikes/berms, drainage swales, and siltation basins, are typically required around construction areas to insure that sediment is trapped and properly removed.

Two basic areas of concern related to the long-term operation of the Proposed Project are stormwater quality and quantity.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 122 (MM-7 through MM-13).

E. Population and Housing Impacts

Prior to construction of the proposed project, all on-site uses would be demolished, including approximately 20 multi-family units. Demolition of these residential units would result in the displacement of the estimated 33 occupants and would therefore constitute a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 118 and 122 MM-18.

F. Public Service - Police Protection Impacts

According to the Los Angeles Police Department (LAPD), development of the Proposed

Project would potentially result in a significant impact to police protection services provided by the West L.A. Community Police Station. The various construction phases of the proposed project could also result in increased response times the LAPD responding to other calls in the Castellammare area. Upon completion of the proposed project, the number of permanent residents and site visitors within the project site would generate a potential increase in the level of police service calls from the project site.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 122 MM-16 and MM-17.

G. Public Services - Fire Protection Impacts

The demolition, grading and construction phases of the proposed project would add construction employee vehicles and heavy trucks on the Project-area roadways, including Tramonto Drive which fronts the Project Site. Such activities could increase response times for emergency calls further uphill on Tramonto Drive and in the Castellammare area. These are considered to be potentially significant impacts that can be mitigated to less than significant levels via the implementation of the traffic mitigation measures.

Implementation of the proposed project would increase the need for fire protection and emergency medical services in the project area due to the increased number of residents and visitors to the project site. The Project Site is located 0.3 miles from the nearest fire station. Because this response distance is within City Fire Code requirements, there are no impacts with respect to distance criteria. However, the Proposed Project would incorporate a number of fire safety features in accordance with applicable City fire-safety codes and ordinance requirements for construction, access, fire flows, and fire hydrants.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition No. 110.

H. Public Services - Schools Impacts

The increase in the number of permanent residents on the Project Site and the potential need to enroll any school-aged children into Los Angeles Unified School District (LAUSD) schools would result in an increased demand for school services. It is probable that some of the future residents of the proposed project already reside within the service boundaries of the LAUSD with their school-aged children enrolled in the LAUSD schools serving the Project Site. However, to provide for a worst-case scenario, it is assumed that all of the students projected to be generated by the Proposed Project are not currently enrolled in the LAUSD schools near the Project Site and would be enrolled upon relocation to the Project Site. Given the worst-case student generation factors, the total number of elementary, middle school, and high school students would be 36. The schools serving the project site would have adequate space to accommodate the students projected to be generated by the project without going over capacity.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition No. 122 MM-14

I. Public Services - Recreation/Parks Impacts

Typically, residential developments have the greatest potential to result in impacts to parks and recreation facilities. This impact is a result of residential developments generating a permanent increase in the population. The Proposed Project would result in an increase of 199 permanent residents. This increase in population would only further exacerbate the need for parks and recreational services, which is experienced throughout the City of Los Angeles. The project residents would have use of the Topanga State Park and various beaches along Pacific Coast Highway for their recreational needs, in addition to the City parks.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of Condition Nos 115 and C-3.

J. Public Services - Road Maintenance Impacts

Due to the weight of the various trucks in the transportation of construction debris, soil, heavy equipment, and building materials (particularly the number of trips necessary for the soil exportation), roads used for the proposed truck haul route (i.e. Tramonto Drive, Los Liones Drive, Sunset Boulevard, and the Pacific Coast Highway) could be damaged, increasing the demand for road maintenance services provided by the Bureau of Street Services. Additional ly, the extent to which the roads could be damaged would also depend upon the condition of the roads prior to usage by the trucks.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 1, 2, and 122 MM-26 and MM-27.

K. Biological Resources Impacts

The Project Site is located in a highly urbanized area and does not contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (Fish and Game) or U. S. Fish and Wildlife Service. In addition, there are no known locally designated natural communities on the Project Site or immediate vicinity.

Likewise, there are no oak or other indigenous tree species found on the project site. Twenty-nine trees are proposed for removal with development of the proposed project. However, a majority of the trees found on the Project Site have sparse foliage, insect and disease infestations, and show signs of lack of regular irrigation and proper structural pruning.

Finally, while no native bird species have been found on the site, the Department of Fish and Game has expressed concern that the Proposed Project would result in the removal and/or disturbance of vegetation, ground substrates and building demolition and therefore might have the potential to directly impact nesting native bird species.

Finding

Changes or alterations have been incorporated into the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potential impacts to biological resources would be mitigated to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 116 and 119.

L. Traffic Impacts - Study Intersections and Traffic Hazards

Adequate driveway visibility is provided at the Project Site. However, existing visibility for the inbound (uphill) left-turn motorists from Tramonto Drive onto the project site driveway is partially obstructed by existing vegetation located on the north-northwest side of Tramonto Drive. The existing vegetation is located on the convex side of the curve at Tramonto Drive, within a City of Los Angeles slope easement and on undeveloped private property. LADOT conducted a field investigation of the Project Site and concluded that existing visibility for the inbound left-turn motorists from Tramonto Drive onto the Project driveway "appears to be inadequate due to the hairpin curve protruding from across the street."

Construction of the project buildings will take approximately 18 to 19 months. The number of construction-related trips generated during this period will fluctuate as the number of workers needed for the different steps of construction will vary. The peak times for construction traffic are expected to occur during the completion of construction for each building, when subcontractors for electrical, mechanical, plumbing, painting, etc., are on-site. It is estimated that up to approximately 100 construction workers will be on-site during these peak times. It is further estimated that construction at the Project Site will generate (at peak times) 25 inbound and 25 outbound delivery truck trips per day and 85 inbound and 85 outbound construction worker and miscellaneous trips per day.

It is anticipated that trucks bringing building materials to the Project Site will use Tramonto Drive, Los Liones Drive, Sunset Boulevard, Pacific Coast Highway (including possibly Pacific Coast Highway to the west) and the Santa Monica Freeway (Interstate 10).

Although construction traffic is a temporary condition, it is recognized that it may contribute to traffic congestion on Tramonto Drive and Los Liones Drive, as discussed in Section 1.6 C Below.

Finding

Except as provided in Section 1.6 C below, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Except as provided in Section 1.6 C below, potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 107, 120, and 123 (CM-8 through CM-15).

1.6 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE REDUCED TO A LEVEL OF INSIGNIFICANCE

A. Visual Resources Impacts - Private Views

The Proposed Project would obstruct or partially obstruct private views of the Pacific Ocean and shoreline as seen from the four-story condominium building located immediately north of the Project Site. The Proposed Project would also partially obstruct private views of the shoreline and Pacific Ocean as seen from the single-family homes located immediately north-northwest of the Project Site along Revello Drive. The Proposed Project's obstruction and partial obstruction of scenic views from the adjacent private properties is considered to be a significant unavoidable impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but will not completely avoid the significant environmental effects on private views identified in the EIR.

Facts in Support of the Finding

Mitigation measures will be implemented as required by Condition Nos. 116 and 122 (MM-1 through MM-6).

Additionally, in response to concerns raised by the public during circulation of the Draft EIR, the applicant agreed to incorporate vertical breaks in the facade of the project, which will better preserve the existing scenic views from the single-family and mult-family dwellings located above the project site. Revised renderings of the proposed project which incorporate these vertical breaks are provided in Chapter III of the Final EIR. These vertical breaks, coupled with the mitigation measures set forth above, will substantially lessen, but will not completely avoid, the significant environmental effects on private views identified in the EIR.

B. Short-Term Noise Impacts

Baseline noise levels in yards surrounding the project site are estimated to be 45 dB (LEQ). A noise level of 50 dB LEQ or more would constitute a potentially significant noise impact. For purposes of analysis, an 85 dB (LEQ) reference noise level was assumed during daytime construction.

Even with intervening barriers and other noise protection features, reduction of construction noise levels to 50 dB or less in the closest residential yards is not feasible. Construction activities will have a significant, unmitigable noise impact during parts of the three-year construction cycle. However, because not every construction day will necessarily entail heavy equipment operations, the actual number of days of a potentially significant impact is a small fraction of the total construction period. In addition to on-site equipment noise generation, truck traffic to and from the Project

Site would affect the off-site noise environment. Heaviest truck traffic will occur for four to six months during landslide repair and slope stabilization.

The City of Los Angeles CEQA Threshold Guidelines specify that that a noise increase of five dB or greater for ten days in a three-month period would be a significant impact. If soil hauling activity exceeds 70 loads per day (10 per hour), a significant noise impact may result along Tramonto Drive because the noise level would increase by five dB or more. If soil hauling activities exceed 112 loads per day (16 per hour), truck noise impacts would be significant along both Tramonto Drive and Los Liones Drive.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but not completely avoid the significant environmental effects on short-term noise identified in the EIR.

Facts in Support of the Finding

Implementation of the mitigation measures required by Condition No. 122 MM-15 and by Condition Nos. 123 CM-2 & CM-6 will substantially reduce but not completely mitigate the significant effects.

C. Traffic Impacts - Residential Streets

Potential traffic effects on both Tramonto Drive and Los Liones Drive were analyzed. This analysis indicated that Project would likely increase the average daily traffic volume (ADT) on Tramanto Drive south of Los Liones Drive by 14.5%, and would likely increase the ADT on Los Liones Drive between Tramanto Drive and Sunset Boulevard by 11.4%. According to the LADOT traffic study guidelines, a project would significantly impact a residential street if it increases the ADT by 10% or more. Therefore, LADOT has concluded that the project would cause a significant residential street traffic impact on both Tramonto Drive and Los Liones Drive.

However, it should be noted that the Project Site is near the downstream terminus of Tramonto Drive. The approximately 470-foot-long segment of Tramonto Drive between the Project driveway and Los Liones Drive, which is expected to be used entirely by Project traffic, is currently undeveloped on both sides. Consequently, the flow of Project traffic on this segment of Tramonto Drive would not be affecting any existing uses, residential or otherwise.

Likewise, the only existing uses along Los Liones Drive are non-residential, i.e., a fire station at the northwest corner and a plant nursery at the southwest corner of the intersection of Los Liones Drive and Sunset Boulevard. A 16-unit multiple-family residential project (Related Project No. 3) is proposed at 321 Los Liones Drive between Tramonto Drive and Sunset Boulevard; however, its development is tentative. Therefore, in terms of existing development along Los Liones Drive, Project traffic would be traversing only two existing uses, both of which are non-residential.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but not completely avoid the significant environmental traffic effects on residential streets identified in the EIR.

Facts in Support of the Finding

Implementation of the mitigation measures required by Condition No. 107 and by Condition Nos. 123 CM-8 through CM-15 will substantially reduce but not completely mitigate the significant effects.

1.7 FINDINGS REGARDING ALTERNATIVES TO THE PROPOSED PROJECT

Four alternatives to the Proposed Project have been identified and considered:

a) No Project Alternative;
b) 61-Unit Condominium and Townhouse Alternative;
c) 50-Unit Planned Unit Development (PUD) Alternative; and
d) 102-Unit Density Bonus Alternative.

These four alternatives are briefly described below.

A. No Project Alternative - Under the No Project Alternative (Alternative A), the Proposed Project would not be constructed and the Project Site would remain in its current condition. Two apartment buildings (consisting of a total of 20 dwelling units) known as the Ocean Woods Terrace apartments would remain on the Project Site.

B. 61-Unit Condominium and Townhouse Alternative - Under the 61-Unit Condominium Project Alternative (Alternative B), the Project Site would be developed with 61 multi-family dwelling units --21 fewer units or a 26 percent decrease in on-site density compared to the Proposed Project. The design concept would be similar to the proposed 82-unit concept. Also similar to the Proposed Project, access to the townhouse units would be provided by an upper surface road. Likewise, access to the apartment flats would be via a subterranean parking structure. The townhouse unit count (25 units) and design for Alternative B would be similar to the townhouse unit layout for the proposed 82-unit project. However, the total number of apartment flats on the lower (southerly) portion of the site would be reduced to 36 units.

C. 50-Unit Planned Unit Development (PUD) Alternative - Under the 50-Unit Planned Unit Development (PUD) Alternative (Alternative C), the Project would consist of a PUD of townhouse and single-family style residences. The site plan would be similar to the Proposed Project, including a single road that would access the northerly (upslope) townhouses or single-family style residences (totaling 25 units). The same surface road would also access the southerly (downslope) units consisting of 25 townhouse or single-family style residences. However, there would be no subterranean garage.

D. 102-Unit Density Bonus Alternative - Under the 102-Unit Density Bonus Alternative (Alternative D), the Project would incorporate a density bonus of 25 percent over the Proposed Project's unit count. The design concept would be similar to the proposed 82-unit concept; however, Alternative D would exceed the 45-foot height limit. Alternative D would include 51 townhouse units and 51 apartment flats. Similar to the Proposed Project, access to the townhouse units would be provided by an upper surface road. Access to the apartment flats would be via a subterranean parking structure.

Finding

The Deputy Advisory Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the EIR.

Facts in Support of Finding

A. No Project Alternative - Because Alternative A would not permit any additional development, it would result in the least amount of environmental impacts, as compared to the Proposed Project and the other alternatives, with the exception of slope-stability impacts. However, Alternative A would not meet any of the objectives of the proposed project and would not provide the significant benefits of the Proposed Project, as described below in Section 1.8.

B. 61-Unit Condominium and Townhouse Alternative - Due to the reduction in density, Alternative B would result in fewer long-term impacts than the Proposed Project relative to traffic, air quality, and noise. Likewise, impacts to public services and utilities would be less under this alternative compared to the proposed project. However, impacts to road maintenance would be similar, as Alternative B would require the same amount of grading, which includes construction vehicles and haul trucks. Short-term noise impacts during grading and construction would be slightly less compared to the proposed project because while this alternative requires the same amount of grading on-site, it also requires the construction of fewer residential units. While Alternative B would obstruct private views, view obstruction impacts would be less compared to the proposed project because of the reduced density associated with this alternative. However, Alternative B would not provide the full benefits of the Proposed Project, as described below in Section 1.8.

C. 50-Unit Planned Unit Development (PUD) Alternative - Due to the reduction in density, Alternative C would result in fewer long-term impacts than the Proposed Project relative to traffic, air quality, and noise. Likewise, impacts to public services and utilities would be less under this alternative compared to the proposed project. However, impacts to road maintenance would be similar, as Alternative C would require the same amount of grading, which includes construction vehicles and haul trucks. Short-term noise impacts during grading and construction would be slightly less compared to the proposed project because while this alternative requires the same amount of grading on-site, it also requires the construction of fewer residential units.

While Alternative C would obstruct private views, view obstruction impacts would be less compared to the proposed project because of the reduced density associated with this alternative. However, Alternative C would not provide the full benefits of the Proposed Project, as described below in Section 1.8.

D. 102-Unit Density Bonus Alternative - Grading impacts under Alternative D would be similar compared to the Proposed Project, because the amount of grading associated with slope stabilization required for Alternative D would be essentially the same as for the Proposed Project. However, due to the increase in density, all other impacts associated with Alternative D would be greater than those associated with the Proposed Project.

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable adverse risks in determining whether to approve the project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse impacts may be considered acceptable.

Specificially, where the decision of a public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.

Project benefits are defined as those improvements or gains to the community that would not occur without the Proposed Project.

Project Benefits

The Deputy Advisory Agency finds that the following substantial benefits will occur as a result of approval of the Proposed Project:

1. the Proposed Project will bring 82 new for-sale housing units to a part of the City in need of new housing supply;

2. the Proposed Project will stabilize and put to productive use land that has been vacant since the occurrence of the Revello Landslide in 1965;

3. the Proposed Project will result in needed improvements to Tramonto Drive; and

4. the Proposed Project will improve the aesthetic character of the area by replacing two outdated apartment buildings with an attractive and well-designed condominium project and associated landscaping.

Statement of Overriding Considerations

The Deputy Advisory Agency hereby finds that approval of the Palisades Landmark

Condominium Project could result in significant unavoidable impacts related to private views, short-term noise, and traffic on residential streets. Implementation of the mitigation measures referenced in Sections 1.5 and 1.6, and incorporated as conditions of the tract's approval, would substantially reduce but not completely mitigate these significant effects.

The City of Los Angeles hereby finds that the unmitigable impacts associated with the Proposed Project are outweighed by the benefits of the Proposed Project, as described above, and therefore are acceptable.

1.9 MITIGATION MONITORING PROGRAM

The Deputy Advisory Agency hereby adopts the Mitigation Monitoring and Reporting Program for the Proposed Project, which is described in full in Section IV of the Final EIR for the Proposed Project, and is incorporated herein by this reference.

2.0 FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 52928, 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 IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

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

The adopted Brentwood-Pacific Palisades Community Plan designates the subject property for Low Medium II and Low Residential land uses with the corresponding zone(s) of RD1.5-1, RD2-1 and RE9-1. The property contains approximately 3.98 net acres (173,496 net square feet after required dedication) and is presently zoned RD2-1 and RE9-1. The proposed development of 82 residential condominium units is allowable under the current adopted zone and the land use designation.

The site is located in the Flood Plain Management Specific Plan area (flood hazard area/hillside area/mud prone area).

The project conforms with both the specific provisions and the intent of the Flood Plain Management Specific Plan (Section 5.13.4 of Ordinance 154,405)

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

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

DEVELOPMENT.

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

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

The project site is a 3.98 acre, sloping, irregular-shaped interior parcel with a frontage of approximately 157 feet on the south side of Tramonto Drive. The 82-unit condominium consist of several three and four story buildings over subterranean parking and with surface parking.

The subject site contains a portion of the Revello Landslide, which occurred in 1965 to the west and southwest of the existing on-site apartment buildings. Development of the site will repair the existing landslide and stabilize the site. The landslide debris will be removed down to bedrock and compacted fill will be placed on the bedrock which will be used as primary structural fill to support the proposed buildings.

Soldier piles would be required in order to support vertical excavations along the north, west, and south sides of the removal. These piles would be embedded into the bedrock below the base of the landslide. Additional piles along the upslope property line may also be required to support temporary vertical excavations to construct the required rear yard retaining walls.

The owner of the downslope property (17325 Castellammare Drive, also known as Related Project No. 4) has received City approval to develop a ~~21-unit~~ 29-unit condominium
complex and also plans to permanently stabilize and develop the toe of the Revello Landslide. Significant geotechnical impacts from the Revello Landslide would be mitigated to less than significant levels provided Condition Nos. 5 through 104 of the tract's approval are implemented.

The principal seismic hazard to the Proposed Project is strong ground shaking from earthquakes produced by local faults. The proposed construction would be consistent with all applicable provisions of the City of Los Angeles Building Code, as well as the seismic design criteria contained within the Uniform Building Code. It is likely that the project site will be shaken by future earthquakes produced in southern California.

Provided the Proposed Project and Related Project No. 4 (a proposed ~~21-unit~~ 29-unit condominium complex at 17325 Castellammare Drive that has been approved for construction by the City of Los Angeles) implement all of the slope stabilization techniques approved by the Department of Building and Safety, cumulative geology and soils impacts would be less than significant. In the event that Related Project No. 4 is not constructed, the stabilization measures for the Proposed Project would be adequate to stabilize the portion of the landslide located on the Project Site as the required slope stabilization improvements for each project are not co-dependent.

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

The Final EIR prepared for the project identifies potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset are concerned. Mitigation measures are required as part of this approval for significant environmental impacts, and the level of impact significance after mitigation is also identified. The Final EIR also identified significant unavoidable environmental impacts that can not be mitigated to a less than significant level.

A Statement of Environmental Effects, Findings, and Mitigation Measures; Statement of Overriding Considerations; and Mitigation Monitoring Program has been prepared for Vesting Tentative Tract 52928 (the "Proposed Project"). The Advisory Agency hereby finds that the unmitigable impacts associated with the Proposed Project are outweighed by the benefits of the Proposed Project, as described in Sections 1.6 through 1.9 above. Furthermore, the project site, as well as the surrounding area is presently developed with residential and commercial structures and does not provide a natural habitat for either fish or wildlife.

The project does not qualify for the De Minimis Exemption for Fish and Game fees (AB 3158). There are no known locally designated natural communities on the site or project vicinity. The proposed project would not result in the direct removal of, filling or hydrological interruption of a federally protected wetland as defined by Section 404 of the Clean Water Act. However, while no native bird species have been found on the site, Condition No. 119 requires that a field survey be completed by a qualified biologist prior to construction of site preparation to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present and sets forth conditions to protect any bird species if found.

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

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

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

(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS

WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

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

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

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

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

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

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

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

3.0 MELLO FINDINGS

The Mello Act (California Government Code Sections 65590and 65590.1) is a statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion and construction of housing units in California's Coastal Zone. All projects that consist of demolition, replacement, conversion, and/or constructions of one or more housing units located within the Coastal Zone in the City of Los Angeles must go through a Mello Act Compliance review.

This compliance review is required by the Mello Act, by the City's Interim Administrative procedures for Complying with the Mello Act (Interim Procedures), and by the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, the Barton Hill Neighborhood Organization and Carol Berman concerning implementation of the Mello Act in the coastal zone areas of the City of

Los Angeles.

The City's Interim procedures became effective on May 17, 2000. The Settlement Agreement became effective January 3, 2001.

Based upon the information submitted by the applicant/owner/developer for the construction of 82 condominium units, the proposed project is not eligible for any of the Mello Act automatic exemptions.

With respect to the existing apartment units to be demolished, the Los Angeles Housing Department declared on June 11, 2004 that there are NO affordable dwelling units on the project site. Therefore, the applicant/owner/developer is required to provide ZERO replacement affordable dwelling units on-site or within the coastal zone.

The Interim Procedures (IP) require an applicant for a new housing development to comply with Inclusionary Requirement Options (IP, Part 5.0). It affords an applicant one of two inclusionary options:

Option #1: reserve at least 20% of all residential units for Very Low or Low Income Households.

Option#2: reserve at least 10 percent of all residential units for Very Low Income Household.

Seniors or disabled persons who do not have a Very Low or Low Income are not eligible for New Housing inclusionary dwelling units.

Under the Interim Procedures (IP), these inclusionary requirements were applied to the 82 dwelling units approved. Thus, the subdivider is required to provide 16 units under Option #1 and 8 units under Option #2.

~~The subdivider must comply with IP procedures, Parts 7.3 (location, timing and design), 7.4 (Los Angeles Housing Department compliance check) and 7.5 (number of years units are income-restricted).~~

For the reasons set-forth below, the City Planning Commission concurred with the developer's position that providing the the required inclusionary units on-site was not feasible. The City Planning Commission supported the provision of net, new, affordable off-site units within the Coastal Zone or within 3 miles of the Coastal Zone.

The Mello Act states:

New housing developments constructed within the coastal zone shall, *where feasible*, provide housing units for persons and families of low or moderate income... Where it is *not feasible* to provide these housing units in a proposed new housing development, the local government shall require the developer to provide such housing, if feasible to do so, at another location...

Cal. Gov't Code § 65590(d) (emphasis added).

The Mello Act further provides that "feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors." Cal. Gov't Code § 65590 (g)(3).

After thorough consideration of these specifically enumerated factors, the City Planning Commission finds that locating affordable-accessible units on the Subject Property is not "feasible," as defined by the applicable statute.

1. Economic Factors

It is estimated that setting aside units for sale to very-low-income households would cost the Subdivider approximately $7 million. (For example, current Los Angeles Housing Department guidelines suggest the Subdivider would be required to sell VLI units within the Project for approximately $50,000 each, compared with a market price for those same units of approximately $900,000; the Subdivder would thus forego $850,000 in connection with the sale of each of eight VLI units.) At least a portion of this cost would normally be recouped by building up to 28 density-bonus units on-site. However, as discussed below, environmental, social, and technical considerations and constraints generally make it infeasible for the Subdivider to construct more than 82 condominium units on the Subject Property, and the Subdivider's development of affordable-accessible units would not be otherwise subsidized.

Additionally, given that any on-site affordable-accessible units would need to pay their fair share of homeowners' association dues (which the Subdivider estimates would be $1200 per unit, per month, or $14,400 per year), on-site affordable-accessible units would not be economically feasible from the vantage point of prospective low-income purchasers. Locating the affordable-accessible units off-site and thereby avoiding steep HOA dues will thus ease the financial burden on low-income purchasers.

2. Environmental Factors

Providing the prescribed numbers of LI or VLI units would entitle the Subdivider to develop an additional 28 units on-site as a density bonus, pursuant to state and local zoning laws. However, intensifying the use of the Subject Property by increasing the number of units in the Project would increase the severity of nearly all of the potential adverse impacts that were identified and analyzed in the extensive Environmental Impact Report ("EIR") for the Project.

a. Traffic: More dwelling units means more traffic. While the City Planning Commission has found that the traffic generated by the 82-unit Project can be mitigated to a level of insignificance (for study intersections and traffic hazards), it is likely that the traffic impacts associated with a larger project (that includes density bonus units) could not be similarly mitigated. The City Planning

Commission has also found that traffic impacts on residential streets (Tramonto and Los Liones) cannot be reduced to a level of insignificance. Such impacts would likely be exacerbated by the inclusion of additional dwelling units.

b. Views/Visual Resources: The project is designed so as to preserve and protect existing views. Including additional density bonus units will increase the height and massing of the project so that these views would be negatively impacted or lost altogether. Additional units would also produce additional nighttime lighting and daytime glare.

3. Technical Factors

The Project is situated in the heart of the area decimated by the 1965 Revello Landslide, the repair and stabilization of which is likely to be technically challenging and extraordinarily expensive. The Subdivider's geotechnical consultant has designed a state-of-the art solution that essentially involves the removal and re-compaction of significant portions of the slide area, which will ensure the safety of its Project and dramatically improve the safety of neighboring properties as well.

