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**TO: City Council President Eric Garcetti, CD13**

**Re: Council File: CF 09-0082,  
VTT62900-SL-2A,  
APCE 2006-8787-ZC  
2400 Allesandro, Semi Tropic Spiritualists' Tract**

**February 8, 2009**

Per suggestion of CD13 staff, I submit the following corrections to both VTT62900-SL-2A and APCE 2006-8787-ZC prior to a meeting of CD13, CD1 and City Planning as requested by PLUM Chair, Councilmember Ed Reyes prior to CF 09-0082 going to a vote of the full City Council on February 17, 2009.

**First and most importantly, there is no "Q" condition in the Zone Change requiring the Zone Change be limited to this Vesting Tentative Tract. It is extremely important that the zone change be tied to this tract map alone which would be in line with CD13's stated position.**

**At the end of the 2-3-09 PLUM hearing, the City Attorney stated we only appealed the VTT, not the Zone Change. This is not true.** We appealed both. When we filed each appeal, at no time did the Building & Safety counter staff indicate we needed to file them separately for either the appeal to EAPC (heard on 9-24-08) or PLUM (heard on 2-3-09). This may be yet another error by the City. The zone change should NOT be allowed without the Vesting Tentative Tract. Both decisions have many of the same conditions and it is significant that they coordinate.

**At the PLUM hearing on 2-3-09, Nunez asked to be allowed to use double trailer dump trucks – this would NOT be acceptable.** The siting of 2400 Allesandro makes it blind to drivers coming down Allesandro toward Riverside Drive, frequently at very high rates of speed. When Public Works recently resurfaced Allesandro, they used double trailer dump trucks, and it was very difficult for them to make the turns in any direction at the Allesandro Riverside intersection. Plus the presence of Allesandro Elementary students would make it dangerous not only for drivers but for pedestrians – we have to insist on no double trailer dump trucks.

**So Planning Staff understands exactly what to edit,** I've just copied & pasted the offending paragraphs from the decision letters making corrections using "Track Changes" in Microsoft Word. Using the conditions listed in order of the

decision letters, insertions are in color and underlined. Deletions are called out to the right margin. Some conditions are exactly the same in both the Vesting Tentative Tract and the Zone Change decision letters. **Bold formatting matches the decision letters.**

**VTT62900-SL-2A:**

**STREET TREEURBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING**

17. Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated oak tree expert as designated by LAMC Ordinance No. 453,478177,404, for approval by the City Planning Department and the Bureau of Street Services, Urban Forestry Division.

A minimum of two oak-protected trees (a minimum of 48 inch box in size per standards required under the protected tree ordinance 177,404) shall be planted for each one that is removed. The canopy of the oak-protected trees planted shall be in proportion to the canopies of the oak-protected trees removed per Ordinance No. 453,478177,404, and to the satisfaction of the Bureau of Street Services Urban Forestry Division and the Advisory Agency. **To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.**

Note: All oak-protected tree removals must be approved by the Board of Public Works. Contact: Street-TreeUrban Forestry Division at: 21 3-485-5675.

**25. Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

**CM-22 Owner or Contractor shall submit traffic and parking plan to Department of City Planning and CD13. Workers' vehicles shall be parked on site and not on adjacent residential streets. Otherwise, parking shall be on another off-street parking site.**

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

24. Prior to the recordation of the final map, the subdivider will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

**MM-5** Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way (including El Moran St., Modjeska St. and Alvarado rights-of-way and within the Cal Trans right-of-way) shall be provided per the current Urban Forestry Division standards. **To the greatest extent feasible, transplant and**

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

**MM-6** The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees per standards described in the protected tree ordinance 177,404 and Urban Forestry Division standards in the parkway and on the site,

on a 4:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.

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

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

I would recommend insertion of the following condition as it never made it into VTT 62900-SL-2A:

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

NOTE: EAPC instructed Planning Staff to – revise the MND via addendum to include the impact to biological resources as it relates to the existing wildlife habitat and potential inconsistency the SMMC comprehensive plan Rim of the Valley Trail Corridor Master Plan. They are potentially significant unless herein mitigated by the conditions Lowe set forth earlier. And specifically amendments to conditions number 7, 25 & 33 would reduce the impacts to a level of insignificance.

Condition #25 (from the report from City Planning report TO the EAPC) is now condition number 27 (in the decision letter FROM EAPC).

Condition # 33 (from the report from City Planning report TO the EAPC) is now condition #34 (in the decision letter FROM EAPC).

Numbers should be proofread and coordinated in both the VTT62900-SL-1A and APCE 2006-8787-ZC since it may significantly change conditions.

27. That after the uncertified fill is removed from the development site, as is required by the Department of Building and Safety, great care is taken by the developer in restoring native vegetation to all affected areas on parcel 16 to encourage and enhance existing wildlife habitat.

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

29. That great care is taken in transplanting, and/or replacing all protected trees in accordance with the native tree ordinance 177,404 and current Urban Forestry Division standards.

31. That any and all retaining walls in the development as well as Lot 16, the "open space lot" will be masked with drought resistant plant materials and be maintained that way in perpetuity.

34. That public access is established connecting the open space to Allesandro via the lower portion of El Moran via a 12' wide trail. **Applicant will work in collaboration with Council District 13 and the Santa Monica Mountain Conservancy in their efforts to provide and to design a pedestrian trail to connect to the open space lot. This one may be modified depending on the outcome of your discussions with SMMC/MRCA**

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

**SF-2** That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map. The landscape plan shall identify tree replacement on a 1:1 basis ~~by a minimum of 24 inch box trees based on~~ Protected Tree Ordinance 177,404 and current Urban Forestry Division standards for the unavoidable loss of desirable trees on the site.

#### Findings of Fact (CEQA)

The EAPC instructed Planning Staff to make a number of revisions to the Findings of Fact. Planning Staff did NOT include significant effects on, nor discuss mitigations for:

Santa Monica Mountains Conservancy Rim of the Valley Trail Corridor

Nor were effects from Grading, short nor long term, discussed

**NOTE: EAPC instructed Planning Staff to – revise the MND via addendum to include the impact to biological resources as it relates to the existing wildlife habitat and potential inconsistency the SMMC comprehensive plan Rim of the Valley Trail Corridor Master Plan. They are potentially significant unless herein**

mitigated by the conditions Lowe set forth earlier. And specifically amendments to conditions number 7, 25 & 33 would reduce the impacts to a level of insignificance. (See Council Office Required Conditions above for further problems with conditions # 7, 25 & 33 as stated in our appeal to PLUM letter dated December 29, 2008.)

### **APCE 2006-8787-ZC**

#### **“Q” Qualified Conditions:**

There is Q condition limiting the zone change to the tract map as CD13 has advocated for. I suggest the following Q condition be added:

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

### **Administrative Conditions**

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

### **Entitlement Conditions**

**10.** That prior to the issuance of building permits, detailed development plans, including a complete landscaping and irrigation plans, shall be submitted to the Department of City Planning and CD13 for approval.

### **Environmental Conditions:**

**12.** The numbering is off – this should be condition # 14 and following numbers changed accordingly

**MM-5** Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban

Forestry Division of the Bureau of Street Services. All trees in the public right-of-way (including El Moran St., Modjeska St. and Alvarado St rights-of-way and within the Cal Trans right-of-way on 2400 Allesandro) shall be provided per