However, locating an additional 28 density-bonus units (and associated automobiles, which will necessitate construction of an additional subterranean parking garage) on the Subject Property would require major revisions to the approved geotechnical reports and may require new or different engineering solutions (to compensate for additional weight and stress) that would complicate the Subdivider's stabilization plan and significantly increase development costs.

4. Likelihood of Significant Delay

Locating an additional 28 units on the Subject Property will significantly increase the duration of the development process insofar as it will take approximately 6 months for architectural revisions, 6 months for geotechnical program revisions, 12 or more months for additional environmental review, 12 or more months for processing of revised subdivision applications, and 6 months of additional construction time, for a total delay of between 12 and 18 months. The City Planning Commission finds that locating an additional 28 units on-site cannot be accomplished within a "reasonable period of time" as contemplated by the Mello Act.

5. Authorization to Provide Affordable-Accessible Units Off-Site

In light of the economic, environmental, social, technical and practical timing considerations discussed above, the City Planning Commission finds it would not be "feasible" for purposes of the Mello Act to provide affordable-accessible units on the Subject Property. Therefore, in accordance with Cal. Gov't Code § 65590(d), and Section 7.3.1 of the City's Interim Procedures, the City Planning Commission find it necessary to allow the Subdivider to instead provide the above-prescribed number of affordable-accessible units on another property within the Coastal Zone or within three miles of the Coastal Zone.

The City Planning Commission further concluded that to ensure that the developer fulfills

this obligation; and to ensure the feasibility of the Subdivider's provision of affordable-accessible units, it is necessary to require that the off-site affordable units be placed in service (i.e. either rented or issuance of a Certificate of Occupancy) prior to the issuance of a Temporary or Final Certificate of Occupancy for the 55th on-site market rate unit so that the Subdivider is able to cover at least a portion of the costs of providing off-site affordable-accessible units by first selling some of the on-site market-rate units.

The City Planning Commission also finds it necessary in this instance to require that the affordable units be maintained as rental units. Condition No. 118 of the Tract's approval requires that the LI or VLI Inclusionary Units be maintained as rental units for at least 30 years. There is evidence that monitoring and enforcement of the sale and resale of the LI or VLI units has been problematic with other projects and has resulted in the purchase or resale of the LI or VLI units by a non-eligible household. An alternative to sell the LI or VLI units to a non-profit organization who in turn would sell the VLI units to an eligible LI or VLI household has previously been evaluated and was determined to present practical problems with respect to the readiness or ability by a non-profit to acquire the units. Therefore, maintaining the LI or VLI condominium units as rental units provides the best chance that the units will be used for their intended purpose.

Los Angeles City Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300
Website: http://www.lacity.org/pln/index.htm

Mailing Date: JAN 1 8 2005

Council District: 11
Plan Area: Brentwood-Pacific Palisades
Zone: RE9-1 and RD2-1
District Map: 126B 117

Case No.: Vesting Tentative Tract No. 52928-1A
CEQA: ENV-2000-2696-EIR
Location: 17331 & 17333 Tramonto Drive

Applicant: Palisades Landmark, LLC

Appellant: 1) Castellammare Mesa Homeowners Association; 2) Alice Beagles, William and Sylvia Grieb and Janet Commeau; 3) Thomas Stewart; 4) Pacific Palisades Residents Association; 5) Ken Kahan (Palisades Landmark, LLC).

At its meeting of November 4, 2004, the City Planning Commission took the following action:

Denied the appeals filed by 1) Castellammare Mesa Homeowners Association; 2) Alice Beagles, William and Sylvia Grieb and Janet Commeau; 3) Thomas Stewart; 4) Pacific Palisades Residents Association.

Granted the appeal in part filed by Ken Kahan (Palisades Landmark, LLC) and sustained the decision of the Advisory Agency in part.

Approved a Vesting Tentative Tract No. 52928 for the proposed construction, use and maintenance of a 82-unit condominium project.

Approved the attached **modified** Conditions of Approval.

Adopted ENV-2000-2696-EIR.

Adopted the amended Finding.

This action was taken by the following vote:

Moved:	Burg
Seconded:	Mahdesian
Ayes:	Atkinson, Chang, Cardenas, George, Mindlin, Schiff
Vote:	**8-0**

Gabriele Williams, Commission Executive Assistant II
City Planning Commission

Attachment(s): Modified Conditions and Amended Findings

c: Notification List

EFFECTIVE DATE / APPEALS:

The City Planning Commission's action on the Tentative Tract appeal takes place on the day of the meeting unless the Commission orally indicated otherwise. Any appeal to the City Council must be filed 10 days after the orally stated action of the Commission. The Commission action was final on November 4, 2004, unless an appeal was filed within the 10-day appeal period. Appeals must be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at www.lacity.org/pln.

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 90th day following the date on which the City's decision becomes final.

walls.

i. Where not in conflict with the above, the recommendations contained in the J. Byer Group, Inc.'s reports dated August 16, 2000, September 22, 2000, November 29, 2000, June 29, 2001, August 28, 2001 and October 2, 2001 by the consulting engineering geologists and civil/geotechnical engineers, Jon A. Irvine CEG 1691/RCE 55005 and Robert I. Zweigler CEG 1210/GE 2120, shall be implemented.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

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 following requirements and conditions:

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

6. The areas to receive compacted fill shall be prepared by removing all vegetation, debris, existing fill, soil, colluvium and slide debris. The exposed excavated area shall be observed by the soils engineer or geologist prior to placing compacted fill. The exposed grade shall be scarified to a depth of six inches, moistened to optimum moisture content, and recompacted to 90 percent of the maximum density.

7. The proposed building site for buildings 1 and 2 shall be excavated to a minimum depth of 10 feet below the bottom of all footings. The excavation shall extend a minimum of 10 feet beyond the building footprint. The excavated areas shall be observed by the soils engineer or geologist prior to placing compacted fill.

8. Fill, consisting of soil approved by the soils engineer, shall be placed in horizontal lifts and compacted in six-inch layers with suitable compaction equipment. The excavated on-site materials are considered satisfactory for reuse in the controlled fills. Any imported fill shall be observed by the soils engineer prior to use in fill areas. Rocks larger than six inches in diameter shall not be used in the fill.

9. The fill shall be compacted to at least 90 percent of the maximum laboratory density for the material used. The maximum density shall be determined by American Society for Testing and Materials (ASTM) D 1557-91 or equivalent.

10. Field observation and testing shall be performed by the soils engineer during grading to assist the contractor in obtaining the required degree of compaction and the proper moisture content. Where compaction is less than required, additional compactive effort shall be made with adjustment of the moisture content, as necessary, until 90 percent compaction is obtained. One compaction test is required for each 500 cubic yards or two vertical feet of fill placed.

11. Compacted fill slopes may be constructed at a 2:1 gradient and shall be keyed and benched into bedrock or supported laterally with retaining walls or soldier piles.

12. A subdrain system is recommended at the back of the proposed repair. The subdrain shall consist of an eight inch perforated pipe surrounded by five cubic feet of gravel per foot of subdrain. Gravel ?chimney? drains are recommended along the uphill sides of the repair. The gravel chimney drains shall consist of a 12 inch wide strip of 34 inch gravel placed between the compacted fill and the shored excavation. The chimney drains shall have hydraulic connectivity to the main subdrain.

13. In the event a hard cemented layer is encountered during foundation excavation, coring or the use of jackhammers may be necessary. Groundwater and caving zones may also be encountered in soldier pile excavations. Casing and/or drilling muds may be required shall caving zones be encountered.

14. Continuous and/or pad footings may be used to support the proposed buildings and garage retaining walls provided they are founded in bedrock, approved compacted fill (buildings 1 and 2) or alluvial terrace. Continuous footings shall be a minimum of 12 inches in width. Pad footings shall be a minimum of 24 inches square.

15. Increases in the bearing values of the compacted fill, terrace and bedrock are allowable at a rate of 20 percent for each additional foot of footing width or depth to a maximum of 3,000 pounds per square foot for the fill and terrace and 6,000 pounds per square foot for the bedrock. For bearing calculations, the weight of the concrete in the footing may be neglected.

16. The bearing values shown above are for the total of dead and frequently applied live loads and may be increased by one third for short duration loading, which includes the effects of wind or seismic forces. When combining passive and friction for lateral resistance, the passive component shall be reduced by one third.

17. All continuous footings shall be reinforced with a minimum of four #4 steel bars; two placed near the top and two near the bottom of the footings. Footings shall be cleaned of all loose soil, moistened, free of shrinkage cracks and approved by the geologist prior to placing forms, steel or concrete.

18. Drilled, cast in place concrete friction piles are recommended to support portions of the proposed buildings located over deep fill and adjacent to slopes to achieve the required slope setbacks. Also, piles are recommended to support the southern portion of Building 2 below the 1:1 setback plane. Piles shall be a minimum of 24 inches in diameter and a minimum of eight feet into bedrock or eight feet into fill below the setback plane. Piles may be assumed fixed at three feet into bedrock or three feet into fill below the setback plane. The piles may be designed for a skin friction of 700 and 500 pounds per square foot for that portion of pile in contact with the bedrock and compacted fill, respectively. All piles shall be tied in two horizontal directions with grade beams.

19. The existing fill and soil on the site are subject to downhill creep. Pile shafts are subject to lateral loads due to the creep forces. Pile shafts shall be designed for a lateral load of 1,000 pounds per linear foot for each foot of shaft exposed to the existing fill and soil. Friction piles supporting the portion of Building 2 within the foundation zone shall be designed for an arbitrary creep force of 5 kips, with a point of application at the ground surface.

20. The friction values are for the total of dead and frequently applied live loads and may be increased by one third for short duration loading, which includes the effects of wind or seismic forces. Resistance to lateral loading may be provided by passive earth pressure within the bedrock.

21. Passive earth pressure may be computed as an equivalent fluid having a density of 380 pounds per cubic foot. The maximum allowable earth pressure is 6,000 pounds per square foot. For design of isolated piles, the allowable passive and maximum earth pressures may be increased by 100 percent. Piles spaced more than 2 ½ pile diameters on center may be considered isolated.

22. Settlement of the foundation system is expected to occur on initial application of loading. A settlement of one-quarter to one-half inch may be anticipated. Differential settlement shall not exceed one-quarter inch.

23. The Building Code requires that foundations be a sufficient depth to provide horizontal setback from a descending slope steeper than 3:1. The required setback is ½ the height of the slope with a minimum of five feet and a maximum of 40 feet measured horizontally from the base of the foundation to the slope face.

24. The Building Code requires a level yard setback between the toe of an ascending slope and the rear wall of the proposed structure of one half the slope height to a maximum 15 feet clearance for slopes steeper than 3:1. For retained slopes, the face of the retaining wall is considered the toe of the slope.

25. Cantilevered retaining walls up to 15 feet high, supporting compacted fill with backslopes between level and 2:1 may be designed for an equivalent fluid pressure of 43 pounds per cubic foot. Cantilevered retaining walls higher than 15 feet will require specific calculations based upon the backslope and surcharge conditions. Restrained basement and parking garage walls, where wall deflection is limited, shall be designed for a pressure of 30H, where H is the height of the restrained wall in feet. Retaining walls shall be provided with a subdrain or weepholes covered with a minimum of 12 inches of 34 inch crushed gravel.

26. Retaining wall backfill shall be compacted to a minimum of 90 percent of the maximum density as determined by ASTM D 1557-91, or equivalent. Where access between the retaining wall and the temporary excavation prevents the use of compaction equipment, retaining walls shall be backfilled with 34 inch crushed gravel to within two feet of the ground surface. Where the area between the wall and the excavation exceeds 18 inches, the gravel must be vibrated or wheel-rolled, and tested

for compaction. The upper two feet of backfill above the gravel shall consist of a compacted fill blanket to the surface. Retaining wall backfill shall be capped with a paved surface drain.

27. Retaining wall footings may be sized per the "Deepened" and "Spread Footings" mitigation measures listed above.

28. Retaining walls surcharged by a sloping condition shall be provided freeboard for slough protection. For manufactured 2:1 slopes, a minimum of 12 inches of freeboard is recommended. For retaining walls supporting existing or natural slopes, the recommended freeboard is 18 inches. An open "V" drain shall be placed behind the wall so that all upslope flows are directed around the structure to the street or approved location.

29. Soldier piles are recommended as part of the stabilization plan to support the compacted fill laterally and to increase the safety factor. Southeast facing vertical excavations are not recommended in the slide debris. All southeast facing excavations in the slide debris shall be trimmed to 1:1 or along other flatter planes of weakness. Non-southeast facing temporary excavations in the slide debris may be created vertically up to five feet high. Where non-southeast facing vertical excavations in the slide debris exceed five feet in height, the upper portion shall be trimmed to 1:1(45 degrees). Northeast-facing excavations in the bedrock will weaken bedding in the down-dip direction. Northeast-facing excavations shall be trimmed to 1:1, or shored.

30. Soldier piles will be required to support temporary excavations and the landslide along the uphill property line and to support offsite properties. Soldier piles will also be required to support excavations along the downhill (southern) property line. Soldier piles shall be spaced a maximum of 10 feet on center. 1 setback plane, or below the base of the excavation, whichever is deeper.

31. The temporary load on soldier piles P1 through P10 is 170 kips per foot. From P17 to P35, the recommended design force is 145 kips per foot. Between piles P10 and P17, the design force shall decrease linearly from 170 to 145 kips per foot. The point of application is assumed to be 1/3 the retained height of the pile. Piles P1 through P35 shall be embedded in the bedrock below the base of the slide.

32. Piles P36 through 40 shall be founded below a 1 ½ : 1 plane projected up from the base of the slide. The recommended design equivalent fluid pressure is 65 pounds per cubic foot for the portion of the pile between the ground surface and the1 ½: 1 setback plane. Piles along the upslope property line may also be utilized to support temporary vertical excavations to construct the required rear yard retaining walls.

33. Due to the large forces and high retaining heights, cantilevered piles may not be feasible. Bracing, rakers, tie-back anchors, and additional row(s) of soldier piles, may be used to assist the property line retaining walls. Slopes may be trimmed offsite to reduce the heights of shored excavations with permission from the offsite property

owner. The installation of tie-back anchors offsite will also require permission from the offsite property owner.

34. Resistance to lateral loading may be provided by passive earth pressure within the bedrock. Passive earth pressure may be computed as an equivalent fluid having a density of 380 pounds per cubic foot. The maximum allowable earth pressure is 6,000 pounds per square foot. For design of isolated piles, the allowable passive and maximum earth pressures may be increased by 100 percent. Piles spaced more than 2 ½ pile diameters on center may be considered isolated.

35. Tie-back earth anchors may be used to assist the soldier piles in resisting the lateral loads. Either friction anchors or belied anchors may be used.

36. For design purposes, the active wedge within the slide debris is defined by the base of the slide as shown in the cross sections. For earth anchors remote to the slide, it is assumed that the active wedge adjacent to the shoring is defined by a plane drawn at 35 degrees with the vertical through the bottom of the excavation. Friction anchors shall extend at least 25 feet beyond the potential active wedge, or to a greater length if necessary to develop the desired capacities.

37. The capacities of the anchors shall be determined by testing of the initial anchors. For preliminary design purposes, it is estimated that drilled friction anchors will develop an average value of 400 pounds per square foot. Only the frictional resistance developed beyond the active wedge shall be considered in resisting lateral loads. If the anchors are spaced at least six feet on center, no reduction in the capacity of the anchors need be considered due to group action.

38. The frictional resistance between the soldier piles and the retained earth may be used in resisting a portion of the downward component of the anchor load. The coefficient of friction between the soldier piles and the retained earth may be taken as 0.35. In addition, the soldier piles below the excavated level may be used to resist downward loads. The downward frictional resistance between the concrete soldier piles and the soils below the excavated level may be taken as equal to 700 pounds per square foot.

39. The anchors may be installed at angles of 20 to 40 degrees below the horizontal. Caving and sloughing of the anchor hole shall be anticipated and provisions made to minimize such caving and sloughing. Groundwater and seeps should be anticipated for anchors drilled within the slide debris. The anchors shall be filled with concrete placed by pumping through the auger from the tip out, and the concrete shall extend from the tip of the anchor to the active wedge. To minimize chances of caving and sloughing, that portion of the anchor shaft within the active wedge shall be backfilled with sand before testing the anchor. This portion of the shaft shall be filled tightly and flush with the face of the excavation. The sand backfill shall be placed by pumping; the sand may contain a small amount of cement to facilitate pumping.

40. A representative of J. Byer Group shall select at least eight of the initial anchors for a 24-hour 200% test and eight additional anchors for quick 200% tests. The anchors

shall be tested to develop twice the assumed friction value. Anchor rods of sufficient strength shall be installed in these anchors to support the 200 percent test loading. Where satisfactory tests are not achieved on the initial anchors, the anchor diameter and/or length shall be increased until satisfactory test results are obtained. The total deflection during the 24-hour 200% test shall not exceed 12 inches. During the 24-hour test, the anchor deflection shall not exceed 0.75 inch measured after the 200% test load is applied. If the anchor movement after the 200% load has been applied for 12 hours is less than 0.5 inch, and the movement over the previous four hours has been less than 0.1 inch, the 24-hour test may be terminated.

41. For the quick 200% tests, the 200% test load shall be maintained for 30 minutes. The total deflection of the anchor during the 200% quick tests shall not exceed 12 inches; the deflection after the 200% test load has been applied shall not exceed 0.25 inch during the 30-minute period.

42. All of the anchors shall be pretested to at least 150% of the design load; the total deflection during the test shall not exceed 12 inches. The rate of creep under the 150% test shall not exceed 0.1 inch over a 15-minute period for the anchor to be approved for the design loading.

43. After a satisfactory test, each anchor shall be locked-off at the design load. The locked-off load shall be verified by rechecking the load in the anchor. If the locked-off load varies by more than 10% from the design load, the load shall be resent until the anchor is locked-off within 10% of the design load.

44. The installation of the anchors and the testing of the completed anchors shall be observed by the J. Byer Group.

45. Continuous lagging is anticipated for shoring piles supporting slide debris. The soldier piles shall be designed for the full anticipated lateral pressure. However, the pressure on the lagging will be less due to arching in the soils. Lagging shall be designed for the recommended earth pressure, but may be limited to a maximum value of 400 pounds per square foot.

46. Rakers may be used to internally brace the soldier piles. The raker bracing could be supported laterally by temporary concrete footings (deadmen) or by the permanent interior footings. For design of temporary footings or deadmen, poured with the bearing surface normal to rakers inclined at 45 degrees, a bearing value of 4,000 pounds per square foot may be used, provided the shallowest point of the footing is at least one foot below the lowest adjacent grade.

47. Some deflection of the shored embankment shall be anticipated. If excessive deflection occurs during construction, additional bracing may be necessary to minimize deflection. If desired to reduce the deflection of the shoring, a greater active pressure could be used in the shoring design. Monitoring of the performance of the shoring system is recommended. The monitoring shall consist of periodic surveying of the lateral and vertical locations of the tops of all the soldier piles. Also, some

means of periodically checking the load on selected anchors may be necessary.

48. The geologist shall be present during grading to see temporary slopes. All excavations shall be stabilized within 30 days of initial excavation. Water shall not be allowed to pond on top of the excavations or to flow toward it. No vehicular surcharge shall be allowed within three feet of the top of the cut.

49. Concrete floor slabs and concrete decking shall be cast over bedrock or approved compacted fill and reinforced with a minimum of #4 bars on 16 inch centers, each way. Slabs which will be provided with a floor covering shall be protected by a polyethylene plastic vapor barrier. The barrier shall be covered with a thin layer of sand, about one inch, to prevent punctures and aid in the concrete cure.

50. Decking which caps a retaining wall shall be provided with a flexible joint to allow for the normal one to two percent deflection of the retaining wall. Decking which does not cap a retaining wall shall not be tied to the wall. The space between the wall and the deck will require periodic caulking to prevent moisture intrusion into the retaining wall backfill.

51. It shall be noted that cracking of concrete floor slabs is very common during curing. The cracking occurs because concrete shrinks as it dries. Crack control joints which are commonly used in exterior decking to control such cracking are normally not used in interior slabs. The reinforcement recommended above is intended to reduce cracking and its proper placement is critical to the slab's performance. The minor shrinkage cracks which often form in interior slabs generally do not present a problem when carpeting, linoleum, or wood floor coverings are used. The slab cracks can, however, lead to surface cracks in brittle floor coverings such as

    ceramic tile. A mortar bed or slip sheet is recommended between the slab and tile to limit, the potential for cracking.

52. Paving shall be placed over bedrock, terrace, or approved compacted fill. Base course shall be compacted to at least 95 percent of the maximum dry density. Trench backfill below paving shall be compacted to 90 percent of the maximum dry density. Irrigation water shall be prevented from migrating under paving.

53. Roof gutters are recommended for the proposed structures. Pad and roof drainage shall be collected and transferred to the street or approved location in non-erosive drainage devices. Drainage shall not be allowed to pond on the pad or against any foundation or retaining wall. Drainage shall not be allowed to flow uncontrolled over any descending slope. Planters located within retaining wall backfill shall be sealed to prevent moisture intrusion into the backfill. Planters located next to raised floor type construction shall be sealed to the depth of the footings. Drainage control devices require periodic cleaning, testing and maintenance to remain effective.

54. Interior and exterior retaining walls are subject to moisture intrusion, seepage, and leakage and shall be waterproofed. Waterproofing paints, compounds, or sheeting

can be effective if properly installed. Equally important is the use of a subdrain that daylights to the atmosphere. The subdrain shall be covered with 34 inch crushed gravel to help the collection of water. Yard areas above the wall shall be sealed or properly drained to prevent moisture contact with the wall or saturation of wall backfill.

55. Construction of raised floor buildings where the grade under the floor has been lowered for joist clearance can also lead to moisture problems. Surface moisture can seep through the footing and pond in the underfloor area. Positive drainage away from the footings, waterproofing the footings, compaction of trench backfill and subdrains can help to reduce moisture intrusion.

56. Formal plans ready for submittal to the Building Department shall be reviewed by The J. Byer Group. Any change in scope of the project may require additional work.

57. The Building Department requires that the geotechnical company provide site observations during construction. The observations include foundation excavations, tie-back excavations, shoring piles, keyways for fill, benching, and temporary slopes. All fill that is placed shall be tested for compaction and approved by the soils engineer prior to use for support of engineered structures. The City of Los Angeles requires that all retaining wall subdrains be observed by a representative of the geotechnical company and the City Inspector.

58. The J. Byer Group, Inc. shall be advised at least 24 hours prior to any required site visit. The agency approved plans and permits shall be at the jobsite and available to the J. Byer Group. The project consultant will perform the observation and post a notice at the jobsite of their visit and findings. This notice shall be given to the agency inspector.

59. Final geologic and soils engineering reports shall be prepared upon completion of the grading and shall be approved by the City Department of Building and Safety.

60. It is the responsibility of the contractor to maintain a safe construction site. When excavations exist on a site, the area shall be fenced and warning signs posted. All pile excavations must be properly covered and secured. Soil generated by foundation and subgrade excavations shall be either removed from the site or properly placed as a certified compacted fill. Soil must not be spilled over any descending slope. Workers shall not be allowed to enter any unshored trench excavations over five feet deep.

61. Prior to the recordation of the final map, a grading permit shall be obtained from the Department of Building and Safety.

62. Prior to issuance of a permit, the owners shall record a sworn affidavit with the Office of the County Recorder which attests to their knowledge that the western portion of the site (buildings 1 & 2) will still be bordered by active landslide on three sides after the completion of the development, and that they are aware of the potential for debris to collect behind the rear property line wall and the western property line wall,

affecting the surface drain system, and that there is the potential for the landslide to remove support from the lower property line which could require the future construction of walls between the piles to provide support, and that the owner and future homeowners association agrees to assume the responsibility to keep the surface drain system behind the retaining walls clear of debris, to take responsibility for any future maintenance/repairs, and to inform all future owners of these conditions. The owner and future homeowners association shall provide proof of compliance with this mitigation measure to the Department of Building and Safety on an annual basis.

63. All existing landslide debris shall be removed and replaced as certified compacted fill, as recommended.

64. The following piles shall be designed for a minimum thrust, times pile spacing, as recommended:

- Piles P1 to P10 - 175 Kips
- Piles P11 to P17 - decreasing from 175 to 145 Kips
- Piles P17 to P35 - 145 Kips
- Piles P36 to P40 and all other pile supported retaining wall structures shall be designed for a minimum EFP of 65 PCF and 30 PCF, respectively, times pile spacing, as recommended.

65. Piles P1 through P40 shall be designed so that the deflection at the top of the piles is a maximum of 1 (one) inch as recommended.

66. Pile(s) supporting Building 2 shall derive support from below the 1:1 set back plane projected up from the bottom of the fill along the southern property line. Also, the piles shall be embedded a minimum of 8 feet into bedrock or compacted fill, as recommended.

67. The structures shall be supported entirely either on compacted fill or bedrock.

68. Seismic design shall be based on Soil Profile Type Sc, as recommended.

69. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.

70. The soils engineer shall review and approve the shoring plans prior to issuance of the permit. Installation of shoring shall be performed under the continuous inspection and approval of the soils engineer.

71. Pile shafts shall be designed for a lateral load of 1000 pounds per linear foot of shaft exposed to the existing fill, soil and weathered bedrock. Friction piles supporting the portion of building 2 shall be designed for a minimum of 5 kips creep, with a point of application at the ground surface, as recommended.

72. The pile excavations shall be logged by the geologist to verify that the geologic conditions are not different than presented in the reports; the data shall be submitted to the Department prior to beginning the grading of the landslide.

73. All friction pile drilling and installation shall be performed under the continuous inspection and approval of the soils engineer.

74. The grading of the landslide shall not begin until it is verified that groundwater levels are below the bottom of the landslide. Additionally, the grading of the landslide shall not begin unless there is adequate time to complete the grading before the start of the rainy season.

75. A minimum of ten feet of freeboard shall be provided along the northern property line, above soldier pile Nos. P17 to P29; the freeboard shall be designed for a minimum EFP of 65 pcf, as recommended. The freeboard shall also be extended along the western property line.

76. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation.

77. A registered grading deputy inspector approved by and responsible to the project geotechnical engineer shall be required to provide continuous inspection for the proposed shoring.

78. Tie-backs are currently not proposed or approved.

79. Subdrain systems shall be installed between the soldier piles in the landslide and along the bottom of the landslide removal. A minimum of three continuous drains shall be provided beneath the proposed fill, as shown on the cross-sections in the reports and a continuous drain shall be provided at the bottom of the fill along the western property line. The water from the subdrain systems shall be conducted by gravity flow to an acceptable location at Castellammare Drive.

80. The 20-foot-wide strip of the property that extends up from Castellammare Drive shall be stabilized, as recommended in the reports.

81. All new slopes shall be no steeper than 2:1.

82. Adequate temporary erosion control devices acceptable to the Department, and if applicable the Department of Public Works, shall be provided and maintained during the rainy season.

83. All recommendations of the reports dated 08/16/00, 11/29/00, 06/29/01, 08/28/01 and

10/02/01, prepared by Jon Irvine (CEG 1691, RCE 55005) of the J. Byer Group, which are in addition or more restrictive than the conditions contained herein shall be incorporated into the plans.

84. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety.

85. A grading permit shall be secured and a grading bond posted.

86. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.

87. The geologist and soil engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading.

88. Any recommendations prepared by the consulting geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Department for approval prior to utilization in the field.

89. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557; or 95 percent where less than 15 perfect fines passes 0.005mm.

90. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill.

91. All roof and pad drainage shall be conducted to the street in an acceptable manner.

92. Retaining walls shall be designed for a minimum EFP as specified on page 28 of the report dated 08/16/2000.

93. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device.

94. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind retaining walls shall be approved by the soils engineer and accepted by the Department. Installation of the subdrainage system shall be inspected and approved by the soils engineer and by the City grading inspector.

95. Footings adjacent to a descending slope steeper than 3:1 in gradient shall be located a distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the face of the slope.

96. Buildings adjacent to ascending slopes shall be set back from the toe of the slope a level distance equal to one half the vertical height of the slope, but need not exceed 15 feet in accordance with Code Section 91.1806.5.2.

97. Pile caisson and/or isolated foundation ties are required by Code Section 91.1807.2

    Exceptions and medication to this requirement are provided in Rule of General Application 662.

98. For grading involving import or export of more than 1000 cubic yards of earth materials within the grading hillside area, approval is required by the Board of Building and Safety. Application for approval of the haul route must be filed with the Grading Section. Processing time for application is approximately 8 weeks to hearing plus 10-day appeal period.

99. Prior to the placing of compacted fill, a representative of the consulting Soils Engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the City Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be filed with the Department upon completion of the work. The fill shall be placed under the inspection and approval of the Foundation Engineer. A compaction report shall be submitted to the Department upon completion of the compaction.

100. The consulting geologist shall periodically inspect the grading and upon completion submit a final report stating that the completed work complies with his recommendations. Geological data shall be obtained from grading exposure, particularly at back slope cuts for fills and buttress and on cut surfaces. This data shall be presented on a final geological map and as-graded plan.

101. Prior to the pouring of concrete, a representative of the consulting Soil Engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work.

102. When water over 3 inches in depth is present in drilled pile holes, a concrete mix with a strength pounds per square inch (p.s.i.) of 1000 over the design p.s.i. shall be trimmed from the bottom up; an admixture that reduces the problem of segregation of paste/aggregates and dilution of paste shall be included.

103. The dwellings shall be connected to the public sewer system.

104. Prior to excavation, an initial inspection shall be called at which time sequence of shoring, protection fences, and dust and traffic control will be scheduled.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

105. 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. Obtain permit for demolition or removal of all existing structures. Provide copy of demolition permit and signed inspection card to show completion of work.

- Note: The District Map notes a 10' and 20' underground Public Utility Easement crossing three proposed buildings.

106. Conduct pre-construction assessments for ACMs. **Prior to the issuance of the demolition permit**, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACMs are present in the building. If ACMs are found to be present, they will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

DEPARTMENT OF TRANSPORTATION

107. The project applicant shall, at his own expense and to the satisfaction of the Department of Transportation and the Department of Public Works:

- remove any existing vegetation within the right-of-way between the roadway edge and the property line along the convex curve of Tramonto Drive, approximately eighty feet arc length, in the vicinity of the project driveway; and

- install a permanent aesthetic surface or material along this portion of the roadway that prevents the growth of vegetation within this right-of-way.

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

109. DOT approval shall be accomplished by submitting detailed site/driveway plans at a scale of 1" = 40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Avenue, Los Angeles, 90045.

FIRE DEPARTMENT

110. 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 Tentative Tract Action.

b. 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;

c. Construction of a private roadway in the proposed development shall not exceed 15 percent in grade;

d. Private roadway development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan D-22549;

e. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width;

f. Fire lanes, where required, and dead-ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be more than 700 feet in length or secondary access shall be required.

g. 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;

h. All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner?s expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code;

i. Standard cut-corners will be used on all turns;

j. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance, or exit of individual units;

k. The entrance or exit of all ground floor apartment units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane;

l. 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;

m. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet;

n. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.

o. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined by the Fire Department.

p. The project shall be equipped with an automatic sprinkler system to the satisfaction of the Los Angeles Fire Department.

DEPARTMENT OF WATER AND POWER

111. 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

112. Street light improvements shall be made to the satisfaction of the Bureau of Street Lighting and/or the following street lighting improvements shall be required. (This condition shall be deemed cleared at the time the City Engineer clears Condition S-3. (c).). 1 Street Light shall be required on Tramonto Drive.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY AGENCY

114. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the Los Angeles Municipal Code Section 17.05N. Written evidence of such arrangements

must be submitted to the Information Technology Agency, 120 S. San Pedro Street, Room 600, Los Angeles, CA 90012, (213) 485-7969.

DEPARTMENT OF RECREATION AND PARKS

115. That the Quimby fee be based on the RD2 Zone.

STREET TREE DIVISION AND THE DEPARTMENT OF CITY PLANNING

116. Prior to the issuance of a grading 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 Department of City Planning and the Street Tree Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Street Tree Division standards.

The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency.

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Street Tree Division at: 213-485-5675. Failure to comply with this condition as written shall require the filing of a modification to this Tentative Tract in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

117. 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 82 dwelling units.

b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit. In addition, ½ guest parking space per dwelling unit shall be provided (3 of which shall be exclusively reserved for use by the adjoining Ocean Wood Terrace Condominiums). All guest spaces shall be readily accessible, conveniently located and specifically reserved for guest parking.

If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.
In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for

review and approval by the Department of City Planning (200 No. Spring Street, Room 763).

c. 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 along the northerly side of the property.

d. Install within the project an air filtration system (either charcoal or electronic) to reduce the air quality effects on the proposed residents.

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

118. ~~VERY-LOW OR LOW INCOME CONDOMINIUM UNITS~~ OFF-SITE AFFORDABLE UNITS: Prior to the Recordation of the Final Map, or prior to the issuance of a building permit, the subdivider shall ~~execute and record a covenant and agreement (Planning Department Form CP-6770) satisfactory to the Department of City Planning and the Housing Department, binding the applicant or any subsequent property owner, heirs, or assigns to:~~ submit an Affordable Housing Provision Plan approved by the Los Angeles Housing Department, for the required Inclusionary Residential Units to be provided off-site as rental units.

a. ~~designate and maintain (including rent schedule) 16 condominium units (20% of the 82 identified new whole dwelling units) as Very-Low Income (VLI) or Low Income (LI) affordable accessible rental dwelling units as defined in LAMC Section 12.22 A 25(b);~~

~~OR~~

~~designate and maintain 8 condominium units (10% of the 82 identified new whole dwelling units) for Very Low Income (VLI) affordable accessible rental dwelling units as defined in LAMC Section 12.22 A 25(b).~~

The Plan shall provide either: eight (8) Very Low Income affordable units; OR sixteen (16) Low Income or Very Low Income affordable units.

b. ~~execute and record, prior to the issuance of any building permit for the subject property by the Department of Building and Safety, a covenant and agreement, in a manner approved by the Housing Department, guaranteeing that the designated affordable accessible dwelling units shall be reserved for~~

~~occupancy by eligible households for at least 30 years from the issuance of a Certificate(s) of Occupancy for the affordable accessible dwelling units. A copy of the recorded Covenant and Agreement approved by the Housing Department shall be placed in the tract file, and~~

The subdivider shall record a Covenant and Agreement (Planning Department General Form CP-6770) binding the subdivider to place the required off-site units in service (i.e. either rented or issuance of a Certificate of Occupancy) prior to the issuance of a Temporary or Final Certificate of Occupancy for the 55th on-site market rate unit.

To be cleared by City Planner or above.

c. The Housing Department, or its successor or assignee, shall be responsible for the ongoing monitoring and enforcement of these (accessible affordable unit requirements.

~~d. Prior to recordation of the Final Map, the subdivider shall submit a copy of the Covenants, Conditions and Restrictions (CC & R's) for approval by the Advisory Agency that will identify: 1) the designated 16 or 8 units reserved for LI or VLI accessible household incomes, 2) acknowledgment that the designated LI or VLI accessible units will be reserved as rentals for LI or VLI accessible households for a period of 30 years. The CC & R's shall contain language that a (Vesting) Tentative Tract modification shall be approved prior to any changes by the Homeowners Association affecting the requirements for the designated LI or VLI accessible units.~~

~~These Inclusionary LI or VLI units shall be located on-site. Applicants claiming it is infeasible for them to comply with this requirement may request permission to provide the required units elsewhere within the Coastal Zone, or within three miles of the Coastal Zone, by submitting an appeal pursuant to Part 8.0 of the Interim Administrative Procedures for Complying with the Mello Act in the Coastal Zone Portions of the City of Los Angeles, signed in May of 2000.~~

NOTES: The provision of Inclusionary Residential Units for senior or disabled persons who do not have a Low or Very Low Income does not fulfill the inclusionary requirements for New Housing Development for the Mello Act.

119. BIOLOGICAL SURVEY: Prior to commencing site preparation or construction activities:

a. The applicant shall have a field survey conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 100 feet (200 feet for raptors) of the construction zone. The field survey shall occur no earlier than 3 days prior to construction or Site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March 1 through August 31).

b. Additionally, raptor (nesting) surveys shall be conducted on the site prior to the commencement of construction related activities. Should an active raptor nest be discovered on the Project Site, a 500-foot buffer shall be maintained between Project-related activities and the nest until such time fledglings leave the nest and the site and it has been determined by the Sites' biological monitor that the nest is not being used for repeated, same-season nesting attempts. If active nests are found (other than raptors), a minimum 50-foot fence barrier shall be erected around the nest, and clearing within the fenced area shall be postponed or halted, at the discretion of a biologist, until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, as determined by a qualified biologist.

c. Construction personnel shall be instructed on the sensitivity of the area. The project proponent shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

d. The subdivider shall provide a clearance letter or other evidence/documentation from the Department of Fish and Game, to the satisfaction of the Advisory Agency, that Conditions a, b, and c above have been satisfied.

e. In the event site preparation or construction activities are not commenced prior to the recordation of the final map, the subdivider shall record and execute a covenant and agreement satisfactory to the Advisory Agency guaranteeing that the field survey will be completed by a qualified biologist prior to site preparation and construction activities.

A copy of the letter required by Condition No. C-5 from the project civil engineer, architect or licensed land surveyor certifying that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building shall be attached to the covenant.

120. 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: Tramonto Drive, Los Liones Drive, Sunset Boulevard, Pacific Coast Highway, 10 Freeway, 5 Freeway, Penrose Street, Bradley Avenue.

b. As volunteered by the applicant, hours of operation shall be from 8:00 a.m. to 4:00 p.m. Monday through Friday; and from 9:00 am to 4:00 pm on Saturdays.

c. No hauling on Sundays.

d. Trucks shall be restricted to 10-wheel dump trucks or smaller, semi-trailers, or 18-wheel bottom dump trucks.

e. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).

f. Streets shall be cleaned of spilled materials at the termination of each work day.

g. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.

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

i. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.

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

k. All trucks are to be watered at the job site to prevent excessive blowing dirt.

l. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.

m. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.

n. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.

o. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.

p. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."

q. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.

r. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.

s. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.

t. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.

u. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Valley District Engineering Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401. Further information regarding the bond may be obtained by calling 818.374.5090.

OR

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

OR

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

OR

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

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

121. That prior to recordation of the final map, or prior to the issuance of any grading or building permit, whichever occurs first, the subdivider shall execute a Covenant and Agreement, to the satisfaction of the Advisory Agency, binding the subdivider to implement the Mitigation Monitoring Program contained in Section IV of Final EIR (ENV-2000-2696-EIR) and to provide certification, as identified by the MMP, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented.

    In addition, the subdivider shall identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by both the MMP and Condition No(s). **116, 118, 119, 120, 122, 123, & C-4** of the Tract's approval and Section IV of the Final EIR, 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 mitigation items required.

122. 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 The proposed project shall comply with the City's ~~Hillside Development~~ Landform Grading Guidelines.

MM-2 All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the City Planning Department.

MM-3 Landscape buffers shall be planted between the project site and adjacent residential uses.

MM-4 Outdoor lighting shall be directed on-site and designed and installed with shielding so that the light source can not be seen from adjacent land uses.

MM-5 Outdoor lighting and indoor parking garage lighting shall be limited to that necessary for safety and security, and shall be directed on-site and designed and installed with shielding so that the light source can not be seen

from adjacent land uses or from off-site locations.

MM-6 The exterior of the proposed buildings shall be constructed of non-reflective building materials.

MM-7 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood and vegetation. Non-recyclable materials/wastes must be taken to an appropriate landfill, such as the Calabasas Sanitary Landfill, the Azusa Landfill, or the Bradley Landfill Toxic wastes must be discarded at a licensed regulated disposal site.

MM-8 Clean up leaks, drips and spills immediately to prevent contamination soil on paved surfaces, including Tramonto Drive and Los Liones Drive, that can be washed away into the storm drains.

MM-9 Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

MM-10 Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

MM-11 Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

MM-12 Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

MM-13 The project shall comply with Ordinance No. 172,176 to provide for Stormwater and Urban Runoff Pollution Control which requires the application of BMPs, including the following mitigation measures:

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

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

MM-14 The applicant shall pay the required school fees to the LAUSD.

MM-15 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.

MM-16 The project applicant shall consult with the LAPD's Crime Prevention Unit

(CPU) on the design and implementation of a security plan for the proposed project and, which shall consider the following elements:

- Design entryways, the lobby, and parking areas with lighting that eliminates areas of concealment;
- Landscaping should be designed so as to not conceal potential criminal activities near windows or doors
- Outdoor night lighting should be provided to aid crime prevention and enforcement efforts;
- All garages should be enclosed;
- Provide solid core doors with deadbolt locks to all units;
- The use of louvered windows should be prohibited

MM-17 Upon the completion of the project, it is recommended that site plans for the property be provided to the West Los Angeles area commanding officer to help facilitate any necessary police response.

MM-18 The applicant shall comply with the City of Los Angeles Housing Department's relocation assistance requirements.

MM-19 Automatic sprinkler systems should be set to irrigate landscaping during early morning hours or during the evening to reduce water losses from evaporation. Care must be taken to reset sprinklers to water less often in cooler months and during the rainfall season to avoid wasting water by excessive landscape irrigation.

MM-20 Selection of native, drought-tolerant, low water consuming plant varieties should be used to reduce irrigation water consumption.

MM-21 Adherence to the provisions within the Water Conservation Ordinance of April 1988.

MM-22 The project applicant should demonstrate that construction and demolition debris, to the maximum extent feasible, would be salvaged and recycled in a practical, available, and accessible manner during the construction phase.

MM-23 The applicant shall institute a recycling program to the satisfaction of the Deputy Advisory Agency to reduce the volume of solid waste going to landfills in compliance with the City's goal of a 70 percent reduction in the amount of solid waste going to landfills by the year 2020.

MM-24 Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

MM-25 The applicant should consult with LADWP during the design process of the proposed project regarding potential energy conservation measures for the project. Examples of such energy conservation measures include:

- Design windows (i.e., tinting, double pane glass, etc.) to reduce thermal gain and loss and thus cooling loads during warm weather, and heating loads during cool weather.
- Install thermal insulation in walls and ceilings that meets or exceeds the requirements of the State Administrative Code Title 24.
- Install high-efficiency lamps for outdoor security lighting.
- Time control exterior lighting. These systems should be programmed to account for variations in seasonal daylight times.
- Limit outdoor lighting while still maintaining minimum security and safety standards.
- Built-in appliances, refrigerators, and space-conditioning equipment should exceed the minimum efficiency levels mandated in the California Code of Regulations.
- Use natural ventilation wherever possible.

MM-26 As a condition of each grading permit required of the project applicant by the City, the applicant shall be responsible for the repair of any damage to roads resulting from the delivery of heavy machinery, equipment, and building materials to or from the project site, as well as the import and export of soil to and from the project site. Such roadway repair shall be to the satisfaction of the City of Los Angeles Bureau of Street Services.

MM-27 If construction or haul trucks driving to and/or from the project site cause any substantial damage to private driveways in the immediate vicinity of the project site, such damage shall be repaired by, or paid for by, the project applicant.

123. **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 Tentative Tract 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 Hours of construction shall be limited to 8:00am to 5:00pm during excavation, recompaction and prior to the covering of the exterior of the buildings ("wrapping"), Monday through Friday and 9am to 5pm on Saturdays. No construction on Sundays. Workers may arrive at the site after 7:00am and engage in pre-construction work that does not involve the use of any equipment or work that generates noise that can be heard inside the dwelling units of adjacent properties.

CM-3 As volunteered by the applicant, after the "wrapping" phase of the exterior of the buildings, construction may commence at 7:00am, Mondays through Saturdays, providing that such construction does not generate noise that can be heard inside the dwelling units of adjacent properties.

CM-4 As volunteered by the applicant, OWTC shall be given written schedules of construction activities upon request but not more than once a month which set forth the scope of scheduled construction activities. Written notice of any changes to the construction schedule shall be provided.

CM-5 As volunteered by the applicant OWTC shall be given 72 hours prior notice of all vibration generating construction operations.

CM-6 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-7 Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-8 No construction equipment shall be started in or in operation on-site outside the allowable construction hours of 8:00 a.m. to 5:00 p.m. (M-F) and 9:00 am to 5:00 pm (Saturdays).

CM-9 Trucks and construction equipment shall not be staged in adjacent residential areas during the overall period of construction.

CM-10 Temporary "Truck Crossing" warning signs shall be placed approximately 300 feet in advance of the construction driveway in each direction on Tramonto Drive.

CM-11 Up to two flag persons shall be used at the project site to assist the truck operators in and out of the project area, as well as minimize conflicts with motorists.

CM-12 Construction workers shall not be allowed to park on Sunset Boulevard or any residential or local street in the vicinity, except Los Liones Drive.

CM-13 A construction worker ridesharing plan shall be implemented in order to reduce construction-related trips and parking demand.

CM-14 As volunteered by the applicant, construction vehicles shall not interfere with egress from the driveway used by OWTC.

CM-15 As volunteered by the applicant, there shall be no construction-related parking or staging of trucks/vehicles on Tramonto Drive at any time.

CM-16 All unpaved demolition and construction areas shall be wetted at least twice daily, or more frequently as necessary, during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

CM-17 All materials transported off site shall be securely covered or sufficiently watered to prevent excessive amounts of dust and protect against spillage.

CM-18 All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

CM-19 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

CM-20 Cover any on-site stockpiles of debris, dirt or other dusty material.

CM-21 Actively stabilize any cleared area that is planned to remain inactive for more than 30 days after clearing is completed.

CM-22 Establish an on-site construction equipment staging area and construction worker parking lot, located on either paved surfaces or unpaved surfaces subjected to soil stabilization treatments, as close as possible to a public highway.

CM-23 Encourage car-pooling for construction workers.

CM-24 Sweep access points daily.

124. Prior to recordation of the Final Map, the subdivider shall obtain a Coastal Development Permit.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales

office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.

2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. That prior to recordation of the final map, the subdivider shall record an "Agreement for Development of Units for Lease or Sale ("15% Ordinance")" covenant, to benefit the Housing Authority, for certification of the development in accordance with Section 12.39A. Arrangements shall be made with the Department of Building and Safety, Zoning Section - Subdivisions (213.482.0000) to approve the covenant format, prior to recording the covenant.

C-3. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with Section 17.12 of the Los Angeles Municipal Code and to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-4. That a landscape plan, prepared by a licensed landscape architect, be submitted to Council District 11 prior to review and approval by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map.

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

C-5. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Construct any necessary drainage facilities.

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

(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 planting's shall be brought up

to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division ((213) 485-5675) upon completion of construction to expedite tree planting.

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

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

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

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

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

After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, drainage facilities may include the construction of storm drain system 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.

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

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

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

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

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

The subdivider should consult the Department of Water and Power to obtain energy saving

design features 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.

Further, in the event the Advisory Agency approves the Vesting Tentative Tract, the following findings for the California Environmental Quality Act and Subdivision Map Act should be adopted by the Advisory Agency.

1.0 FINDINGS OF FACT (CEQA)

An Environmental Impact Report (EIR) has been prepared to analyze the potential environmental effects that could result from the construction and operation of the project. The EIR identifies mitigation measures, monitoring measures when necessary, and alternatives which would mitigate the negative environmental effects of the project. The EIR was completed and recommended for certification by the Environmental Review Section of the Los Angeles City Planning Department on December 1, 2003.

The EIR Report for the subject project, pursuant to and in accordance with Section 21081 of the State of California Public Resources Code, identifies potential significant impacts from the proposed project including:

> Aesthetics; Air Quality; Geology and Soils; Hydrology and Water Quality; Population and Housing; Public Services (Police Services, Fire Protection, Schools, Parks & Road Maintenance); Biological Resources; Transportation/Traffic;

However, changes or alterations which will mitigate or avoid significant environmental effects have been identified in the Final EIR for the subject project. Feasible mitigation measures and a monitoring program have been defined for those impacts. Other identified potential impacts not mitigated by these measures are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The Final EIR identifies three impacts not mitigated to a less than significant level for the proposed project:

> Visual Resources (Private Views); Short-Term Noise; and Traffic (Residential Streets) Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby Finds that the benefits outweigh and override the significant unavoidable impacts.

The Deputy Advisory Agency hereby certifies and finds that: the Final Environmental Impact Report for the Palisades Landmark Project, Case No. VTT-52928, State

Clearinghouse Number 2002051086, (which consists of the Draft Environmental Impact Report (Draft EIR) dated January 16, 2003; Appendices to the Draft EIR dated January 16, 2003; and Final Environmental Impact Report, including Responses to Comments, Additions and Corrections, and Mitigation Monitoring and Reporting Program ("MMRP"), dated December 1, 2003; collectively referred to as the "Final EIR"), has been completed in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; ["CEQA"]) and the Deputy Advisory Agency reviewed and considered the information contained in the Final EIR, the application for VTT-52928, the public hearing and submissions of testimony from officials and departments of the City, the Applicant the public and other agencies. Concurrently with the adoption of these Findings, the Deputy Advisory Agency adopts a MMRP as part of the Final EIR. Having reviewed and considered the foregoing information, as well as any and all information in the administrative record, the Deputy Advisory Agency hereby makes Findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

1.1 PROJECT BACKGROUND AND ENVIRONMENTAL IMPACT REPORT PROCESS

The City is the local Lead Agency for the Project, with the Los Angeles Department of City Planning ("City Planning") administering the state-mandated environmental review process for the approval of the Project. The City has prepared a Draft EIR with Technical Appendices, and a Final EIR to comply with CEQA and the State CEQA Guidelines (Cal. Code Regs. Title 14, Division 6, Chapter 3, Section 15000 et seq. ["CEQA Guidelines"]).

Notice of Completion: A Notice of Completion form together with the Draft EIR was sent to the California State Clearinghouse in Sacramento. The State Clearinghouse acknowledged receipt of the Draft EIR and established a 45-day public review period for the report beginning January 16, 2003 and closing March 3, 2003. At the request of the Council Office, comment letters were accepted for an additional 30 days to allow the agencies and the public additional time to review and comment on the Draft EIR.
The Deputy Advisory Agency and Zoning Administrator held a concurrent public hearing on the proposed Project on March 17, 2004.

Location of Records: Documents constituting the record of proceedings on which approval of the Project and certification of the EIR have been based are available at the City of Los Angeles Planning Department, 200 N. Spring Street, Room 750, Los Angeles, California, 90012.

1.2 PROJECT FINDINGS INTRODUCTION

The Findings made by the Deputy Advisory Agency, pursuant to Section 21081 of CEQA, and Section 15091 of the CEQA Guidelines, on the Project are presented below. All significant impacts of the Project identified in the Final EIR are included herein and are organized according to the area of potential impact. The Findings in this document are for the Project and are supported by information and analysis from the Draft EIR, technical appendices, the MMRP, and the responses to all public comments, together comprising

the Final EIR. Where applicable, these Findings note the documents that contain the substantiation for each Finding.

The California Environmental Quality Act ("CEQA") and State CEQA Guidelines provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless for each significant impact, the public agency makes one or more of the following findings, as appropriate in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091:

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR;

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or

3. Specific economic, legal, social, technological and/or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A narrative of supporting facts follows the appropriate Finding. For many of the impacts, one or more of the Findings above have been made. Finding (B) appears because, although the City is the CEQA Lead Agency, it has jurisdiction over only a portion of the Project and thus has limitations on its power to require or enforce certain mitigation. Whenever Finding (B) occurs, agencies with jurisdiction to make any necessary changes or alterations have been specified. It is these agencies, within their respective scopes of authority, that would have the ultimate responsibilities to adopt, implement, and enforce the mitigation discussed within each type of potential impact that could result from Project implementation. However, under adopted California statutory legislation, the CEQA Lead Agency has the responsibility to ensure that mitigation measures contained in the Final EIR are effectively implemented. Whenever Finding (C) was made, the Deputy Advisory Agency has determined that there will be, even after mitigation, an unavoidable significant level of impact due to the Project, and sufficient mitigation is not feasible to reduce the impact to a level of insignificance. Such impacts are always specifically identified in the supporting discussions. The Statement of Overriding Considerations applies to all such unavoidable significant impacts, as required by Sections 15092 and 15093 of the CEQA Guidelines.

I.3 DESCRIPTION OF PROPOSED PROJECT

The Palisades Landmark Condominium Project site is located at 17331-17333 Tramonto Drive (the "Project Site"). The Project Site is an irregularly shaped parcel containing approximately 3.98 acres of hillside terrain -- a southeast-facing slope, immediately south of Tramonto Drive. Designated as a Limited Hillside Street,

Tramonto Drive intersects Los Liones Drive, which in turn provides access to Sunset Boulevard. Just southeast of the Project Site, Sunset Boulevard connects to Pacific Coast Highway, which is designated as a Scenic Highway.

The properties situated below the Project Site are developed with apartments and commercial buildings, except the area of the Revello Landslide, which remains vacant. Properties situated uphill from the site are developed with single-family residences and condominium buildings. The Proposed Project is a residential development consisting of 82 condominium units, divided among six buildings. Three buildings are proposed to contain three stories, including 25 three-bedroom townhomes with parking below each unit. The other three buildings are proposed to contain four stories, including 57 three-bedroom flats with parking being provided in a subterranean garage. None of the proposed buildings will exceed 45 feet.

All existing on-site structures would be removed, including two apartment buildings, a swimming pool, and a carport area. The grading for the proposed project will require 130,000 cubic yards (cy) of cut and 80,000 cy of fill. Approximately 100,000 cy of the cut material would be removed from the Project Site, and approximately 75,000 cy of fill would be imported for the permanent stabilization of the portion of the Revello Landslide that is located on the Project Site.

1.4 FINDINGS OF FACT

After reviewing the Final EIR and the public record on the project, pursuant to Section 15091 of the State CEQA Guidelines the Deputy Advisory Agency hereby makes the findings set forth below in this document, regarding the significant effects of the Proposed Project. Except to the extent they conflict with the findings and determinations set forth in Section 1.6 below, the analysis and conclusions of the EIR, including but not limited to the responses to comments, are incorporated herein by this reference, and are hereby adopted as findings. Both the Draft EIR and the Final EIR reflect the independent judgment of the City of Los Angeles.

Cumulative Impacts

Except as expressly provided to the contrary in Section 1.6 below, all effects of the Project on the environment are hereby found to be not significant. Cumulative impacts of the Project in conjunction with other past, present and foreseeable future projects have been addressed where applicable and will not be significant after mitigation.

1.5 POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS DETERMINED TO BE REDUCED TO A LEVEL OF INSIGNIFICANCE

A. Visual Resources Impacts, Massing, Nighttime Lighting, and Glare

Although the Project is consistent with the permitted density and building height for the site, the increase in density and height compared to the existing on-site apartments represent a potentially significant building massing impact in relation to the upslope

single-family homes located along Revello Drive.

Additionally, compared to the existing apartment buildings, the Proposed Project would introduce a greater amount of nighttime lighting to the project site. Such lighting sources include interior lighting, exterior security lighting, and headlights on motor vehicles entering or exiting the Site. Some of the project building materials (i.e., windows) as well as automobile windshields also represent sources of daytime glare.

Finding

Except as provided in Section 1.6 below, changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Except as provided in Section 1.6 below, potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 116 and 122 (MM-1 through MM-7) of the Tract's approval.

B. Air Quality Impacts

Given the age of existing structures on the project site, there may be asbestos containing materials (ACMs) in pipe insulation, fire retardant features, roofing, flooring or other elements of the existing residential buildings. The Project is too limited in scope to cause air quality impact significance thresholds to be exceeded during construction. However, even though total daily emissions of dust or equipment exhaust will be less than significant, the short distance between on-site activities and adjacent occupied homes creates a potential for dust deposition soiling nuisance on parked cars, landscaping foliage, or outdoor furniture. Mitigation measures that reduce small-diameter, respirable particulate emissions also reduce larger soiling particles. Mitigation measures for dust control are thus recommended even if the SCAQMD threshold is not exceeded.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 106 and 123 (CM-16 through CM-24) of the tract's approval.

C. Geology and Soils Impacts

Repair of the Revello Landslide would help to stabilize the Site for the construction of the

Proposed Project. In order to repair the landslide, the landslide debris would be removed down to bedrock. Once the landslide debris is removed, compacted fill would be placed on the bedrock. This compacted fill would be used as primary structural fill to support the proposed buildings.

Soldier piles would be required in order to support vertical excavations along the north, west, and south sides of the removal. These piles would be embedded into the bedrock below the base of the landslide. Additional piles along the upslope property line may also be required to support temporary vertical excavations to construct the required rear yard retaining walls.

The owner of the downslope property (17325 Castellammare Drive, also known as Related Project No. 4) has received City approval to develop a 21-unit condominium complex and also plans to permanently stabilize and develop the toe of the Revello Landslide. Significant geotechnical impacts from the Revello Landslide would be mitigated to less than significant levels provided the mitigation measures listed below are implemented.

The principal seismic hazard to the Proposed Project is strong ground shaking from earthquakes produced by local faults. The proposed construction would be consistent with all applicable provisions of the City of Los Angeles Building Code, as well as the seismic design criteria contained within the Uniform Building Code. It is likely that the project site will be shaken by future earthquakes produced in southern California.

Provided the Proposed Project and Related Project No. 4 (a proposed 21-unit condominium complex at 17325 Castellammare Drive that has been approved for construction by the City of Los Angeles) implement all of the slope stabilization techniques approved by the Department of Building and Safety, cumulative geology and soils impacts would be less than significant. In the event that Related Project No. 4 is not constructed, the stabilization measures for the Proposed Project would be adequate to stabilize the portion of the landslide located on the Project Site as the required slope stabilization improvements for each project are not co-dependent.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 5 through 104 of the tract's approval.

D. Hydrology and Water Quality Impacts

During construction, the Project Site will contain a variety of materials that are potential

sources of stormwater pollution, such as adhesives, cleaning agents, landscaping, plumbing, painting, heat/cooling, masonry materials, floor and wall coverings; and demolition debris. Construction material spills can also be a source of stormwater pollution and/or soil contamination.

Grading and brush clearing activities can greatly increase erosion processes. Appropriate dust suppression techniques, such as watering or tarping, are used in areas that must be exposed. Erosion control devices, including temporary diversion dikes/berms, drainage swales, and siltation basins, are typically required around construction areas to insure that sediment is trapped and properly removed.

Two basic areas of concern related to the long-term operation of the Proposed Project are stormwater quality and quantity.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 122 (MM-7 through MM-13).

E. Population and Housing Impacts

Prior to construction of the proposed project, all on-site uses would be demolished, including approximately 20 multi-family units. Demolition of these residential units would result in the displacement of the estimated 33 occupants and would therefore constitute a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 118 and 122 MM-18.

F. Public Service - Police Protection Impacts

According to the Los Angeles Police Department (LAPD), development of the Proposed Project would potentially result in a significant impact to police protection services

provided by the West L.A. Community Police Station. The various construction phases of the proposed project could also result in increased response times the LAPD responding to other calls in the Castellammare area. Upon completion of the proposed project, the number of permanent residents and site visitors within the project site would generate a potential increase in the level of police service calls from the project site.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 122 MM-16 and MM-17.

G. Public Services - Fire Protection Impacts

The demolition, grading and construction phases of the proposed project would add construction employee vehicles and heavy trucks on the Project-area roadways, including Tramonto Drive which fronts the Project Site. Such activities could increase response times for emergency calls further uphill on Tramonto Drive and in the Castellammare area. These are considered to be potentially significant impacts that can be mitigated to less than significant levels via the implementation of the traffic mitigation measures.

Implementation of the proposed project would increase the need for fire protection and emergency medical services in the project area due to the increased number of residents and visitors to the project site. The Project Site is located 0.3 miles from the nearest fire station. Because this response distance is within City Fire Code requirements, there are no impacts with respect to distance criteria. However, the Proposed Project would incorporate a number of fire safety features in accordance with applicable City fire-safety codes and ordinance requirements for construction, access, fire flows, and fire hydrants.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition No. 110.

H. Public Services - Schools Impacts

The increase in the number of permanent residents on the Project Site and the potential need to enroll any school-aged children into Los Angeles Unified School District (LAUSD) schools would result in an increased demand for school services. It is probable that some of the future residents of the proposed project already reside within the service boundaries of the LAUSD with their school-aged children enrolled in the LAUSD schools serving the Project Site. However, to provide for a worst-case scenario, it is assumed that all of the students projected to be generated by the Proposed Project are not currently enrolled in the LAUSD schools near the Project Site and would be enrolled upon relocation to the Project Site. Given the worst-case student generation factors, the total number of elementary, middle school, and high school students would be 36. The schools serving the project site would have adequate space to accommodate the students projected to be generated by the project without going over capacity.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition No. 122 MM-14

I. Public Services - Recreation/Parks Impacts

Typically, residential developments have the greatest potential to result in impacts to parks and recreation facilities. This impact is a result of residential developments generating a permanent increase in the population. The Proposed Project would result in an increase of 199 permanent residents. This increase in population would only further exacerbate the need for parks and recreational services, which is experienced throughout the City of Los Angeles. The project residents would have use of the Topanga State Park and various beaches along Pacific Coast Highway for their recreational needs, in addition to the City parks.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of Condition Nos 115 and C-3.

J. Public Services - Road Maintenance Impacts

Due to the weight of the various trucks in the transportation of construction debris, soil, heavy equipment, and building materials (particularly the number of trips necessary for the soil exportation), roads used for the proposed truck haul route (i.e. Tramonto Drive, Los Liones Drive, Sunset Boulevard, and the Pacific Coast Highway) could be damaged, increasing the demand for road maintenance services provided by the Bureau of Street Services. Additional ly, the extent to which the roads could be damaged would also depend upon the condition of the roads prior to usage by the trucks.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 1, 2, and 122 MM-26 and MM-27.

K. Biological Resources Impacts

The Project Site is located in a highly urbanized area and does not contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (Fish and Game) or U. S. Fish and Wildlife Service. In addition, there are no known locally designated natural communities on the Project Site or immediate vicinity.

Likewise, there are no oak or other indigenous tree species found on the project site. Twenty-nine trees are proposed for removal with development of the proposed project. However, a majority of the trees found on the Project Site have sparse foliage, insect and disease infestations, and show signs of lack of regular irrigation and proper structural pruning.

Finally, while no native bird species have been found on the site, the Department of Fish and Game has expressed concern that the Proposed Project would result in the removal and/or disturbance of vegetation, ground substrates and building demolition and therefore might have the potential to directly impact nesting native bird species.

Finding

Changes or alterations have been incorporated into the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potential impacts to biological resources would be mitigated to a level of

insignificance through implementation of the mitigation measures required by Condition Nos. 116 and 119.

L. Traffic Impacts - Study Intersections and Traffic Hazards

Adequate driveway visibility is provided at the Project Site. However, existing visibility for the inbound (uphill) left-turn motorists from Tramonto Drive onto the project site driveway is partially obstructed by existing vegetation located on the north-northwest side of Tramonto Drive. The existing vegetation is located on the convex side of the curve at Tramonto Drive, within a City of Los Angeles slope easement and on undeveloped private property. LADOT conducted a field investigation of the Project Site and concluded that existing visibility for the inbound left-turn motorists from Tramonto Drive onto the Project driveway "appears to be inadequate due to the hairpin curve protruding from across the street."

Construction of the project buildings will take approximately 18 to 19 months. The number of construction-related trips generated during this period will fluctuate as the number of workers needed for the different steps of construction will vary. The peak times for construction traffic are expected to occur during the completion of construction for each building, when subcontractors for electrical, mechanical, plumbing, painting, etc., are on-site. It is estimated that up to approximately 100 construction workers will be on-site during these peak times. It is further estimated that construction at the Project Site will generate (at peak times) 25 inbound and 25 outbound delivery truck trips per day and 85 inbound and 85 outbound construction worker and miscellaneous trips per day.

It is anticipated that trucks bringing building materials to the Project Site will use Tramonto Drive, Los Liones Drive, Sunset Boulevard, Pacific Coast Highway (including possibly Pacific Coast Highway to the west) and the Santa Monica Freeway (Interstate 10).

Although construction traffic is a temporary condition, it is recognized that it may contribute to traffic congestion on Tramonto Drive and Los Liones Drive, as discussed in Section 1.6 C Below.

Finding

Except as provided in Section 1.6 C below, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Except as provided in Section 1.6 C below, potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 107, 120, and 123 (CM-8 through CM-15).

1.6 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE REDUCED TO A LEVEL OF INSIGNIFICANCE

A. Visual Resources Impacts - Private Views

The Proposed Project would obstruct or partially obstruct private views of the Pacific Ocean and shoreline as seen from the four-story condominium building located immediately north of the Project Site. The Proposed Project would also partially obstruct private views of the shoreline and Pacific Ocean as seen from the single-family homes located immediately north-northwest of the Project Site along Revello Drive. The Proposed Project's obstruction and partial obstruction of scenic views from the adjacent private properties is considered to be a significant unavoidable impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but will not completely avoid the significant environmental effects on private views identified in the EIR.

Facts in Support of the Finding

Mitigation measures will be implemented as required by Condition Nos. 116 and 122 (MM-1 through MM-6).

Additionally, in response to concerns raised by the public during circulation of the Draft EIR, the applicant agreed to incorporate vertical breaks in the facade of the project, which will better preserve the existing scenic views from the single-family and mult-family dwellings located above the project site. Revised renderings of the proposed project which incorporate these vertical breaks are provided in Chapter III of the Final EIR. These vertical breaks, coupled with the mitigation measures set forth above, will substantially lessen, but will not completely avoid, the significant environmental effects on private views identified in the EIR.

B. Short-Term Noise Impacts

Baseline noise levels in yards surrounding the project site are estimated to be 45 dB (LEQ). A noise level of 50 dB LEQ or more would constitute a potentially significant noise impact. For purposes of analysis, an 85 dB (LEQ) reference noise level was assumed during daytime construction.

Even with intervening barriers and other noise protection features, reduction of construction noise levels to 50 dB or less in the closest residential yards is not feasible. Construction activities will have a significant, unmitigable noise impact during parts of the three-year construction cycle. However, because not every construction day will necessarily entail heavy equipment operations, the actual number of days of a potentially significant impact is a small fraction of the total construction period. In addition to on-site equipment noise generation, truck traffic to and from the Project

Site would affect the off-site noise environment. Heaviest truck traffic will occur for four to six months during landslide repair and slope stabilization.

The City of Los Angeles CEQA Threshold Guidelines specify that that a noise increase of five dB or greater for ten days in a three-month period would be a significant impact. If soil hauling activity exceeds 70 loads per day (10 per hour), a significant noise impact may result along Tramonto Drive because the noise level would increase by five dB or more. If soil hauling activities exceed 112 loads per day (16 per hour), truck noise impacts would be significant along both Tramonto Drive and Los Liones Drive.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but not completely avoid the significant environmental effects on short-term noise identified in the EIR.

Facts in Support of the Finding

Implementation of the mitigation measures required by Condition No. 122 MM-15 and by Condition Nos. 123 CM-2 & CM-6 will substantially reduce but not completely mitigate the significant effects.

C. Traffic Impacts - Residential Streets

Potential traffic effects on both Tramonto Drive and Los Liones Drive were analyzed. This analysis indicated that Project would likely increase the average daily traffic volume (ADT) on Tramanto Drive south of Los Liones Drive by 14.5%, and would likely increase the ADT on Los Liones Drive between Tramanto Drive and Sunset Boulevard by 11.4%. According to the LADOT traffic study guidelines, a project would significantly impact a residential street if it increases the ADT by 10% or more. Therefore, LADOT has concluded that the project would cause a significant residential street traffic impact on both Tramonto Drive and Los Liones Drive.

However, it should be noted that the Project Site is near the downstream terminus of Tramonto Drive. The approximately 470-foot-long segment of Tramonto Drive between the Project driveway and Los Liones Drive, which is expected to be used entirely by Project traffic, is currently undeveloped on both sides. Consequently, the flow of Project traffic on this segment of Tramonto Drive would not be affecting any existing uses, residential or otherwise.

Likewise, the only existing uses along Los Liones Drive are non-residential, i.e., a fire station at the northwest corner and a plant nursery at the southwest corner of the intersection of Los Liones Drive and Sunset Boulevard. A 16-unit multiple-family residential project (Related Project No. 3) is proposed at 321 Los Liones Drive between Tramonto Drive and Sunset Boulevard; however, its development is tentative. Therefore, in terms of existing development along Los Liones Drive, Project traffic would be traversing only two existing uses, both of which are non-residential.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but not completely avoid the significant environmental traffic effects on residential streets identified in the EIR.

Facts in Support of the Finding

Implementation of the mitigation measures required by Condition No. 107 and by Condition Nos. 123 CM-8 through CM-15 will substantially reduce but not completely mitigate the significant effects.

1.7 FINDINGS REGARDING ALTERNATIVES TO THE PROPOSED PROJECT

Four alternatives to the Proposed Project have been identified and considered:

a) No Project Alternative;
b) 61-Unit Condominium and Townhouse Alternative;
c) 50-Unit Planned Unit Development (PUD) Alternative; and
d) 102-Unit Density Bonus Alternative.

These four alternatives are briefly described below.

A. No Project Alternative - Under the No Project Alternative (Alternative A), the Proposed Project would not be constructed and the Project Site would remain in its current condition. Two apartment buildings (consisting of a total of 20 dwelling units) known as the Ocean Woods Terrace apartments would remain on the Project Site.

B. 61-Unit Condominium and Townhouse Alternative - Under the 61-Unit Condominium Project Alternative (Alternative B), the Project Site would be developed with 61 multi-family dwelling units --21 fewer units or a 26 percent decrease in on-site density compared to the Proposed Project. The design concept would be similar to the proposed 82-unit concept. Also similar to the Proposed Project, access to the townhouse units would be provided by an upper surface road. Likewise, access to the apartment flats would be via a subterranean parking structure. The townhouse unit count (25 units) and design for Alternative B would be similar to the townhouse unit layout for the proposed 82-unit project. However, the total number of apartment flats on the lower (southerly) portion of the site would be reduced to 36 units.

C. 50-Unit Planned Unit Development (PUD) Alternative - Under the 50-Unit Planned Unit Development (PUD) Alternative (Alternative C), the Project would consist of a PUD of townhouse and single-family style residences. The site plan would be similar to the Proposed Project, including a single road that would access the northerly (upslope) townhouses or single-family style residences (totaling 25 units). The same surface road would also access the southerly (downslope) units consisting of 25 townhouse or single-family style residences. However, there would be no subterranean garage.

D. 102-Unit Density Bonus Alternative - Under the 102-Unit Density Bonus Alternative (Alternative D), the Project would incorporate a density bonus of 25 percent over the Proposed Project's unit count. The design concept would be similar to the proposed 82-unit concept; however, Alternative D would exceed the 45-foot height limit. Alternative D would include 51 townhouse units and 51 apartment flats. Similar to the Proposed Project, access to the townhouse units would be provided by an upper surface road. Access to the apartment flats would be via a subterranean parking structure.

Finding

The Deputy Advisory Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the EIR.

Facts in Support of Finding

A. No Project Alternative - Because Alternative A would not permit any additional development, it would result in the least amount of environmental impacts, as compared to the Proposed Project and the other alternatives, with the exception of slope-stability impacts. However, Alternative A would not meet any of the objectives of the proposed project and would not provide the significant benefits of the Proposed Project, as described below in Section 1.8.

B. 61-Unit Condominium and Townhouse Alternative - Due to the reduction in density, Alternative B would result in fewer long-term impacts than the Proposed Project relative to traffic, air quality, and noise. Likewise, impacts to public services and utilities would be less under this alternative compared to the proposed project. However, impacts to road maintenance would be similar, as Alternative B would require the same amount of grading, which includes construction vehicles and haul trucks. Short-term noise impacts during grading and construction would be slightly less compared to the proposed project because while this alternative requires the same amount of grading on-site, it also requires the construction of fewer residential units. While Alternative B would obstruct private views, view obstruction impacts would be less compared to the proposed project because of the reduced density associated with this alternative. However, Alternative B would not provide the full benefits of the Proposed Project, as described below in Section 1.8.

C. 50-Unit Planned Unit Development (PUD) Alternative - Due to the reduction in density, Alternative C would result in fewer long-term impacts than the Proposed Project relative to traffic, air quality, and noise. Likewise, impacts to public services and utilities would be less under this alternative compared to the proposed project. However, impacts to road maintenance would be similar, as Alternative C would require the same amount of grading, which includes construction vehicles and haul trucks. Short-term noise impacts during grading and construction would be slightly less compared to the proposed project because while this alternative requires the same amount of grading on-site, it also requires the construction of fewer residential units.

While Alternative C would obstruct private views, view obstruction impacts would be less compared to the proposed project because of the reduced density associated with this alternative. However, Alternative C would not provide the full benefits of the Proposed Project, as described below in Section 1.8.

D. 102-Unit Density Bonus Alternative - Grading impacts under Alternative D would be similar compared to the Proposed Project, because the amount of grading associated with slope stabilization required for Alternative D would be essentially the same as for the Proposed Project. However, due to the increase in density, all other impacts associated with Alternative D would be greater than those associated with the Proposed Project.

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable adverse risks in determining whether to approve the project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse impacts may be considered acceptable.

Specificially, where the decision of a public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.

Project benefits are defined as those improvements or gains to the community that would not occur without the Proposed Project.

Project Benefits

The Deputy Advisory Agency finds that the following substantial benefits will occur as a result of approval of the Proposed Project:

1. the Proposed Project will bring 82 new for-sale housing units to a part of the City in need of new housing supply;

2. the Proposed Project will stabilize and put to productive use land that has been vacant since the occurrence of the Revello Landslide in 1965;

3. the Proposed Project will result in needed improvements to Tramonto Drive; and

4. the Proposed Project will improve the aesthetic character of the area by replacing two outdated apartment buildings with an attractive and well-designed condominium project and associated landscaping.

Statement of Overriding Considerations

The Deputy Advisory Agency hereby finds that approval of the Palisades Landmark

Condominium Project could result in significant unavoidable impacts related to private views, short-term noise, and traffic on residential streets. Implementation of the mitigation measures referenced in Sections 1.5 and 1.6, and incorporated as conditions of the tract's approval, would substantially reduce but not completely mitigate these significant effects.

The City of Los Angeles hereby finds that the unmitigable impacts associated with the Proposed Project are outweighed by the benefits of the Proposed Project, as described above, and therefore are acceptable.

1.9 MITIGATION MONITORING PROGRAM

The Deputy Advisory Agency hereby adopts the Mitigation Monitoring and Reporting Program for the Proposed Project, which is described in full in Section IV of the Final EIR for the Proposed Project, and is incorporated herein by this reference.

2.0 FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 52928, 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 IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

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

The adopted Brentwood-Pacific Palisades Community Plan designates the subject property for Low Medium II and Low Residential land uses with the corresponding zone(s) of RD1.5-1, RD2-1 and RE9-1. The property contains approximately 3.98 net acres (173,496 net square feet after required dedication) and is presently zoned RD2-1 and RE9-1. The proposed development of 82 residential condominium units is allowable under the current adopted zone and the land use designation.

The site is located in the Flood Plain Management Specific Plan area (flood hazard area/hillside area/mud prone area).

The project conforms with both the specific provisions and the intent of the Flood Plain Management Specific Plan (Section 5.13.4 of Ordinance 154,405)

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

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

DEVELOPMENT.

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

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

The project site is a 3.98 acre, sloping, irregular-shaped interior parcel with a frontage of approximately 157 feet on the south side of Tramonto Drive. The 82-unit condominium consist of several three and four story buildings over subterranean parking and with surface parking.

The subject site contains a portion of the Revello Landslide, which occurred in 1965 to the west and southwest of the existing on-site apartment buildings. Development of the site will repair the existing landslide and stabilize the site. The landslide debris will be removed down to bedrock and compacted fill will be placed on the bedrock which will be used as primary structural fill to support the proposed buildings.

Soldier piles would be required in order to support vertical excavations along the north, west, and south sides of the removal. These piles would be embedded into the bedrock below the base of the landslide. Additional piles along the upslope property line may also be required to support temporary vertical excavations to construct the required rear yard retaining walls.

The owner of the downslope property (17325 Castellammare Drive, also known as Related Project No. 4) has received City approval to develop a ~~21-unit~~ 29-unit condominium
complex and also plans to permanently stabilize and develop the toe of the Revello Landslide. Significant geotechnical impacts from the Revello Landslide would be mitigated to less than significant levels provided Condition Nos. 5 through 104 of the tract's approval are implemented.

The principal seismic hazard to the Proposed Project is strong ground shaking from earthquakes produced by local faults. The proposed construction would be consistent with all applicable provisions of the City of Los Angeles Building Code, as well as the seismic design criteria contained within the Uniform Building Code. It is likely that the project site will be shaken by future earthquakes produced in southern California.

Provided the Proposed Project and Related Project No. 4 (a proposed ~~21-unit~~ 29-unit condominium complex at 17325 Castellammare Drive that has been approved for construction by the City of Los Angeles) implement all of the slope stabilization techniques approved by the Department of Building and Safety, cumulative geology and soils impacts would be less than significant. In the event that Related Project No. 4 is not constructed, the stabilization measures for the Proposed Project would be adequate to stabilize the portion of the landslide located on the Project Site as the required slope stabilization improvements for each project are not co-dependent.

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

The Final EIR prepared for the project identifies potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset are concerned. Mitigation measures are required as part of this approval for significant environmental impacts, and the level of impact significance after mitigation is also identified. The Final EIR also identified significant unavoidable environmental impacts that can not be mitigated to a less than significant level.

A Statement of Environmental Effects, Findings, and Mitigation Measures; Statement of Overriding Considerations; and Mitigation Monitoring Program has been prepared for Vesting Tentative Tract 52928 (the "Proposed Project"). The Advisory Agency hereby finds that the unmitigable impacts associated with the Proposed Project are outweighed by the benefits of the Proposed Project, as described in Sections 1.6 through 1.9 above. Furthermore, the project site, as well as the surrounding area is presently developed with residential and commercial structures and does not provide a natural habitat for either fish or wildlife.

The project does not qualify for the De Minimis Exemption for Fish and Game fees (AB 3158). There are no known locally designated natural communities on the site or project vicinity. The proposed project would not result in the direct removal of, filling or hydrological interruption of a federally protected wetland as defined by Section 404 of the Clean Water Act. However, while no native bird species have been found on the site, Condition No. 119 requires that a field survey be completed by a qualified biologist prior to construction of site preparation to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present and sets forth conditions to protect any bird species if found.

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

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

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

(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS

WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

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

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

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

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

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

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

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

3.0 MELLO FINDINGS

The Mello Act (California Government Code Sections 65590and 65590.1) is a statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion and construction of housing units in California's Coastal Zone. All projects that consist of demolition, replacement, conversion, and/or constructions of one or more housing units located within the Coastal Zone in the City of Los Angeles must go through a Mello Act Compliance review.

This compliance review is required by the Mello Act, by the City's Interim Administrative procedures for Complying with the Mello Act (Interim Procedures), and by the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, the Barton Hill Neighborhood Organization and Carol Berman concerning implementation of the Mello Act in the coastal zone areas of the City of

Los Angeles.

The City's Interim procedures became effective on May 17, 2000. The Settlement Agreement became effective January 3, 2001.

Based upon the information submitted by the applicant/owner/developer for the construction of 82 condominium units, the proposed project is not eligible for any of the Mello Act automatic exemptions.

With respect to the existing apartment units to be demolished, the Los Angeles Housing Department declared on June 11, 2004 that there are NO affordable dwelling units on the project site. Therefore, the applicant/owner/developer is required to provide ZERO replacement affordable dwelling units on-site or within the coastal zone.

The Interim Procedures (IP) require an applicant for a new housing development to comply with Inclusionary Requirement Options (IP, Part 5.0). It affords an applicant one of two inclusionary options:

Option #1: reserve at least 20% of all residential units for Very Low or Low Income Households.

Option#2: reserve at least 10 percent of all residential units for Very Low Income Household.

Seniors or disabled persons who do not have a Very Low or Low Income are not eligible for New Housing inclusionary dwelling units.

Under the Interim Procedures (IP), these inclusionary requirements were applied to the 82 dwelling units approved. Thus, the subdivider is required to provide 16 units under Option #1 and 8 units under Option #2.

~~The subdivider must comply with IP procedures, Parts 7.3 (location, timing and design), 7.4 (Los Angeles Housing Department compliance check) and 7.5 (number of years units are income-restricted).~~

For the reasons set-forth below, the City Planning Commission concurred with the developer's position that providing the the required inclusionary units on-site was not feasible. The City Planning Commission supported the provision of net, new, affordable off-site units within the Coastal Zone or within 3 miles of the Coastal Zone.

The Mello Act states:
New housing developments constructed within the coastal zone shall, *where feasible*, provide housing units for persons and families of low or moderate income... Where it is *not feasible* to provide these housing units in a proposed new housing development, the local government shall require the developer to provide such housing, if feasible to do so, at another location...

Cal. Gov't Code § 65590(d) (emphasis added).

The Mello Act further provides that "feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors." Cal. Gov't Code § 65590 (g)(3).

After thorough consideration of these specifically enumerated factors, the City Planning Commission finds that locating affordable-accessible units on the Subject Property is not "feasible," as defined by the applicable statute.

1. Economic Factors

It is estimated that setting aside units for sale to very-low-income households would cost the Subdivider approximately $7 million. (For example, current Los Angeles Housing Department guidelines suggest the Subdivider would be required to sell VLI units within the Project for approximately $50,000 each, compared with a market price for those same units of approximately $900,000; the Subdivder would thus forego $850,000 in connection with the sale of each of eight VLI units.) At least a portion of this cost would normally be recouped by building up to 28 density-bonus units on-site. However, as discussed below, environmental, social, and technical considerations and constraints generally make it infeasible for the Subdivider to construct more than 82 condominium units on the Subject Property, and the Subdivider's development of affordable-accessible units would not be otherwise subsidized.

Additionally, given that any on-site affordable-accessible units would need to pay their fair share of homeowners' association dues (which the Subdivider estimates would be $1200 per unit, per month, or $14,400 per year), on-site affordable-accessible units would not be economically feasible from the vantage point of prospective low-income purchasers. Locating the affordable-accessible units off-site and thereby avoiding steep HOA dues will thus ease the financial burden on low-income purchasers.

2. Environmental Factors

Providing the prescribed numbers of LI or VLI units would entitle the Subdivider to develop an additional 28 units on-site as a density bonus, pursuant to state and local zoning laws. However, intensifying the use of the Subject Property by increasing the number of units in the Project would increase the severity of nearly all of the potential adverse impacts that were identified and analyzed in the extensive Environmental Impact Report ("EIR") for the Project.

a. Traffic: More dwelling units means more traffic. While the City Planning Commission has found that the traffic generated by the 82-unit Project can be mitigated to a level of insignificance (for study intersections and traffic hazards), it is likely that the traffic impacts associated with a larger project (that includes density bonus units) could not be similarly mitigated. The City Planning

Commission has also found that traffic impacts on residential streets (Tramonto and Los Liones) cannot be reduced to a level of insignificance. Such impacts would likely be exacerbated by the inclusion of additional dwelling units.

b. Views/Visual Resources: The project is designed so as to preserve and protect existing views. Including additional density bonus units will increase the height and massing of the project so that these views would be negatively impacted or lost altogether. Additional units would also produce additional nighttime lighting and daytime glare.

3. Technical Factors

The Project is situated in the heart of the area decimated by the 1965 Revello Landslide, the repair and stabilization of which is likely to be technically challenging and extraordinarily expensive. The Subdivider's geotechnical consultant has designed a state-of-the art solution that essentially involves the removal and re-compaction of significant portions of the slide area, which will ensure the safety of its Project and dramatically improve the safety of neighboring properties as well.

However, locating an additional 28 density-bonus units (and associated automobiles, which will necessitate construction of an additional subterranean parking garage) on the Subject Property would require major revisions to the approved geotechnical reports and may require new or different engineering solutions (to compensate for additional weight and stress) that would complicate the Subdivider's stabilization plan and significantly increase development costs.

4. Likelihood of Significant Delay

Locating an additional 28 units on the Subject Property will significantly increase the duration of the development process insofar as it will take approximately 6 months for architectural revisions, 6 months for geotechnical program revisions, 12 or more months for additional environmental review, 12 or more months for processing of revised subdivision applications, and 6 months of additional construction time, for a total delay of between 12 and 18 months. The City Planning Commission finds that locating an additional 28 units on-site cannot be accomplished within a "reasonable period of time" as contemplated by the Mello Act.

5. Authorization to Provide Affordable-Accessible Units Off-Site

In light of the economic, environmental, social, technical and practical timing considerations discussed above, the City Planning Commission finds it would not be "feasible" for purposes of the Mello Act to provide affordable-accessible units on the Subject Property. Therefore, in accordance with Cal. Gov't Code § 65590(d), and Section 7.3.1 of the City's Interim Procedures, the City Planning Commission find it necessary to allow the Subdivider to instead provide the above-prescribed number of affordable-accessible units on another property within the Coastal Zone or within three miles of the Coastal Zone.

The City Planning Commission further concluded that to ensure that the developer fulfills

this obligation; and to ensure the feasibility of the Subdivider's provision of affordable-accessible units, it is necessary to require that the off-site affordable units be placed in service (i.e. either rented or issuance of a Certificate of Occupancy) prior to the issuance of a Temporary or Final Certificate of Occupancy for the 55th on-site market rate unit so that the Subdivider is able to cover at least a portion of the costs of providing off-site affordable-accessible units by first selling some of the on-site market-rate units.

The City Planning Commission also finds it necessary in this instance to require that the affordable units be maintained as rental units. Condition No. 118 of the Tract's approval requires that the LI or VLI Inclusionary Units be maintained as rental units for at least 30 years. There is evidence that monitoring and enforcement of the sale and resale of the LI or VLI units has been problematic with other projects and has resulted in the purchase or resale of the LI or VLI units by a non-eligible household. An alternative to sell the LI or VLI units to a non-profit organization who in turn would sell the VLI units to an eligible LI or VLI household has previously been evaluated and was determined to present practical problems with respect to the readiness or ability by a non-profit to acquire the units. Therefore, maintaining the LI or VLI condominium units as rental units provides the best chance that the units will be used for their intended purpose.

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Decision Date: September 21, 2004

Appeal Ending Date: October 1, 2004

Ken Kahan (O)(A)
Palisades Landmark, LLC
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Gary Safronoff & Associates
Safronoff & Associates
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RE: Vesting Tentative Tract No.: 52928
Related Case: ZA-2000-2697-CDP
Council District: 11
Community Plan: Brentwood-Pacific Palisades
Existing Zone: RD2-1, RE9-1
MND No.: ENV-2000-2696-EIR
Fish and Game: Not Exempt

In accordance with provisions of Section 17.03 of the Los Angeles Municipal Code, the Advisory Agency approved Vesting Tentative Tract No. 52928 composed of 1 lot, located at 17331 and 17333 Tramonto Drive for a maximum **82** condominium units as shown on map stamp-dated June 26, 2000 in the Brentwood-Pacific Palisades Community Plan. This unit density is based on the RD2-1 Zone. (The subdivider is hereby advised that the Municipal Code may not permit this maximum approved density.) Therefore, verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Advisory Agency or a City Planner call (213) 978-1326. The Advisory Agency's approval is subject to the following conditions:

NOTE: If the subdivider requests a Density Bonus, the approval of a Tract Modification will be required.

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

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That an 1-foot by 13-foot wide strip of land be dedicated along Tramonto Drive adjoining the subdivision to complete a 38-foot wide and variable width street dedication satisfactory to the City Engineer.

2. That a 2-foot wide strip of land be dedicated as future street along Castellammare Drive adjoining the subdivision satisfactory to the City Engineer.

3. That any existing public easement within the tract area be correctly shown on the final map.

4. That the following requirements in connection with grading and construction in and adjacent to public right-of-way and/or private streets be complied with in a manner satisfactory to the City Engineer:

    a. Cut or fill slopes shall be no steeper than 2:1 (horizontal to vertical). Cut slopes shall be no steeper than 1:5 (horizontal to vertical) in competent bedrock.

    b. The toes and crests of all cut and fill slopes shall be located on private property and shall be set back 2 and 3 feet, respectively, from the property line.

    c. All landslide debris shall be removed to stable bedrock.

    d. Where fill overlies cut slopes, the fill shall be keyed horizontally into bedrock a minimum width of 12 feet or the slope shall be overexcavated a minimum of 12 feet and replaced as a compacted fill slope.

    e. All streets shall be founded upon firm, natural materials or properly compacted fill. Any existing loose fill, loose soil, or organic material shall be removed prior to placement of engineered fill.

    f. Fill material shall be compacted to a minimum of 90 percent relative compaction as defined in the Bureau of Engineering Standard Plan S-610. Fill shall be benched into competent material.

    g. All slopes shall be planted and an irrigation system installed as soon as possible after grading to alleviate erosion.

    h. Adequate perforated pipe and gravel sub-drain systems approved by the City Engineer shall be placed beneath canyon fills and behind retaining walls.

i. Where not in conflict with the above, the recommendations contained in the J. Byer Group, Inc.'s reports dated August 16, 2000, September 22, 2000, November 29, 2000, June 29, 2001, August 28, 2001 and October 2, 2001 by the consulting engineering geologists and civil/geotechnical engineers, Jon A. Irvine CEG 1691/RCE 55005 and Robert I. Zweigler CEG 1210/GE 2120, shall be implemented.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

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 following requirements and conditions:

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

6. The areas to receive compacted fill shall be prepared by removing all vegetation, debris, existing fill, soil, colluvium and slide debris. The exposed excavated area shall be observed by the soils engineer or geologist prior to placing compacted fill. The exposed grade shall be scarified to a depth of six inches, moistened to optimum moisture content, and recompacted to 90 percent of the maximum density.

7. The proposed building site for buildings 1 and 2 shall be excavated to a minimum depth of 10 feet below the bottom of all footings. The excavation shall extend a minimum of 10 feet beyond the building footprint. The excavated areas shall be observed by the soils engineer or geologist prior to placing compacted fill.

8. Fill, consisting of soil approved by the soils engineer, shall be placed in horizontal lifts and compacted in six-inch layers with suitable compaction equipment. The excavated on-site materials are considered satisfactory for reuse in the controlled fills. Any imported fill shall be observed by the soils engineer prior to use in fill areas. Rocks larger than six inches in diameter shall not be used in the fill.

9. The fill shall be compacted to at least 90 percent of the maximum laboratory density for the material used. The maximum density shall be determined by American Society for Testing and Materials (ASTM) D 1557-91 or equivalent.

10. Field observation and testing shall be performed by the soils engineer during grading to assist the contractor in obtaining the required degree of compaction and the proper moisture content. Where compaction is less than required, additional compactive effort shall be made with adjustment of the moisture content, as necessary, until 90 percent compaction is obtained. One compaction test is required for each 500 cubic yards or two vertical feet of fill placed.

11. Compacted fill slopes may be constructed at a 2:1 gradient and shall be keyed and benched into bedrock or supported laterally with retaining walls or soldier piles.

12. A subdrain system is recommended at the back of the proposed repair. The subdrain shall consist of an eight inch perforated pipe surrounded by five cubic feet of gravel per foot of subdrain. Gravel ?chimney? drains are recommended along the uphill sides of the repair. The gravel chimney drains shall consist of a 12 inch wide strip of 34 inch gravel placed between the compacted fill and the shored excavation. The chimney drains shall have hydraulic connectivity to the main subdrain.

13. In the event a hard cemented layer is encountered during foundation excavation, coring or the use of jackhammers may be necessary. Groundwater and caving zones may also be encountered in soldier pile excavations. Casing and/or drilling muds may be required shall caving zones be encountered.

14. Continuous and/or pad footings may be used to support the proposed buildings and garage retaining walls provided they are founded in bedrock, approved compacted fill (buildings 1 and 2) or alluvial terrace. Continuous footings shall be a minimum of 12 inches in width. Pad footings shall be a minimum of 24 inches square.

15. Increases in the bearing values of the compacted fill, terrace and bedrock are allowable at a rate of 20 percent for each additional foot of footing width or depth to a maximum of 3,000 pounds per square foot for the fill and terrace and 6,000 pounds per square foot for the bedrock. For bearing calculations, the weight of the concrete in the footing may be neglected.

16. The bearing values shown above are for the total of dead and frequently applied live loads and may be increased by one third for short duration loading, which includes the effects of wind or seismic forces. When combining passive and friction for lateral resistance, the passive component shall be reduced by one third.

17. All continuous footings shall be reinforced with a minimum of four #4 steel bars; two placed near the top and two near the bottom of the footings. Footings shall be cleaned of all loose soil, moistened, free of shrinkage cracks and approved by the geologist prior to placing forms, steel or concrete.

18. Drilled, cast in place concrete friction piles are recommended to support portions of the proposed buildings located over deep fill and adjacent to slopes to achieve the required slope setbacks. Also, piles are recommended to support the southern portion of Building 2 below the 1:1 setback plane. Piles shall be a minimum of 24 inches in diameter and a minimum of eight feet into bedrock or eight feet into fill below the setback plane. Piles may be assumed fixed at three feet into bedrock or three feet into fill below the setback plane. The piles may be designed for a skin friction of 700 and 500 pounds per square foot for that portion of pile in contact with

the bedrock and compacted fill, respectively. All piles shall be tied in two horizontal directions with grade beams.

19. The existing fill and soil on the site are subject to downhill creep. Pile shafts are subject to lateral loads due to the creep forces. Pile shafts shall be designed for a lateral load of 1,000 pounds per linear foot for each foot of shaft exposed to the existing fill and soil. Friction piles supporting the portion of Building 2 within the foundation zone shall be designed for an arbitrary creep force of 5 kips, with a point of application at the ground surface.

20. The friction values are for the total of dead and frequently applied live loads and may be increased by one third for short duration loading, which includes the effects of wind or seismic forces. Resistance to lateral loading may be provided by passive earth pressure within the bedrock.

21. Passive earth pressure may be computed as an equivalent fluid having a density of 380 pounds per cubic foot. The maximum allowable earth pressure is 6,000 pounds per square foot. For design of isolated piles, the allowable passive and maximum earth pressures may be increased by 100 percent. Piles spaced more than 2 ½ pile diameters on center may be considered isolated.

22. Settlement of the foundation system is expected to occur on initial application of loading. A settlement of one-quarter to one-half inch may be anticipated. Differential settlement shall not exceed one-quarter inch.

23. The Building Code requires that foundations be a sufficient depth to provide horizontal setback from a descending slope steeper than 3:1. The required setback is ½ the height of the slope with a minimum of five feet and a maximum of 40 feet measured horizontally from the base of the foundation to the slope face.

24. The Building Code requires a level yard setback between the toe of an ascending slope and the rear wall of the proposed structure of one half the slope height to a maximum 15 feet clearance for slopes steeper than 3:1. For retained slopes, the face of the retaining wall is considered the toe of the slope.

25. Cantilevered retaining walls up to 15 feet high, supporting compacted fill with backslopes between level and 2:1 may be designed for an equivalent fluid pressure of 43 pounds per cubic foot. Cantilevered retaining walls higher than 15 feet will require specific calculations based upon the backslope and surcharge conditions. Restrained basement and parking garage walls, where wall deflection is limited, shall be designed for a pressure of 30H, where H is the height of the restrained wall in feet. Retaining walls shall be provided with a subdrain or weepholes covered with a minimum of 12 inches of 34 inch crushed gravel.

26. Retaining wall backfill shall be compacted to a minimum of 90 percent of the maximum density as determined by ASTM D 1557-91, or equivalent. Where access between the retaining wall and the temporary excavation prevents the use of compaction equipment, retaining walls shall be backfilled with 34 inch crushed gravel to within two feet of the ground surface. Where the area between the wall and the excavation exceeds 18 inches, the gravel must be vibrated or wheel-rolled, and tested for compaction. The upper two feet of backfill above the gravel shall consist of a compacted fill blanket to the surface. Retaining wall backfill shall be capped with a paved surface drain.

27. Retaining wall footings may be sized per the "Deepened" and "Spread Footings" mitigation measures listed above.

28. Retaining walls surcharged by a sloping condition shall be provided freeboard for slough protection. For manufactured 2:1 slopes, a minimum of 12 inches of freeboard is recommended. For retaining walls supporting existing or natural slopes, the recommended freeboard is 18 inches. An open "V" drain shall be placed behind the wall so that all upslope flows are directed around the structure to the street or approved location.

29. Soldier piles are recommended as part of the stabilization plan to support the compacted fill laterally and to increase the safety factor. Southeast facing vertical excavations are not recommended in the slide debris. All southeast facing excavations in the slide debris shall be trimmed to 1:1 or along other flatter planes of weakness. Non-southeast facing temporary excavations in the slide debris may be created vertically up to five feet high. Where non-southeast facing vertical excavations in the slide debris exceed five feet in height, the upper portion shall be trimmed to 1:1(45 degrees). Northeast-facing excavations in the bedrock will weaken bedding in the down-dip direction. Northeast-facing excavations shall be trimmed to 1:1, or shored.

30. Soldier piles will be required to support temporary excavations and the landslide along the uphill property line and to support offsite properties. Soldier piles will also be required to support excavations along the downhill (southern) property line. Soldier piles shall be spaced a maximum of 10 feet on center. 1 setback plane, or below the base of the excavation, whichever is deeper.

31. The temporary load on soldier piles P1 through P10 is 170 kips per foot. From P17 to P35, the recommended design force is 145 kips per foot. Between piles P10 and P17, the design force shall decrease linearly from 170 to 145 kips per foot. The point of application is assumed to be 1/3 the retained height of the pile. Piles P1 through P35 shall be embedded in the bedrock below the base of the slide.

32. Piles P36 through 40 shall be founded below a 1 1/2 : 1 plane projected up from the base of the slide. The recommended design equivalent fluid pressure is 65 pounds

per cubic foot for the portion of the pile between the ground surface and the1 ½: 1 setback plane. Piles along the upslope property line may also be utilized to support temporary vertical excavations to construct the required rear yard retaining walls.

33. Due to the large forces and high retaining heights, cantilevered piles may not be feasible. Bracing, rakers, tie-back anchors, and additional row(s) of soldier piles, may be used to assist the property line retaining walls. Slopes may be trimmed offsite to reduce the heights of shored excavations with permission from the offsite property owner. The installation of tie-back anchors offsite will also require permission from the offsite property owner.

34. Resistance to lateral loading may be provided by passive earth pressure within the bedrock. Passive earth pressure may be computed as an equivalent fluid having a density of 380 pounds per cubic foot. The maximum allowable earth pressure is 6,000 pounds per square foot. For design of isolated piles, the allowable passive and maximum earth pressures may be increased by 100 percent. Piles spaced more than 2 ½ pile diameters on center may be considered isolated.

35. Tie-back earth anchors may be used to assist the soldier piles in resisting the lateral loads. Either friction anchors or belied anchors may be used.

36. For design purposes, the active wedge within the slide debris is defined by the base of the slide as shown in the cross sections. For earth anchors remote to the slide, it is assumed that the active wedge adjacent to the shoring is defined by a plane drawn at 35 degrees with the vertical through the bottom of the excavation. Friction anchors shall extend at least 25 feet beyond the potential active wedge, or to a greater length if necessary to develop the desired capacities.

37. The capacities of the anchors shall be determined by testing of the initial anchors. For preliminary design purposes, it is estimated that drilled friction anchors will develop an average value of 400 pounds per square foot. Only the frictional resistance developed beyond the active wedge shall be considered in resisting lateral loads. If the anchors are spaced at least six feet on center, no reduction in the capacity of the anchors need be considered due to group action.

38. The frictional resistance between the soldier piles and the retained earth may be used in resisting a portion of the downward component of the anchor load. The coefficient of friction between the soldier piles and the retained earth may be taken as 0.35. In addition, the soldier piles below the excavated level may be used to resist downward loads. The downward frictional resistance between the concrete soldier piles and the soils below the excavated level may be taken as equal to 700 pounds per square foot.

39. The anchors may be installed at angles of 20 to 40 degrees below the horizontal. Caving and sloughing of the anchor hole shall be anticipated and provisions made

to minimize such caving and sloughing. Groundwater and seeps should be anticipated for anchors drilled within the slide debris. The anchors shall be filled with concrete placed by pumping through the auger from the tip out, and the concrete shall extend from the tip of the anchor to the active wedge. To minimize chances of caving and sloughing, that portion of the anchor shaft within the active wedge shall be backfilled with sand before testing the anchor. This portion of the shaft shall be filled tightly and flush with the face of the excavation. The sand backfill shall be placed by pumping; the sand may contain a small amount of cement to facilitate pumping.

40. A representative of J. Byer Group shall select at least eight of the initial anchors for a 24-hour 200% test and eight additional anchors for quick 200% tests. The anchors shall be tested to develop twice the assumed friction value. Anchor rods of sufficient strength shall be installed in these anchors to support the 200 percent test loading. Where satisfactory tests are not achieved on the initial anchors, the anchor diameter and/or length shall be increased until satisfactory test results are obtained. The total deflection during the 24-hour 200% test shall not exceed 12 inches. During the 24-hour test, the anchor deflection shall not exceed 0.75 inch measured after the 200% test load is applied. If the anchor movement after the 200% load has been applied for 12 hours is less than 0.5 inch, and the movement over the previous four hours has been less than 0.1 inch, the 24-hour test may be terminated.

41. For the quick 200% tests, the 200% test load shall be maintained for 30 minutes. The total deflection of the anchor during the 200% quick tests shall not exceed 12 inches; the deflection after the 200% test load has been applied shall not exceed 0.25 inch during the 30-minute period.

42. All of the anchors shall be pretested to at least 150% of the design load; the total deflection during the test shall not exceed 12 inches. The rate of creep under the 150% test shall not exceed 0.1 inch over a 15-minute period for the anchor to be approved for the design loading.

43. After a satisfactory test, each anchor shall be locked-off at the design load. The locked-off load shall be verified by rechecking the load in the anchor. If the locked-off load varies by more than 10% from the design load, the load shall be resent until the anchor is locked-off within 10% of the design load.

44. The installation of the anchors and the testing of the completed anchors shall be observed by the J. Byer Group.

45. Continuous lagging is anticipated for shoring piles supporting slide debris. The soldier piles shall be designed for the full anticipated lateral pressure. However, the pressure on the lagging will be less due to arching in the soils. Lagging shall be

designed for the recommended earth pressure, but may be limited to a maximum value of 400 pounds per square foot.

46. Rakers may be used to internally brace the soldier piles. The raker bracing could be supported laterally by temporary concrete footings (deadmen) or by the permanent interior footings. For design of temporary footings or deadmen, poured with the bearing surface normal to rakers inclined at 45 degrees, a bearing value of 4,000 pounds per square foot may be used, provided the shallowest point of the footing is at least one foot below the lowest adjacent grade.

47. Some deflection of the shored embankment shall be anticipated. If excessive deflection occurs during construction, additional bracing may be necessary to minimize deflection. If desired to reduce the deflection of the shoring, a greater active pressure could be used in the shoring design. Monitoring of the performance of the shoring system is recommended. The monitoring shall consist of periodic surveying of the lateral and vertical locations of the tops of all the soldier piles. Also, some means of periodically checking the load on selected anchors may be necessary.

48. The geologist shall be present during grading to see temporary slopes. All excavations shall be stabilized within 30 days of initial excavation. Water shall not be allowed to pond on top of the excavations or to flow toward it. No vehicular surcharge shall be allowed within three feet of the top of the cut.

49. Concrete floor slabs and concrete decking shall be cast over bedrock or approved compacted fill and reinforced with a minimum of #4 bars on 16 inch centers, each way. Slabs which will be provided with a floor covering shall be protected by a polyethylene plastic vapor barrier. The barrier shall be covered with a thin layer of sand, about one inch, to prevent punctures and aid in the concrete cure.

50. Decking which caps a retaining wall shall be provided with a flexible joint to allow for the normal one to two percent deflection of the retaining wall. Decking which does not cap a retaining wall shall not be tied to the wall. The space between the wall and the deck will require periodic caulking to prevent moisture intrusion into the retaining wall backfill.

51. It shall be noted that cracking of concrete floor slabs is very common during curing. The cracking occurs because concrete shrinks as it dries. Crack control joints which are commonly used in exterior decking to control such cracking are normally not used in interior slabs. The reinforcement recommended above is intended to reduce cracking and its proper placement is critical to the slab's performance. The minor shrinkage cracks which often form in interior slabs generally do not present a problem when carpeting, linoleum, or wood floor coverings are used. The slab cracks can, however, lead to surface cracks in brittle floor coverings such as

ceramic tile. A mortar bed or slip sheet is recommended between the slab and tile to limit, the potential for cracking.

52. Paving shall be placed over bedrock, terrace, or approved compacted fill. Base course shall be compacted to at least 95 percent of the maximum dry density. Trench backfill below paving shall be compacted to 90 percent of the maximum dry density. Irrigation water shall be prevented from migrating under paving.

53. Roof gutters are recommended for the proposed structures. Pad and roof drainage shall be collected and transferred to the street or approved location in non-erosive drainage devices. Drainage shall not be allowed to pond on the pad or against any foundation or retaining wall. Drainage shall not be allowed to flow uncontrolled over any descending slope. Planters located within retaining wall backfill shall be sealed to prevent moisture intrusion into the backfill. Planters located next to raised floor type construction shall be sealed to the depth of the footings. Drainage control devices require periodic cleaning, testing and maintenance to remain effective.

54. Interior and exterior retaining walls are subject to moisture intrusion, seepage, and leakage and shall be waterproofed. Waterproofing paints, compounds, or sheeting can be effective if properly installed. Equally important is the use of a subdrain that daylights to the atmosphere. The subdrain shall be covered with 34 inch crushed gravel to help the collection of water. Yard areas above the wall shall be sealed or properly drained to prevent moisture contact with the wall or saturation of wall backfill.

55. Construction of raised floor buildings where the grade under the floor has been lowered for joist clearance can also lead to moisture problems. Surface moisture can seep through the footing and pond in the underfloor area. Positive drainage away from the footings, waterproofing the footings, compaction of trench backfill and subdrains can help to reduce moisture intrusion.

56. Formal plans ready for submittal to the Building Department shall be reviewed by The J. Byer Group. Any change in scope of the project may require additional work.

57. The Building Department requires that the geotechnical company provide site observations during construction. The observations include foundation excavations, tie-back excavations, shoring piles, keyways for fill, benching, and temporary slopes. All fill that is placed shall be tested for compaction and approved by the soils engineer prior to use for support of engineered structures. The City of Los Angeles requires that all retaining wall subdrains be observed by a representative of the geotechnical company and the City Inspector.

58. The J. Byer Group, Inc. shall be advised at least 24 hours prior to any required site visit. The agency approved plans and permits shall be at the jobsite and available to the J. Byer Group. The project consultant will perform the observation and post

a notice at the jobsite of their visit and findings. This notice shall be given to the agency inspector.

59. Final geologic and soils engineering reports shall be prepared upon completion of the grading and shall be approved by the City Department of Building and Safety.

60. It is the responsibility of the contractor to maintain a safe construction site. When excavations exist on a site, the area shall be fenced and warning signs posted. All pile excavations must be properly covered and secured. Soil generated by foundation and subgrade excavations shall be either removed from the site or properly placed as a certified compacted fill. Soil must not be spilled over any descending slope. Workers shall not be allowed to enter any unshored trench excavations over five feet deep.

61. Prior to the recordation of the final map, a grading permit shall be obtained from the Department of Building and Safety.

62. Prior to issuance of a permit, the owners shall record a sworn affidavit with the Office of the County Recorder which attests to their knowledge that the western portion of the site (buildings 1 & 2) will still be bordered by active landslide on three sides after the completion of the development, and that they are aware of the potential for debris to collect behind the rear property line wall and the western property line wall, affecting the surface drain system, and that there is the potential for the landslide to remove support from the lower property line which could require the future construction of walls between the piles to provide support, and that the owner and future homeowners association agrees to assume the responsibility to keep the surface drain system behind the retaining walls clear of debris, to take responsibility for any future maintenance/repairs, and to inform all future owners of these conditions. The owner and future homeowners association shall provide proof of compliance with this mitigation measure to the Department of Building and Safety on an annual basis.

63. All existing landslide debris shall be removed and replaced as certified compacted fill, as recommended.

64. The following piles shall be designed for a minimum thrust, times pile spacing, as recommended:

- Piles P1 to P10 - 175 Kips
- Piles P11 to P17 - decreasing from 175 to 145 Kips
- Piles P17 to P35 - 145 Kips
- Piles P36 to P40 and all other pile supported retaining wall structures shall be designed for a minimum EFP of 65 PCF and 30 PCF, respectively, times pile spacing, as recommended.

65. Piles P1 through P40 shall be designed so that the deflection at the top of the piles is a maximum of 1 (one) inch as recommended.

66. Pile(s) supporting Building 2 shall derive support from below the 1:1 set back plane projected up from the bottom of the fill along the southern property line. Also, the piles shall be embedded a minimum of 8 feet into bedrock or compacted fill, as recommended.

67. The structures shall be supported entirely either on compacted fill or bedrock.

68. Seismic design shall be based on Soil Profile Type Sc, as recommended.

69. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.

70. The soils engineer shall review and approve the shoring plans prior to issuance of the permit. Installation of shoring shall be performed under the continuous inspection and approval of the soils engineer.

71. Pile shafts shall be designed for a lateral load of 1000 pounds per linear foot of shaft exposed to the existing fill, soil and weathered bedrock. Friction piles supporting the portion of building 2 shall be designed for a minimum of 5 kips creep, with a point of application at the ground surface, as recommended.

72. The pile excavations shall be logged by the geologist to verify that the geologic conditions are not different than presented in the reports; the data shall be submitted to the Department prior to beginning the grading of the landslide.

73. All friction pile drilling and installation shall be performed under the continuous inspection and approval of the soils engineer.

74. The grading of the landslide shall not begin until it is verified that groundwater levels are below the bottom of the landslide. Additionally, the grading of the landslide shall not begin unless there is adequate time to complete the grading before the start of the rainy season.

75. A minimum of ten feet of freeboard shall be provided along the northern property line, above soldier pile Nos. P17 to P29; the freeboard shall be designed for a minimum EFP of 65 pcf, as recommended. The freeboard shall also be extended along the western property line.

76. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with

evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation.

77. A registered grading deputy inspector approved by and responsible to the project geotechnical engineer shall be required to provide continuous inspection for the proposed shoring.

78. Tie-backs are currently not proposed or approved.

79. Subdrain systems shall be installed between the soldier piles in the landslide and along the bottom of the landslide removal. A minimum of three continuous drains shall be provided beneath the proposed fill, as shown on the cross-sections in the reports and a continuous drain shall be provided at the bottom of the fill along the western property line. The water from the subdrain systems shall be conducted by gravity flow to an acceptable location at Castellammare Drive.

80. The 20-foot-wide strip of the property that extends up from Castellammare Drive shall be stabilized, as recommended in the reports.

81. All new slopes shall be no steeper than 2:1.

82. Adequate temporary erosion control devices acceptable to the Department, and if applicable the Department of Public Works, shall be provided and maintained during the rainy season.

83. All recommendations of the reports dated 08/16/00, 11/29/00, 06/29/01, 08/28/01 and 10/02/01, prepared by Jon Irvine (CEG 1691, RCE 55005) of the J. Byer Group, which are in addition or more restrictive than the conditions contained herein shall be incorporated into the plans.

84. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety.

85. A grading permit shall be secured and a grading bond posted.

86. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.

87. The geologist and soil engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading.

88. Any recommendations prepared by the consulting geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Department for approval prior to utilization in the field.

89. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557; or 95 percent where less than 15 perfect fines passes 0.005mm.

90. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill.

91. All roof and pad drainage shall be conducted to the street in an acceptable manner.

92. Retaining walls shall be designed for a minimum EFP as specified on page 28 of the report dated 08/16/2000.

93. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device.

94. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind retaining walls shall be approved by the soils engineer and accepted by the Department. Installation of the subdrainage system shall be inspected and approved by the soils engineer and by the City grading inspector.

95. Footings adjacent to a descending slope steeper than 3:1 in gradient shall be located a distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the face of the slope.

96. Buildings adjacent to ascending slopes shall be set back from the toe of the slope a level distance equal to one half the vertical height of the slope, but need not exceed 15 feet in accordance with Code Section 91.1806.5.2.

97. Pile caisson and/or isolated foundation ties are required by Code Section 91.1807.2

    Exceptions and medication to this requirement are provided in Rule of General Application 662.

98. For grading involving import or export of more than 1000 cubic yards of earth materials within the grading hillside area, approval is required by the Board of Building and Safety. Application for approval of the haul route must be filed with the Grading Section. Processing time for application is approximately 8 weeks to hearing plus 10-day appeal period.

99. Prior to the placing of compacted fill, a representative of the consulting Soils Engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the City Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be filed with the Department upon completion of the work. The fill shall be placed under the inspection and approval of the Foundation Engineer. A compaction report shall be submitted to the Department upon completion of the compaction.

100. The consulting geologist shall periodically inspect the grading and upon completion submit a final report stating that the completed work complies with his recommendations. Geological data shall be obtained from grading exposure, particularly at back slope cuts for fills and buttress and on cut surfaces. This data shall be presented on a final geological map and as-graded plan.

101. Prior to the pouring of concrete, a representative of the consulting Soil Engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work.

102. When water over 3 inches in depth is present in drilled pile holes, a concrete mix with a strength pounds per square inch (p.s.i.) of 1000 over the design p.s.i. shall be trimmed from the bottom up; an admixture that reduces the problem of segregation of paste/aggregates and dilution of paste shall be included.

103. The dwellings shall be connected to the public sewer system.

104. Prior to excavation, an initial inspection shall be called at which time sequence of shoring, protection fences, and dust and traffic control will be scheduled.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

105. 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. Obtain permit for demolition or removal of all existing structures. Provide copy of demolition permit and signed inspection card to show completion of work.

b. Note: The District Map notes a 10' and 20' underground Public Utility Easement crossing three proposed buildings.

106. Conduct pre-construction assessments for ACMs. **Prior to the issuance of the demolition permit**, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACMs are present in the building. If ACMs are found to be present, they will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

DEPARTMENT OF TRANSPORTATION

107. The project applicant shall, at his own expense and to the satisfaction of the Department of Transportation and the Department of Public Works:

a. remove any existing vegetation within the right-of-way between the roadway edge and the property line along the convex curve of Tramonto Drive, approximately eighty feet arc length, in the vicinity of the project driveway; and

b. install a permanent aesthetic surface or material along this portion of the roadway that prevents the growth of vegetation within this right-of-way.

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

109. DOT approval shall be accomplished by submitting detailed site/driveway plans at a scale of 1" = 40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Avenue, Los Angeles, 90045.

FIRE DEPARTMENT

110. 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 Tentative Tract Action.

b. 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;

c. Construction of a private roadway in the proposed development shall not exceed 15 percent in grade;

d. Private roadway development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan D-22549;

e. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width;

f. Fire lanes, where required, and dead-ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be more than 700 feet in length or secondary access shall be required.

g. 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;

h. All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner?s expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code;

i. Standard cut-corners will be used on all turns;

j. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance, or exit of individual units;

k. The entrance or exit of all ground floor apartment units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane;

l. 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;

m. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet; and

n. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.

o. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined by the Fire Department.

p. The project shall be equipped with an automatic sprinkler system to the satisfaction of the Los Angeles Fire Department.

DEPARTMENT OF WATER AND POWER

111. 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

112. Street light improvements shall be made to the satisfaction of the Bureau of Street Lighting and/or the following street lighting improvements shall be required. (This condition shall be deemed cleared at the time the City Engineer clears Condition S-3. (c).). 1 Street Light shall be required on Tramonto Drive.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY AGENCY

114. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the Los Angeles Municipal Code Section 17.05N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 120 S. San Pedro Street, Room 600, Los Angeles, CA 90012, (213) 485-7969.

DEPARTMENT OF RECREATION AND PARKS

115. That the Quimby fee be based on the RD2 Zone.

STREET TREE DIVISION AND THE DEPARTMENT OF CITY PLANNING

116. Prior to the issuance of a grading 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 Department of City Planning and the Street Tree Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Street Tree Division standards.

The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency.

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Street Tree Division at: 213-485-5675. Failure to comply with this condition as written shall require the filing of a modification to this Tentative Tract in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

117. 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 82 dwelling units.

b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus ½ guest parking spaces per dwelling. All guest spaces shall be readily accessible, conveniently located and specifically reserved for guest parking.

If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.
In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 No. Spring Street, Room 763).

c. 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 along the northerly side of the property.

d. Install within the project an air filtration system (either charcoal or electronic) to reduce the air quality effects on the proposed residents.

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

118. VERY-LOW OR LOW INCOME CONDOMINIUM UNITS: Prior to the Recordation of the Final Map, or prior to the issuance of a building permit, the subdivider shall execute and record a covenant and agreement (Planning Department Form CP-6770) satisfactory to the Department of City Planning and the Housing Department, binding the applicant or any subsequent property owner, heirs, or assigns to:

a. designate and maintain (including rent schedule) 16 condominium units (20% of the 82 identified new whole dwelling units) as Very-Low Income (VLI) or Low Income (LI) affordable accessible rental dwelling units as defined in LAMC Section 12.22 A 25(b);

OR

designate and maintain 8 condominium units (10% of the 82 identified new whole dwelling units) for Very Low Income (VLI) affordable accessible rental dwelling units as defined in LAMC Section 12.22 A 25(b).

b. execute and record, prior to the issuance of any building permit for the subject property by the Department of Building and Safety, a covenant and agreement, in a manner approved by the Housing Department, guaranteeing that the designated affordable accessible dwelling units shall be reserved for occupancy by eligible households for at least 30 years from the issuance of a Certificate(s) of Occupancy for the affordable accessible dwelling units. A copy of the recorded Covenant and Agreement approved by the Housing Department shall be placed in the tract file, and

c. The Housing Department, or its successor or assignee, shall be responsible for the ongoing monitoring and enforcement of these (accessible affordable unit requirements.

d. Prior to recordation of the Final Map, the subdivider shall submit a copy of the Covenants, Conditions and Restrictions (CC & R's) for approval by the Advisory Agency that will identify: 1) the designated 16 or 8 units reserved for LI or VLI accessible household incomes, 2) acknowledgment that the designated LI or VLI accessible units will be reserved as rentals for LI or VLI accessible households for a period of 30 years. The CC & R's shall contain language that a (Vesting) Tentative Tract modification shall be approved prior to any changes by the Homeowners Association affecting the requirements for the designated LI or VLI accessible units.

These Inclusionary LI or VLI units shall be located on-site. Applicants claiming it is infeasible for them to comply with this requirement may request permission to provide the required units elsewhere within the Coastal Zone, or within three miles of the Coastal Zone, by submitting an appeal pursuant to Part 8.0 of the Interim Administrative Procedures for Complying with the Mello Act in the Coastal Zone Portions of the City of Los Angeles, signed in May of 2000.

NOTES: The provision of Inclusionary Residential Units for senior or disabled persons who do not have a Low or Very Low Income does not fulfill the inclusionary requirements for New Housing Development for the Mello Act.

119. BIOLOGICAL SURVEY: Prior to commencing site preparation or construction activities:

a. The applicant shall have a field survey conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 100 feet (200 feet for raptors) of the construction zone. The field survey shall occur no earlier than 3 days prior to construction or Site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March 1 through August 31).

b. Additionally, raptor (nesting) surveys shall be conducted on the site prior to the commencement of construction related activities. Should an active raptor nest be discovered on the Project Site, a 500-foot buffer shall be maintained between Project-related activities and the nest until such time fledglings leave the nest and the site and it has been determined by the Sites' biological monitor that the nest is not being used for repeated, same-season nesting attempts. If active nests are found (other than raptors), a minimum 50-foot fence barrier shall be erected around the nest, and clearing within the

fenced area shall be postponed or halted, at the discretion of a biologist, until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, as determined by a qualified biologist.

c. Construction personnel shall be instructed on the sensitivity of the area. The project proponent shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

d. The subdivider shall provide a clearance letter or other evidence/documentation from the Department of Fish and Game, to the satisfaction of the Advisory Agency, that Conditions a, b, and c above have been satisfied.

e. In the event site preparation or construction activities are not commenced prior to the recordation of the final map, the subdivider shall record and execute a covenant and agreement satisfactory to the Advisory Agency guaranteeing that the field survey will be completed by a qualified biologist prior to site preparation and construction activities.

A copy of the letter required by Condition No. C-5 from the project civil engineer, architect or licensed land surveyor certifying that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building shall be attached to the covenant.

120. 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: Tramonto Drive, Los Liones Drive, Sunset Boulevard, Pacific Coast Highway, 10 Freeway, 5 Freeway, Penrose Street, Bradley Avenue.

b. As volunteered by the applicant, hours of operation shall be from 8:00 a.m. to 4:00 p.m. Monday through Friday; and from 9:00 am to 4:00 pm on Saturdays.

c. No hauling on Sundays.

d. Trucks shall be restricted to 10-wheel dump trucks or smaller, semi-trailers, or 18-wheel bottom dump trucks.

e. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).

f. Streets shall be cleaned of spilled materials at the termination of each work day.

g. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.

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

i. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.

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

k. All trucks are to be watered at the job site to prevent excessive blowing dirt.

l. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.

m. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.

n. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.

o. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.

p. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."

q. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.

r. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.

s. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.

t. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.

u. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Valley District Engineering Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401. Further information regarding the bond may be obtained by calling 818.374.5090.

OR

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

OR

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

OR

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

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

121. That prior to recordation of the final map, or prior to the issuance of any grading or building permit, whichever occurs first, the subdivider shall execute a Covenant and Agreement, to the satisfaction of the Advisory Agency, binding the subdivider to implement the Mitigation Monitoring Program contained in Section IV of Final EIR (ENV-2000-2696-EIR) and to provide certification, as identified by the MMP, to the

appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented.

In addition, the subdivider shall identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by both the MMP and Condition No(s). **116, 118, 119, 120, 122, 123, & C-4** of the Tract's approval and Section IV of the Final EIR, 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 mitigation items required.

122. 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 The proposed project shall comply with the City's Hillside Development Guidelines.

MM-2 All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the City Planning Department.

MM-3 Landscape buffers shall be planted between the project site and adjacent residential uses.

MM-4 Outdoor lighting shall be directed on-site and designed and installed with shielding so that the light source can not be seen from adjacent land uses.

MM-5 Outdoor lighting and indoor parking garage lighting shall be limited to that necessary for safety and security, and shall be directed on-site and designed and installed with shielding so that the light source can not be seen from adjacent land uses or from off-site locations.

MM-6 The exterior of the proposed buildings shall be constructed of non-reflective building materials.

MM-7 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood and vegetation. Non-recyclable materials/wastes must be taken to an appropriate landfill, such as the Calabasas Sanitary Landfill, the Azusa Landfill, or the Bradley Landfill Toxic wastes must be discarded at a licensed regulated disposal site.

MM-8 Clean up leaks, drips and spills immediately to prevent contamination soil on paved surfaces, including Tramonto Drive and Los Liones Drive, that can be washed away into the storm drains.

MM-9 Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

MM-10 Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

MM-11 Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

MM-12 Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

MM-13 The project shall comply with Ordinance No. 172,176 to provide for Stormwater and Urban Runoff Pollution Control which requires the application of BMPs, including the following mitigation measures:

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

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

MM-14 The applicant shall pay the required school fees to the LAUSD.

MM-15 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.

MM-16 The project applicant shall consult with the LAPD's Crime Prevention Unit (CPU) on the design and implementation of a security plan for the proposed project and, which shall consider the following elements:

- Design entryways, the lobby, and parking areas with lighting that eliminates areas of concealment;
- Landscaping should be designed so as to not conceal potential criminal activities near windows or doors
- Outdoor night lighting should be provided to aid crime prevention and enforcement efforts;
- All garages should be enclosed;

- Provide solid core doors with deadbolt locks to all units;
- The use of louvered windows should be prohibited

MM-17 Upon the completion of the project, it is recommended that site plans for the property be provided to the West Los Angeles area commanding officer to help facilitate any necessary police response.

MM-18 The applicant shall comply with the City of Los Angeles Housing Department's relocation assistance requirements.

MM-19 Automatic sprinkler systems should be set to irrigate landscaping during early morning hours or during the evening to reduce water losses from evaporation. Care must be taken to reset sprinklers to water less often in cooler months and during the rainfall season to avoid wasting water by excessive landscape irrigation.

MM-20 Selection of native, drought-tolerant, low water consuming plant varieties should be used to reduce irrigation water consumption.

MM-21 Adherence to the provisions within the Water Conservation Ordinance of April 1988.

MM-22 The project applicant should demonstrate that construction and demolition debris, to the maximum extent feasible, would be salvaged and recycled in a practical, available, and accessible manner during the construction phase.

MM-23 The applicant shall institute a recycling program to the satisfaction of the Deputy Advisory Agency to reduce the volume of solid waste going to landfills in compliance with the City's goal of a 70 percent reduction in the amount of solid waste going to landfills by the year 2020.

MM-24 Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

MM-25 The applicant should consult with LADWP during the design process of the proposed project regarding potential energy conservation measures for the project. Examples of such energy conservation measures include:

- Design windows (i.e., tinting, double pane glass, etc.) to reduce thermal gain and loss and thus cooling loads during warm weather, and heating loads during cool weather.
- Install thermal insulation in walls and ceilings that meets or exceeds the requirements of the State Administrative Code Title 24.
- Install high-efficiency lamps for outdoor security lighting.
- Time control exterior lighting. These systems should be programmed to account for variations in seasonal daylight times.

- Limit outdoor lighting while still maintaining minimum security and safety standards.
- Built-in appliances, refrigerators, and space-conditioning equipment should exceed the minimum efficiency levels mandated in the California Code of Regulations.
- Use natural ventilation wherever possible.

MM-26 As a condition of each grading permit required of the project applicant by the City, the applicant shall be responsible for the repair of any damage to roads resulting from the delivery of heavy machinery, equipment, and building materials to or from the project site, as well as the import and export of soil to and from the project site. Such roadway repair shall be to the satisfaction of the City of Los Angeles Bureau of Street Services.

MM-27 If construction or haul trucks driving to and/or from the project site cause any substantial damage to private driveways in the immediate vicinity of the project site, such damage shall be repaired by, or paid for by, the project applicant.

123. **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 Tentative Tract 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 Hours of construction shall be limited to 8:00am to 5:00pm during excavation, recompaction and prior to the covering of the exterior of the buildings ("wrapping"),

Monday through Friday and 9am to 5pm on Saturdays. No construction on Sundays. Workers may arrive at the site after 7:00am and engage in pre-construction work that does not involve the use of any equipment or work that generates noise that can be heard inside the dwelling units of adjacent properties.

CM-3 As volunteered by the applicant, after the "wrapping" phase of the exterior of the buildings, construction may commence at 7:00am, Mondays through Saturdays, providing that such construction does not generate noise that can be heard inside the dwelling units of adjacent properties.

CM-4 As volunteered by the applicant, OWTC shall be given written schedules of construction activities upon request but not more than once a month which set forth the scope of scheduled construction activities. Written notice of any changes to the construction schedule shall be provided.

CM-5 As volunteered by the applicant OWTC shall be given 72 hours prior notice of all vibration generating construction operations.

CM-6 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-7 Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-8 No construction equipment shall be started in or in operation on-site outside the allowable construction hours of 8:00 a.m. to 5:00 p.m. (M-F) and 9:00 am to 5:00 pm (Saturdays).

CM-9 Trucks and construction equipment shall not be staged in adjacent residential areas during the overall period of construction.

CM-10 Temporary "Truck Crossing" warning signs shall be placed approximately 300 feet in advance of the construction driveway in each direction on Tramonto Drive.

CM-11 Up to two flag persons shall be used at the project site to assist the truck operators in and out of the project area, as well as minimize conflicts with motorists.

CM-12 Construction workers shall not be allowed to park on Sunset Boulevard or any residential or local street in the vicinity, except Los Liones Drive.

CM-13 A construction worker ridesharing plan shall be implemented in order to reduce construction-related trips and parking demand.

CM-14 As volunteered by the applicant, construction vehicles shall not interfere with egress from the driveway used by OWTC.

CM-15 As volunteered by the applicant, there shall be no construction-related parking or staging of trucks/vehicles on Tramonto Drive at any time.

CM-16 All unpaved demolition and construction areas shall be wetted at least twice daily, or more frequently as necessary, during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

CM-17 All materials transported off site shall be securely covered or sufficiently watered to prevent excessive amounts of dust and protect against spillage.

CM-18 All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

CM-19 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

CM-20 Cover any on-site stockpiles of debris, dirt or other dusty material.

CM-21 Actively stabilize any cleared area that is planned to remain inactive for more than 30 days after clearing is completed.

CM-22 Establish an on-site construction equipment staging area and construction worker parking lot, located on either paved surfaces or unpaved surfaces subjected to soil stabilization treatments, as close as possible to a public highway.

CM-23 Encourage car-pooling for construction workers.

CM-24 Sweep access points daily.

124. Prior to recordation of the Final Map, the subdivider shall obtain a Coastal Development Permit.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.

2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. That prior to recordation of the final map, the subdivider shall record an "Agreement for Development of Units for Lease or Sale ("15% Ordinance")" covenant, to benefit the Housing Authority, for certification of the development in accordance with Section 12.39A. Arrangements shall be made with the Department of Building and Safety, Zoning Section - Subdivisions (213.482.0000) to approve the covenant format, prior to recording the covenant.

C-3. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with Section 17.12 of the Los Angeles Municipal Code and to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-4. That a landscape plan, prepared by a licensed landscape architect, be submitted to Council District 11 prior to review and approval by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map.

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

C-5. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Construct any necessary drainage facilities.

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

(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 planting's shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division ((213) 485-5675) upon completion of construction to expedite tree planting.

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

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

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

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

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

After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, drainage facilities may include the construction of storm drain system 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.

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

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

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

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

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

The subdivider should consult the Department of Water and Power to obtain energy saving design features 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.

Further, in the event the Advisory Agency approves the Vesting Tentative Tract, the following findings for the California Environmental Quality Act and Subdivision Map Act should be adopted by the Advisory Agency.

1.0 FINDINGS OF FACT (CEQA)

An Environmental Impact Report (EIR) has been prepared to analyze the potential environmental effects that could result from the construction and operation of the project. The EIR identifies mitigation measures, monitoring measures when necessary, and alternatives which would mitigate the negative environmental effects of the project. The EIR was completed and recommended for certification by the Environmental Review Section of the Los Angeles City Planning Department on December 1, 2003.

The EIR Report for the subject project, pursuant to and in accordance with Section 21081 of the State of California Public Resources Code, identifies potential significant impacts from the proposed project including:

> Aesthetics; Air Quality; Geology and Soils; Hydrology and Water Quality; Population and Housing; Public Services (Police Services, Fire Protection, Schools, Parks & Road Maintenance); Biological Resources; Transportation/Traffic;

However, changes or alterations which will mitigate or avoid significant environmental effects have been identified in the Final EIR for the subject project. Feasible mitigation measures and a monitoring program have been defined for those impacts. Other identified potential impacts not mitigated by these measures are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The Final EIR identifies three impacts not mitigated to a less than significant level for the proposed project:

> Visual Resources (Private Views); Short-Term Noise; and Traffic (Residential Streets) Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives

to the project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby Finds that the benefits outweigh and override the significant unavoidable impacts.

The Deputy Advisory Agency hereby certifies and finds that: the Final Environmental Impact Report for the Palisades Landmark Project, Case No. VTT-52928, State Clearinghouse Number 2002051086, (which consists of the Draft Environmental Impact Report (Draft EIR) dated January 16, 2003; Appendices to the Draft EIR dated January 16, 2003; and Final Environmental Impact Report, including Responses to Comments, Additions and Corrections, and Mitigation Monitoring and Reporting Program ("MMRP"), dated December 1, 2003; collectively referred to as the "Final EIR"), has been completed in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; ["CEQA"]) and the Deputy Advisory Agency reviewed and considered the information contained in the Final EIR, the application for VTT-52928, the public hearing and submissions of testimony from officials and departments of the City, the Applicant the public and other agencies. Concurrently with the adoption of these Findings, the Deputy Advisory Agency adopts a MMRP as part of the Final EIR. Having reviewed and considered the foregoing information, as well as any and all information in the administrative record, the Deputy Advisory Agency hereby makes Findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

1.1 PROJECT BACKGROUND AND ENVIRONMENTAL IMPACT REPORT PROCESS

The City is the local Lead Agency for the Project, with the Los Angeles Department of City Planning ("City Planning") administering the state-mandated environmental review process for the approval of the Project. The City has prepared a Draft EIR with Technical Appendices, and a Final EIR to comply with CEQA and the State CEQA Guidelines (Cal. Code Regs. Title 14, Division 6, Chapter 3, Section 15000 et seq. ["CEQA Guidelines"]).

Notice of Completion: A Notice of Completion form together with the Draft EIR was sent to the California State Clearinghouse in Sacramento. The State Clearinghouse acknowledged receipt of the Draft EIR and established a 45-day public review period for the report beginning January 16, 2003 and closing March 3, 2003. At the request of the Council Office, comment letters were accepted for an additional 30 days to allow the agencies and the public additional time to review and comment on the Draft EIR.

The Deputy Advisory Agency and Zoning Administrator held a concurrent public hearing on the proposed Project on March 17, 2004.

Location of Records: Documents constituting the record of proceedings on which approval of the Project and certification of the EIR have been based are available at the City of Los Angeles Planning Department, 200 N. Spring Street, Room 750, Los Angeles, California, 90012.

1.2 PROJECT FINDINGS INTRODUCTION

The Findings made by the Deputy Advisory Agency, pursuant to Section 21081 of CEQA, and Section 15091 of the CEQA Guidelines, on the Project are presented below. All significant impacts of the Project identified in the Final EIR are included herein and are organized according to the area of potential impact. The Findings in this document are for the Project and are supported by information and analysis from the Draft EIR, technical appendices, the MMRP, and the responses to all public comments, together comprising the Final EIR. Where applicable, these Findings note the documents that contain the substantiation for each Finding.

The California Environmental Quality Act ("CEQA") and State CEQA Guidelines provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless for each significant impact, the public agency makes one or more of the following findings, as appropriate in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091:

(i) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR;

(ii) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or

(iii) Specific economic, legal, social, technological and/or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A narrative of supporting facts follows the appropriate Finding. For many of the impacts, one or more of the Findings above have been made. Finding (B) appears because, although the City is the CEQA Lead Agency, it has jurisdiction over only a portion of the Project and thus has limitations on its power to require or enforce certain mitigation. Whenever Finding (B) occurs, agencies with jurisdiction to make any necessary changes or alterations have been specified. It is these agencies, within their respective scopes of authority, that would have the ultimate responsibilities to adopt, implement, and enforce the mitigation discussed within each type of potential impact that could result from Project implementation. However, under adopted California statutory legislation, the CEQA Lead Agency has the responsibility to ensure that mitigation measures contained in the Final EIR are effectively implemented. Whenever Finding (C) was made, the Deputy Advisory Agency has determined that there will be, even after mitigation, an unavoidable significant level of impact due to the Project, and sufficient mitigation is not feasible to reduce the impact to a level of insignificance. Such impacts are always specifically identified in the supporting discussions. The Statement of Overriding Considerations applies to all such unavoidable significant impacts, as required by Sections 15092 and 15093 of the CEQA Guidelines.

I.3 DESCRIPTION OF PROPOSED PROJECT

The Palisades Landmark Condominium Project site is located at 17331-17333 Tramonto Drive (the "Project Site"). The Project Site is an irregularly shaped parcel containing approximately 3.98 acres of hillside terrain -- a southeast-facing slope, immediately south of Tramonto Drive. Designated as a Limited Hillside Street, Tramanto Drive intersects Los Liones Drive, which in turn provides access to Sunset Boulevard. Just southeast of the Project Site, Sunset Boulevard connects to Pacific Coast Highway, which is designated as a Scenic Highway.

The properties situated below the Project Site are developed with apartments and commercial buildings, except the area of the Revello Landslide, which remains vacant. Properties situated uphill from the site are developed with single-family residences and condominium buildings. The Proposed Project is a residential development consisting of 82 condominium units, divided among six buildings. Three buildings are proposed to contain three stories, including 25 three-bedroom townhomes with parking below each unit. The other three buildings are proposed to contain four stories, including 57 three-bedroom flats with parking being provided in a subterranean garage. None of the proposed buildings will exceed 45 feet.

All existing on-site structures would be removed, including two apartment buildings, a swimming pool, and a carport area. The grading for the proposed project will require 130,000 cubic yards (cy) of cut and 80,000 cy of fill. Approximately 100,000 cy of the cut material would be removed from the Project Site, and approximately 75,000 cy of fill would be imported for the permanent stabilization of the portion of the Revello Landslide that is located on the Project Site.

1.4 FINDINGS OF FACT

After reviewing the Final EIR and the public record on the project, pursuant to Section 15091 of the State CEQA Guidelines the Deputy Advisory Agency hereby makes the findings set forth below in this document, regarding the significant effects of the Proposed Project. Except to the extent they conflict with the findings and determinations set forth in Section 1.6 below, the analysis and conclusions of the EIR, including but not limited to the responses to comments, are incorporated herein by this reference, and are hereby adopted as findings. Both the Draft EIR and the Final EIR reflect the independent judgment of the City of Los Angeles.

Cumulative Impacts

Except as expressly provided to the contrary in Section 1.6 below, all effects of the Project on the environment are hereby found to be not significant. Cumulative impacts of the Project in conjunction with other past, present and foreseeable future projects have been addressed where applicable and will not be significant after mitigation.

1.5 POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS DETERMINED TO BE REDUCED TO A LEVEL OF INSIGNIFICANCE

A. Visual Resources Impacts, Massing, Nighttime Lighting, and Glare

Although the Project is consistent with the permitted density and building height for the site, the increase in density and height compared to the existing on-site apartments represent a potentially significant building massing impact in relation to the upslope single-family homes located along Revello Drive.

Additionally, compared to the existing apartment buildings, the Proposed Project would introduce a greater amount of nighttime lighting to the project site. Such lighting sources include interior lighting, exterior security lighting, and headlights on motor vehicles entering or exiting the Site. Some of the project building materials (i.e., windows) as well as automobile windshields also represent sources of daytime glare.

Finding

Except as provided in Section 1.6 below, changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Except as provided in Section 1.6 below, potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 116 and 122 (MM-1 through MM-7) of the Tract's approval.

B. Air Quality Impacts

Given the age of existing structures on the project site, there may be asbestos containing materials (ACMs) in pipe insulation, fire retardant features, roofing, flooring or other elements of the existing residential buildings. The Project is too limited in scope to cause air quality impact significance thresholds to be exceeded during construction. However, even though total daily emissions of dust or equipment exhaust will be less than significant, the short distance between on-site activities and adjacent occupied homes creates a potential for dust deposition soiling nuisance on parked cars, landscaping foliage, or outdoor furniture. Mitigation measures that reduce small-diameter, respirable particulate emissions also reduce larger soiling particles. Mitigation measures for dust control are thus recommended even if the SCAQMD threshold is not exceeded.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 106 and 123 (CM-16 through CM-24) of the tract's approval.

C. Geology and Soils Impacts

Repair of the Revello Landslide would help to stabilize the Site for the construction of the Proposed Project. In order to repair the landslide, the landslide debris would be removed down to bedrock. Once the landslide debris is removed, compacted fill would be placed on the bedrock. This compacted fill would be used as primary structural fill to support the proposed buildings.

Soldier piles would be required in order to support vertical excavations along the north, west, and south sides of the removal. These piles would be embedded into the bedrock below the base of the landslide. Additional piles along the upslope property line may also be required to support temporary vertical excavations to construct the required rear yard retaining walls.

The owner of the downslope property (17325 Castellammare Drive, also known as Related Project No. 4) has received City approval to develop a 21-unit condominium complex and also plans to permanently stabilize and develop the toe of the Revello Landslide. Significant geotechnical impacts from the Revello Landslide would be mitigated to less than significant levels provided the mitigation measures listed below are implemented.

The principal seismic hazard to the Proposed Project is strong ground shaking from earthquakes produced by local faults. The proposed construction would be consistent with all applicable provisions of the City of Los Angeles Building Code, as well as the seismic design criteria contained within the Uniform Building Code. It is likely that the project site will be shaken by future earthquakes produced in southern California.

Provided the Proposed Project and Related Project No. 4 (a proposed 21-unit condominium complex at 17325 Castellammare Drive that has been approved for construction by the City of Los Angeles) implement all of the slope stabilization techniques approved by the Department of Building and Safety, cumulative geology and soils impacts would be less than significant. In the event that Related Project No. 4 is not constructed, the stabilization measures for the Proposed Project would be adequate to stabilize the portion of the landslide located on the Project Site as the required slope stabilization improvements for each project are not co-dependent.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 5 through 104 of the tract's approval.

D. Hydrology and Water Quality Impacts

During construction, the Project Site will contain a variety of materials that are potential sources of stormwater pollution, such as adhesives, cleaning agents, landscaping, plumbing, painting, heat/cooling, masonry materials, floor and wall coverings; and demolition debris. Construction material spills can also be a source of stormwater pollution and/or soil contamination.

Grading and brush clearing activities can greatly increase erosion processes. Appropriate dust suppression techniques, such as watering or tarping, are used in areas that must be exposed. Erosion control devices, including temporary diversion dikes/berms, drainage swales, and siltation basins, are typically required around construction areas to insure that sediment is trapped and properly removed.

Two basic areas of concern related to the long-term operation of the Proposed Project are stormwater quality and quantity.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 122 (MM-7 through MM-13).

E. Population and Housing Impacts

Prior to construction of the proposed project, all on-site uses would be demolished, including approximately 20 multi-family units. Demolition of these residential units would result in the displacement of the estimated 33 occupants and would therefore constitute a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 118 and 122 MM-18.

F. Public Service - Police Protection Impacts

According to the Los Angeles Police Department (LAPD), development of the Proposed Project would potentially result in a significant impact to police protection services provided by the West L.A. Community Police Station. The various construction phases of the proposed project could also result in increased response times the LAPD responding to other calls in the Castellammare area. Upon completion of the proposed project, the number of permanent residents and site visitors within the project site would generate a potential increase in the level of police service calls from the project site.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 122 MM-16 and MM-17.

G. Public Services - Fire Protection Impacts

The demolition, grading and construction phases of the proposed project would add construction employee vehicles and heavy trucks on the Project-area roadways, including Tramonto Drive which fronts the Project Site. Such activities could increase response times for emergency calls further uphill on Tramonto Drive and in the Castellammare area. These are considered to be potentially significant impacts that can be mitigated to less than significant levels via the implementation of the traffic mitigation measures.

Implementation of the proposed project would increase the need for fire protection and emergency medical services in the project area due to the increased number of residents and visitors to the project site. The Project Site is located 0.3 miles from the nearest fire station. Because this response distance is within City Fire Code requirements, there are no impacts with respect to distance criteria. However, the Proposed Project would incorporate a number of fire safety features in accordance with applicable City fire-safety codes and ordinance requirements for construction, access, fire flows, and fire hydrants.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition No. 110.

H. Public Services - Schools Impacts

The increase in the number of permanent residents on the Project Site and the potential need to enroll any school-aged children into Los Angeles Unified School District (LAUSD) schools would result in an increased demand for school services. It is probable that some of the future residents of the proposed project already reside within the service boundaries of the LAUSD with their school-aged children enrolled in the LAUSD schools serving the Project Site. However, to provide for a worst-case scenario, it is assumed that all of the students projected to be generated by the Proposed Project are not currently enrolled in the LAUSD schools near the Project Site and would be enrolled upon relocation to the Project Site. Given the worst-case student generation factors, the total number of elementary, middle school, and high school students would be 36. The schools serving the project site would have adequate space to accommodate the students projected to be generated by the project without going over capacity.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition No. 122 MM-14

I. Public Services - Recreation/Parks Impacts

Typically, residential developments have the greatest potential to result in impacts to parks and recreation facilities. This impact is a result of residential developments generating a permanent increase in the population. The Proposed Project would result in an increase of 199 permanent residents. This increase in population would only further exacerbate the need for parks and recreational services, which is experienced throughout the City of Los Angeles. The project residents would have use of the Topanga State Park and various beaches along Pacific Coast Highway for their recreational needs, in addition to the City parks.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of Condition Nos 115 and C-3.

J. Public Services - Road Maintenance Impacts

Due to the weight of the various trucks in the transportation of construction debris, soil, heavy equipment, and building materials (particularly the number of trips necessary for the soil exportation), roads used for the proposed truck haul route (i.e. Tramonto Drive, Los Liones Drive, Sunset Boulevard, and the Pacific Coast Highway) could be damaged, increasing the demand for road maintenance services provided by the Bureau of Street Services. Additional ly, the extent to which the roads could be damaged would also depend upon the condition of the roads prior to usage by the trucks.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 1, 2, and 122 MM-26 and MM-27.

K. Biological Resources Impacts

The Project Site is located in a highly urbanized area and does not contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (Fish and Game) or U. S. Fish and Wildlife Service. In addition, there are no known locally designated natural communities on the Project Site or immediate vicinity.

Likewise, there are no oak or other indigenous tree species found on the project site. Twenty-nine trees are proposed for removal with development of the proposed project. However, a majority of the trees found on the Project Site have sparse foliage, insect and disease infestations, and show signs of lack of regular irrigation and proper structural pruning.

Finally, while no native bird species have been found on the site, the Department of Fish and Game has expressed concern that the Proposed Project would result in the

removal and/or disturbance of vegetation, ground substrates and building demolition and therefore might have the potential to directly impact nesting native bird species.

Finding

Changes or alterations have been incorporated into the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

The potential impacts to biological resources would be mitigated to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 116 and 119.

L. Traffic Impacts - Study Intersections and Traffic Hazards

Adequate driveway visibility is provided at the Project Site. However, existing visibility for the inbound (uphill) left-turn motorists from Tramonto Drive onto the project site driveway is partially obstructed by existing vegetation located on the north-northwest side of Tramonto Drive. The existing vegetation is located on the convex side of the curve at Tramonto Drive, within a City of Los Angeles slope easement and on undeveloped private property. LADOT conducted a field investigation of the Project Site and concluded that existing visibility for the inbound left-turn motorists from Tramonto Drive onto the Project driveway "appears to be inadequate due to the hairpin curve protruding from across the street."

Construction of the project buildings will take approximately 18 to 19 months. The number of construction-related trips generated during this period will fluctuate as the number of workers needed for the different steps of construction will vary. The peak times for construction traffic are expected to occur during the completion of construction for each building, when subcontractors for electrical, mechanical, plumbing, painting, etc., are on-site. It is estimated that up to approximately 100 construction workers will be on-site during these peak times. It is further estimated that construction at the Project Site will generate (at peak times) 25 inbound and 25 outbound delivery truck trips per day and 85 inbound and 85 outbound construction worker and miscellaneous trips per day.

It is anticipated that trucks bringing building materials to the Project Site will use Tramonto Drive, Los Liones Drive, Sunset Boulevard, Pacific Coast Highway (including possibly Pacific Coast Highway to the west) and the Santa Monica Freeway (Interstate 10).

Although construction traffic is a temporary condition, it is recognized that it may contribute to traffic congestion on Tramonto Drive and Los Liones Drive, as discussed in Section 1.6 C Below.

Finding

Except as provided in Section 1.6 C below, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

Facts in Support of the Finding

Except as provided in Section 1.6 C below, potentially significant effects will be reduced to a level of insignificance through implementation of the mitigation measures required by Condition Nos. 107, 120, and 123 (CM-8 through CM-15).

1.6 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE REDUCED TO A LEVEL OF INSIGNIFICANCE

A. Visual Resources Impacts - Private Views

The Proposed Project would obstruct or partially obstruct private views of the Pacific Ocean and shoreline as seen from the four-story condominium building located immediately north of the Project Site. The Proposed Project would also partially obstruct private views of the shoreline and Pacific Ocean as seen from the single-family homes located immediately north-northwest of the Project Site along Revello Drive. The Proposed Project's obstruction and partial obstruction of scenic views from the adjacent private properties is considered to be a significant unavoidable impact.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but will not completely avoid the significant environmental effects on private views identified in the EIR.

Facts in Support of the Finding

Mitigation measures will be implemented as required by Condition Nos. 116 and 122 (MM-1 through MM-6).

Additionally, in response to concerns raised by the public during circulation of the Draft EIR, the applicant agreed to incorporate vertical breaks in the facade of the project, which will better preserve the existing scenic views from the single-family and mult-family dwellings located above the project site. Revised renderings of the proposed project which incorporate these vertical breaks are provided in Chapter III of the Final EIR. These vertical breaks, coupled with the mitigation measures set forth above, will substantially lessen, but will not completely avoid, the significant environmental effects on private views identified in the EIR.

B. Short-Term Noise Impacts

Baseline noise levels in yards surrounding the project site are estimated to be 45 dB (LEQ). A noise level of 50 dB LEQ or more would constitute a potentially significant

noise impact. For purposes of analysis, an 85 dB (LEQ) reference noise level was assumed during daytime construction.

Even with intervening barriers and other noise protection features, reduction of construction noise levels to 50 dB or less in the closest residential yards is not feasible. Construction activities will have a significant, unmitigable noise impact during parts of the three-year construction cycle. However, because not every construction day will necessarily entail heavy equipment operations, the actual number of days of a potentially significant impact is a small fraction of the total construction period. In addition to on-site equipment noise generation, truck traffic to and from the Project Site would affect the off-site noise environment. Heaviest truck traffic will occur for four to six months during landslide repair and slope stabilization.

The City of Los Angeles CEQA Threshold Guidelines specify that that a noise increase of five dB or greater for ten days in a three-month period would be a significant impact. If soil hauling activity exceeds 70 loads per day (10 per hour), a significant noise impact may result along Tramonto Drive because the noise level would increase by five dB or more. If soil hauling activities exceed 112 loads per day (16 per hour), truck noise impacts would be significant along both Tramonto Drive and Los Liones Drive.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but not completely avoid the significant environmental effects on short-term noise identified in the EIR.

Facts in Support of the Finding

Implementation of the mitigation measures required by Condition No. 122 MM-15 and by Condition Nos. 123 CM-2 & CM-6 will substantially reduce but not completely mitigate the significant effects.

C. Traffic Impacts - Residential Streets

Potential traffic effects on both Tramonto Drive and Los Liones Drive were analyzed. This analysis indicated that Project would likely increase the average daily traffic volume (ADT) on Tramanto Drive south of Los Liones Drive by 14.5%, and would likely increase the ADT on Los Liones Drive between Tramanto Drive and Sunset Boulevard by 11.4%. According to the LADOT traffic study guidelines, a project would significantly impact a residential street if it increases the ADT by 10% or more. Therefore, LADOT has concluded that the project would cause a significant residential street traffic impact on both Tramonto Drive and Los Liones Drive.

However, it should be noted that the Project Site is near the downstream terminus of Tramonto Drive. The approximately 470-foot-long segment of Tramonto Drive between the Project driveway and Los Liones Drive, which is expected to be used entirely by Project traffic, is currently undeveloped on both sides. Consequently, the flow of Project traffic on this segment of Tramonto Drive would not be affecting any existing uses, residential or otherwise.

Likewise, the only existing uses along Los Liones Drive are non-residential, i.e., a fire station at the northwest corner and a plant nursery at the southwest corner of the intersection of Los Liones Drive and Sunset Boulevard. A 16-unit multiple-family residential project (Related Project No. 3) is proposed at 321 Los Liones Drive between Tramonto Drive and Sunset Boulevard; however, its development is tentative. Therefore, in terms of existing development along Los Liones Drive, Project traffic would be traversing only two existing uses, both of which are non-residential.

Finding

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen but not completely avoid the significant environmental traffic effects on residential streets identified in the EIR.

Facts in Support of the Finding

Implementation of the mitigation measures required by Condition No. 107 and by Condition Nos. 123 CM-8 through CM-15 will substantially reduce but not completely mitigate the significant effects.

1.7 FINDINGS REGARDING ALTERNATIVES TO THE PROPOSED PROJECT

Four alternatives to the Proposed Project have been identified and considered:

a) No Project Alternative;
b) 61-Unit Condominium and Townhouse Alternative;
c) 50-Unit Planned Unit Development (PUD) Alternative; and
d) 102-Unit Density Bonus Alternative.

These four alternatives are briefly described below.

A. No Project Alternative - Under the No Project Alternative (Alternative A), the Proposed Project would not be constructed and the Project Site would remain in its current condition. Two apartment buildings (consisting of a total of 20 dwelling units) known as the Ocean Woods Terrace apartments would remain on the Project Site.

B. 61-Unit Condominium and Townhouse Alternative - Under the 61-Unit Condominium Project Alternative (Alternative B), the Project Site would be developed with 61 multi-family dwelling units --21 fewer units or a 26 percent decrease in on-site density compared to the Proposed Project. The design concept would be similar to the proposed 82-unit concept. Also similar to the Proposed Project, access to the townhouse units would be provided by an upper surface road. Likewise, access to the apartment flats would be via a subterranean parking structure. The townhouse unit count (25 units) and design for Alternative B would be similar to the townhouse unit layout for the proposed 82-unit project. However, the total number of apartment flats on the lower (southerly) portion of the site would be reduced to 36 units.

C. 50-Unit Planned Unit Development (PUD) Alternative - Under the 50-Unit Planned Unit Development (PUD) Alternative (Alternative C), the Project would consist

of a PUD of townhouse and single-family style residences. The site plan would be similar to the Proposed Project, including a single road that would access the northerly (upslope) townhouses or single-family style residences (totaling 25 units). The same surface road would also access the southerly (downslope) units consisting of 25 townhouse or single-family style residences. However, there would be no subterranean garage.

D. 102-Unit Density Bonus Alternative - Under the 102-Unit Density Bonus Alternative (Alternative D), the Project would incorporate a density bonus of 25 percent over the Proposed Project's unit count. The design concept would be similar to the proposed 82-unit concept; however, Alternative D would exceed the 45-foot height limit. Alternative D would include 51 townhouse units and 51 apartment flats. Similar to the Proposed Project, access to the townhouse units would be provided by an upper surface road. Access to the apartment flats would be via a subterranean parking structure.

Finding

The Deputy Advisory Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the EIR.

Facts in Support of Finding

A. No Project Alternative - Because Alternative A would not permit any additional development, it would result in the least amount of environmental impacts, as compared to the Proposed Project and the other alternatives, with the exception of slope-stability impacts. However, Alternative A would not meet any of the objectives of the proposed project and would not provide the significant benefits of the Proposed Project, as described below in Section 1.8.

B. 61-Unit Condominium and Townhouse Alternative - Due to the reduction in density, Alternative B would result in fewer long-term impacts than the Proposed Project relative to traffic, air quality, and noise. Likewise, impacts to public services and utilities would be less under this alternative compared to the proposed project. However, impacts to road maintenance would be similar, as Alternative B would require the same amount of grading, which includes construction vehicles and haul trucks. Short-term noise impacts during grading and construction would be slightly less compared to the proposed project because while this alternative requires the same amount of grading on-site, it also requires the construction of fewer residential units. While Alternative B would obstruct private views, view obstruction impacts would be less compared to the proposed project because of the reduced density associated with this alternative. However, Alternative B would not provide the full benefits of the Proposed Project, as described below in Section 1.8.

C. 50-Unit Planned Unit Development (PUD) Alternative - Due to the reduction in density, Alternative C would result in fewer long-term impacts than the Proposed Project relative to traffic, air quality, and noise. Likewise, impacts to public services and utilities would be less under this alternative compared to the proposed project. However, impacts to road maintenance would be similar, as Alternative C would require

the same amount of grading, which includes construction vehicles and haul trucks. Short-term noise impacts during grading and construction would be slightly less compared to the proposed project because while this alternative requires the same amount of grading on-site, it also requires the construction of fewer residential units.

While Alternative C would obstruct private views, view obstruction impacts would be less compared to the proposed project because of the reduced density associated with this alternative. However, Alternative C would not provide the full benefits of the Proposed Project, as described below in Section 1.8.

D. 102-Unit Density Bonus Alternative - Grading impacts under Alternative D would be similar compared to the Proposed Project, because the amount of grading associated with slope stabilization required for Alternative D would be essentially the same as for the Proposed Project. However, due to the increase in density, all other impacts associated with Alternative D would be greater than those associated with the Proposed Project.

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable adverse risks in determining whether to approve the project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse impacts may be considered acceptable.

Specificially, where the decision of a public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.

Project benefits are defined as those improvements or gains to the community that would not occur without the Proposed Project.

Project Benefits

The Deputy Advisory Agency finds that the following substantial benefits will occur as a result of approval of the Proposed Project:

1. the Proposed Project will bring 82 new for-sale housing units to a part of the City in need of new housing supply;

2. the Proposed Project will stabilize and put to productive use land that has been vacant since the occurrence of the Revello Landslide in 1965;

3. the Proposed Project will result in needed improvements to Tramonto Drive; and

4. the Proposed Project will improve the aesthetic character of the area by replacing two outdated apartment buildings with an attractive and well-designed condominium project and associated landscaping.

Statement of Overriding Considerations

The Deputy Advisory Agency hereby finds that approval of the Palisades Landmark Condominium Project could result in significant unavoidable impacts related to private views, short-term noise, and traffic on residential streets. Implementation of the mitigation measures referenced in Sections 1.5 and 1.6, and incorporated as conditions of the tract's approval, would substantially reduce but not completely mitigate these significant effects.

The City of Los Angeles hereby finds that the unmitigable impacts associated with the Proposed Project are outweighed by the benefits of the Proposed Project, as described above, and therefore are acceptable.

1.9 MITIGATION MONITORING PROGRAM

The Deputy Advisory Agency hereby adopts the Mitigation Monitoring and Reporting Program for the Proposed Project, which is described in full in Section IV of the Final EIR for the Proposed Project, and is incorporated herein by this reference.

2.0 FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 52928, 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 IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

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

The adopted Brentwood-Pacific Palisades Community Plan designates the subject property for Low Medium II and Low Residential land uses with the corresponding zone(s) of RD1.5-1, RD2-1 and RE9-1. The property contains approximately 3.98 net acres (173,496 net square feet after required dedication) and is presently zoned RD2-1 and RE9-1. The proposed development of 82 residential condominium units is allowable under the current adopted zone and the land use designation.

The site is located in the Flood Plain Management Specific Plan area (flood hazard area/hillside area/mud prone area).

The project conforms with both the specific provisions and the intent of the Flood Plain Management Specific Plan (Section 5.13.4 of Ordinance 154,405)

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

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

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

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

The project site is a 3.98 acre, sloping, irregular-shaped interior parcel with a frontage of approximately 157 feet on the south side of Tramonto Drive. The 82-unit condominium consist of several three and four story buildings over subterranean parking and with surface parking.

The subject site contains a portion of the Revello Landslide, which occurred in 1965 to the west and southwest of the existing on-site apartment buildings. Development of the site will repair the existing landslide and stabilize the site. The landslide

debris will be removed down to bedrock and compacted fill will be placed on the bedrock which will be used as primary structural fill to support the proposed buildings.

Soldier piles would be required in order to support vertical excavations along the north, west, and south sides of the removal. These piles would be embedded into the bedrock below the base of the landslide. Additional piles along the upslope property line may also be required to support temporary vertical excavations to construct the required rear yard retaining walls.

The owner of the downslope property (17325 Castellammare Drive, also known as Related Project No. 4) has received City approval to develop a 21-unit condominium complex and also plans to permanently stabilize and develop the toe of the Revello Landslide. Significant geotechnical impacts from the Revello Landslide would be mitigated to less than significant levels provided Condition Nos. 5 through 104 of the tract's approval are implemented.

The principal seismic hazard to the Proposed Project is strong ground shaking from earthquakes produced by local faults. The proposed construction would be consistent with all applicable provisions of the City of Los Angeles Building Code, as well as the seismic design criteria contained within the Uniform Building Code. It is likely that the project site will be shaken by future earthquakes produced in southern California.

Provided the Proposed Project and Related Project No. 4 (a proposed 21-unit condominium complex at 17325 Castellammare Drive that has been approved for construction by the City of Los Angeles) implement all of the slope stabilization techniques approved by the Department of Building and Safety, cumulative geology and soils impacts would be less than significant. In the event that Related Project No. 4 is not constructed, the stabilization measures for the Proposed Project would

be adequate to stabilize the portion of the landslide located on the Project Site as the required slope stabilization improvements for each project are not co-dependent.

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

The Final EIR prepared for the project identifies potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset are concerned. Mitigation measures are required as part of this approval for significant environmental impacts, and the level of impact significance after mitigation is also identified. The Final EIR also identified significant unavoidable environmental impacts that can not be mitigated to a less than significant level.

A Statement of Environmental Effects, Findings, and Mitigation Measures; Statement of Overriding Considerations; and Mitigation Monitoring Program has been prepared for Vesting Tentative Tract 52928 (the "Proposed Project"). The Advisory Agency hereby finds that the unmitigable impacts associated with the Proposed Project are outweighed by the benefits of the Proposed Project, as described in Sections 1.6 through 1.9 above. Furthermore, the project site, as well as the surrounding area is presently developed with residential and commercial structures and does not provide a natural habitat for either fish or wildlife.

The project does not qualify for the De Minimis Exemption for Fish and Game fees (AB 3158). There are no known locally designated natural communities on the site or project vicinity. The proposed project would not result in the direct removal of, filling or hydrological interruption of a federally protected wetland as defined by Section 404 of the Clean Water Act. However, while no native bird species have been found on the site, Condition No. 119 requires that a field survey be completed by a qualified biologist prior to construction of site preparation to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present and sets forth conditions to protect any bird species if found.

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

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

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

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

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

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

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

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

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

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

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

3.0 MELLO FINDINGS

The Mello Act (California Government Code Sections 65590and 65590.1) is a statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion and construction of housing units in California's Coastal Zone. All projects that consist of demolition, replacement, conversion, and/or constructions of one or more housing units located within the Coastal Zone in the City of Los Angeles must go through a Mello Act Compliance review.

This compliance review is required by the Mello Act, by the City's Interim Administrative procedures for Complying with the Mello Act (Interim Procedures), and by the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, the Barton Hill Neighborhood Organization and Carol Berman concerning implementation of the Mello Act in the coastal zone areas of the City of Los Angeles.

The City's Interim procedures became effective on May 17, 2000. The Settlement Agreement became effective January 3, 2001.

Based upon the information submitted by the applicant/owner/developer for the construction of 82 condominium units, the proposed project is not eligible for any of the Mello Act automatic exemptions.

With respect to the existing apartment units to be demolished, the Los Angeles Housing Department declared on June 11, 2004 that there are NO affordable dwelling units on the project site. Therefore, the applicant/owner/developer is required to provide ZERO replacement affordable dwelling units on-site or within the coastal zone.

The Interim Procedures (IP) require an applicant for a new housing development to comply with Inclusionary Requirement Options (IP, Part 5.0). It affords an applicant one of two inclusionary options:

Option #1: reserve at least 20% of all residential units for Very Low or Low Income Households.

Option#2: reserve at least 10 percent of all residential units for Very Low Income Household.

Seniors or disabled persons who do not have a Very Low or Low Income are not eligible for New Housing inclusionary dwelling units.

Under the Interim Procedures (IP), these inclusionary requirements were applied to the 82 dwelling units approved. Thus, the subdivider is required to provide 16 units under Option #1 and 8 units under Option #2.

The subdivider must comply with IP procedures, Parts 7.3 (location, timing and design), 7.4 (Los Angeles Housing Department compliance check) and 7.5 (number of years units are income-restricted).

Condition No. 118 of the Tract's approval requires that the LI or VLI Inclusionary Units be maintained as rental units for at least 30 years. There is evidence that monitoring and enforcement of the sale and resale of the LI or VLI units has been problematic with other projects and has resulted in the purchase or resale of the LI or VLI units by a non-eligible household. An alternative to sell the LI or VLI units to a non-profit organization who in turn would sell the VLI units to an eligible LI or VLI household has previously been evaluated and was determined to present practical problems with respect to the readiness or ability by a non-profit to acquire the units. Therefore, maintaining the LI or VLI condominium units as rental units provides the best chance that the units will be used for their intended purpose.

These findings shall apply to both the tentative and final maps for Vesting Tract No. 52928.

Con Howe
Advisory Agency

EMILY GABEL-LUDDY
Deputy Advisory Agency
EGL:DLK:FT

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 N. Figueroa St,. 4th Floor
Los Angeles, CA 90012
213.482.7077

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

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

If you have any questions, please call Subdivision staff at (213) 978-1330.

n:tract_letters (01-07-04)

VESTING TENTATIVE MAP
TRACT #52928
IN THE CITY OF LOS ANGELES, STATE OF CALIFORNIA
FOR CONDOMINIUM PURPOSES

SURVEYOR

WILLIAM ROSE & ASSOC., INC.
25100 RYE CANYON RD #41
VALENCIA, CA 91355-1276
661-295-3590

PROFESSIONAL LAND SURVEYOR G. WILLIAM ROSE No. 3479 Expires 06-30-2004 STATE OF CALIFORNIA

OWNER / SUBDIVIDER

PALISADES LANDMARK, LLC,
10800 SANTA MONICA BLVD.
LOS ANGELES, CA 90025
PH: 310-234-8880
FAX: 310-234-8840

GRADING QUANTITIES

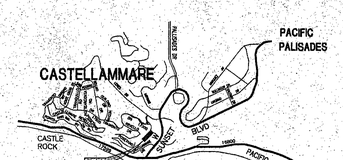
CUT: 30,000 Cu Yds
FILL: 5,000 Cu Yds
EXPORT: 100,000 Cu Yds
IMPORT: 75,000 Cu Yds (DUE TO LANDSLIDE REPAIR)
LANDSLIDE REMOVE AND RECOMPACT: 75,000 Cu Yds

LEGEND

(1) & (2) EXISTING 2-STORY APARTMENT BUILDING TO BE REMOVED
(3) THRU (9) EXISTING GARAGES TO BE REMOVED
(10) EXISTING SWIMMING POOL TO BE REMOVED
• NUMBER EXISTING TREE

NOTES

1 PROPOSED PROJECT:
82-UNIT CONDOMINIUM PROJECT WITH 2 PARKING SPACES PER UNIT AND 1/2 GUEST SPACE PER UNIT.
2 SITE ADDRESS: 17331-33 TRAMONTO DRIVE
PACIFIC PALISADES, CA 90272
3 ZONING: EXISTING = RD2-1
PROPOSED = RD2-1.
4 ALL EXISTING STRUCTURES ARE TO BE REMOVED.
5 NO OAK TREES ON SITE.
6 SEWER AND OTHER PUBLIC UTILITIES ARE AVAILABLE.
7 THE SITE IS NOT KNOWN TO BE IN A HAZARDOUS AREA.
8 AREA:
NET (BLUE BORDER): 173,496 SQ. FT. (3.98 AC.)
GROSS (TO STREET C/L): 176,174 SQ. FT. (4.04 AC.)
9 THOMAS GUIDE LOCATION PAGE 630, G6
DISTRICT MAP NO.: 126 B0117
CENSUS TRACT NO.: 2626.02
COUNCIL DISTRICT NO.: 11
ASSESSOR'S PARCEL NOS.: 4416-003-014,-024,-029,-039, -041,-046, & -061
10 HEIGHT OF PROPOSED BUILDINGS: 45'
11 GROSS BUILDING AREA OF PROPOSED BUILDINGS: 250,000 Sq. FT., EXCL. GARAGE
12 TOPO AND EXISTING BUILDINGS FROM SURVEY PREPARED BY GRIMES SURVEYING AND MAPPING, APRIL 14, 1999.
13 TREES TO REMAIN: 5, 6, 18, 25, 26, 35, 36
14 TREES TO BE REMOVED: 1-4, 7-17, 19-24, 27-34



VICINITY MAP
N.T.S
THOMAS GUIDE PG. 630, G-6

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1,

THAT PORTION OF BLOCK D OF CASTELLAMMARE, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 113, PAGES 3 THROUGH 8 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND THAT PORTION OF LOT 6 OF TRACT NO. 10238 AS PER MAP RECORDED IN BOOK 206, PAGES 23 THROUGH 26 INCLUSIVE OF SAID MAPS, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY PROLONGATION OF A LINE PARALLEL WITH AND DISTANT 170.00 FEET SOUTHWESTERLY OF THAT CERTAIN COURSE IN THE SOUTHWESTERLY LINE OF LOS LIONES DRIVE, 40 FEET WIDE, AS SHOWN ON THE MAP OF TRACT NO. 10009 RECORDED IN BOOK 144, PAGES 91 AND 92 OF SAID MAPS, AS HAVING A BEARING AND LENGTH OF SOUTH 46° 06' 10" EAST 707. 12 FEET, WITH A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 127.78 FEET AND BEING CONCENTRIC WITH AND 170.00 FEET WESTERLY OF THAT CERTAIN CURVE IN THE EASTERLY BOUNDARY OF LOT 7 OF SAID TRACT NO. 10238 SHOWN ON THE MAP THEREOF AS HAVING A RADIUS OF 302.78 FEET, A RADIAL AT SAID POINT OF BEGINNING BEARS SOUTH 85° 36' 43" EAST, THENCE SOUTHERLY ALONG SAID CONCENTRIC CURVE THROUGH A CENTRAL ANGLE OF 36° 23' 33" AN ARC DISTANCE OF 81.16 FEET; THENCE SOUTH 40° 46' 50" WEST 10.00 FEET; THENCE SOUTH 49° 13' 10" EAST 50.00 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF LAND DESCRIBED IN THE DEED TO LAUNDRY PROPERTIES RECORDED DECEMBER 1, 1933, AS INSTRUMENT NO. 200 IN BOOK 12479, PAGE 233 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH 40° 46' 50" WEST 313.00 FEET AND SOUTH 9° 55' 57" EAST 1.98 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 6 OF TRACT NO. 10238; THENCE ALONG THE EASTERLY LINE OF SAID LOT 6 SOUTH 9° 55' 57" EAST 37.18 FEET TO THE NORTHWESTERLY LINE OF CASTELLAMMARE DRIVE AS SHOWN ON SAID MAP OF TRACT NO. 10238; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 103. 00 FEET AN ARC DISTANCE OF 25.04 FEET AND SOUTH 61° 38' 59" WEST 364.71 FEET TO A TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS 813.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 76.82 FEET TO A LINE BEARING SOUTH 13Ω 44' 37" EAST FROM A POINT IN THE SOUTHEASTERLY BOUNDARY OF TRACT NO. 8923, AS PER MAP RECORDED IN BOOK 118, PAGES 27 THROUGH 35 OF SAID MAPS; DISTANT THEREON NORTH 51° 19' 23" EAST 102.22 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 9 IN BLOCK 18 OF SAID TRACT NO. 8923; THENCE ALONG SAID LAST MENTIONED LINE NORTH 13° 44' 37" EAST 321.08 FEET. MORE OR LESS, TO SAID SOUTHEASTERLY BOUNDARY; THENCE ALONG SAID SOUTHEASTERLY BOUNDARY NORTH 51° 19' 23" EAST 43.27 FEET NORTH 60° 35' 13" EAST 350.15 FEET, AND NORTH 10° 06' 13" EAST 17.12 FEET TO THE SOUTHERLY BOUNDARY OF TRACT NO.29827 AS PER MAP RECORDED IN BOOK 735, PAGES 21 THROUGH 23 OF SAID MAPS; THENCE ALONG SAID BOUNDARY OF TRACT NO. 29827 SOUTH 79° 52' 32" EAST 93.00 FEET; NORTH 29° 13' 15" EAST 127.00 FEET, AND NORTH 17° 41' 15" EAST 91.00 FEET TO THE MOST EASTERLY CORNER THEREOF; THENCE CONTINUING NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID TRACT NO. 29827 TO THAT CERTAIN COURSE DESCRIBED ABOVE AS SOUTH 4°0 06' 01" EAST 1298.90 FEET, "MORE OR LESS"; THENCE ALONG SAID CERTAIN COURSE SOUTH 46° 06' 10" EAST TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF SAID LOT 6. DISTANT THEREON NORTH 61° 38' 59" EAST 19.42 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT 6; THENCE NORTH 28° 21' 01" WEST 100 FEET; THENCE NORTH 61° 38' 59" EAST 70.70 FEET; THENCE SOUTH 28° 21' 01" EAST 102.57 FEET TO A POINT IN THE CURVED SOUTHEASTERLY BOUNDARY LINE OF SAID LOT 6, SAID CURVE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 103 FEET (A RADIAL LINE OF SAID CURVE TO SAID LAST MENTIONED POINT BEARS NORTH 15° 33' 22" WEST), THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12° 47' 39" AN ARC DISTANCE OF 23 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 61° 38' 50" WEST, 47.89 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF CASTELLAMMARE DRIVE, AS SHOWN AND DEDICATED UPON THE MAP OF SAID TRACT NO. 10238, SAID POINT BEING DISTANT ALONG SAID NORTHWESTERLY SIDELINE, SOUTH 61° 38' 59" WEST 0.58 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 6; THENCE NORTHERLY ALONG SAID NORTHWESTERLY SIDELINE, SOUTH 61° 38' 59" WEST 221.82 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 813 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 5° 23' 59" AN ARC DISTANCE OF 76.62 FEET TO A POINT (A RADIAL LINE OF SAID CURVE TO SAID LAST MENTIONED POINT BEARS NORTH 33°145' 01" WEST); THENCE NORTH 13° 44' 37" WEST 158.73 FEET; THENCE NORTH 61° 38' 59" EAST 298.44 FEET; THENCE SOUTH 1° 28' 53" WEST 80.70 FEET; THENCE SOUTH 28° 21' 01" EAST 80 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PORTION OF BLOCK D OF CASTELLAMMARE, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 133, PAGES 3 THROUGH 8 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND OF ALLOTMENT NO.3 TO PASCUAL MARQUES IN THE PARTITION OF RANCHO ROCA DE SANTA MONICA AS DISTRIBUTED IN DISTRICT COURT CASE NO. 2405. DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE CENTERLINE OF LOS LIONES DRIVE, DISTANCE THEREON NORTH 46° 06' 10" WEST 54.38 FEET FROM THE SOUTHEASTERLY TERMINUS OF THAT CERTAIN COURSE HAVING A BEARING AND LENGTH OF NORTH 46° 06' 10" WEST 707.12 FEET, AS SHOWN ON THE MAP OF TRACT NO. 10009 RECORDED IN BOOK 144, PAGES 91 AND 92 OF SAID MAPS; THENCE SOUTH 60° 02' 22" WEST 32.55 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 85.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE 94.32 FEET; THENCE TANGENT SOUTH 23° 06' 18" EAST 62.83 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 156.34 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 78.33 FEET; THENCE TANGENT SOUTH 51° 46' 25" EAST 45.90 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 45° 45' 11" TO A POINT; THENCE NORMAL TO SAID LAST MENTIONED CURVE SOUTH 83° 58' 46" EAST 30.00 FEET TO A POINT IN THE EASTERLY LINE OF THE STRIP OF LAND 30.00 FEET WIDE DESCRIBED AS PARCEL 2 IN THE DEED TO OCEAN WOODS ESTATES RECORDED AUGUST 31, 1961, AS INSTRUMENT NO. 961 IN BOOK D-1340, PAGE 404 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTH 24° 14' 15" EAST 62.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 24° 14' 15" WEST 93.81 FEET; THENCE NORTH 43° 46' 21" WEST 20.90 FEET; THENCE NORTH 51° 50' 50" WEST 32.80 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 200.00 FEET; THENCE NORTHWESTERLY ALONG SAID LAST MENTIONED CURVE TO THE POINT OF TANGENCY WITH THE NORTHEASTERLY LINE OF LOT 51 OF TRACT NO. 29827 AS PER MAP RECORDED IN BOOK 735, PAGES 21 THROUGH 23 OF SAID MAPS; THENCE SOUTHERLY AND WESTERLY ALONG THE EASTERLY AND SOUTHERLY LINES OF SAID LOT 51 TO THE EASTERLY LINE OF TRAMONTO DRIVE, 36 FEET WIDE; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG SAID TRAMONTO DRIVE AND ALONG THE NORTHEASTERLY LINE OF LOT 1 OF SAID TRACT NO. 29827 TO THE SOUTHEASTERLY PROLONGATION OF A LINE PARALLEL WITH AND DISTANT SOUTHWESTERLY 170.00 FEET FROM THAT CERTAIN COURSE IN THE SOUTHWESTERLY LINE OF SAID LOS LIONES DRIVE, HAVING A BEARING OF NORTH 46° 06' 10" WEST; THENCE SOUTHEASTERLY ALONG SAID PROLONGATION TO A LINE BEARING SOUTH 8° 45' 45" WEST FROM THE TRUE POINT OF BEGINNING; THENCE ALONG SAID LAST MENTIONED LINE NORTH 8° 45' 45" EAST TO THE TRUE POINT OF BEGINNING.

LOS ANGELES DEPT of CITY PLANNING
SUBMITTED FOR FILING
☐ TENTATIVE MAP
JUN 26 2000
☐ REVISED ... MAP UNIT
☐ TIME EXTE...N
FILING FEE ..... DEPUTY ADVISORY AGENCY
DIVISION OF LAND

PROFESSIONAL LAND SURVEYOR G. WILLIAM ROSE No. 3479 Expires 06-30-2004 STATE OF CALIFORNIA

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

PLAN PREPARED IN THE OFFICES OF:
WILLIAM ROSE & ASSOC., INC.
25100 RYE CANYON #41
VALENCIA, CALIFORNIA 91355
(661)295-3590 FAX(661)294-1245

CLIENT
PALISADES LANDMARK GROUP
10600 SANTA MONICA BLVD.,
LOS ANGELES, CA 90025

PROJECT
TRAMONTO DRIVE TOWNHOUSES

SHEET TITLE
VESTING TENTATIVE MAP
TRACT #52928
IN THE CITY OF LOS ANGELES, STATE OF CALIFORNIA
FOR CONDOMINIUM PURPOSES

REVISIONS		
DESCRIPTION	BY	DATE

DESIGNED BY: BR
DRAFTED BY: JB
REVISED BY:
APPROVED BY:
CHECKED BY:
DATE: 6-22-00
SCALE: 1"=30'
SHEET 1 OF 1 SHEETS
JOB NUMBER 1210-002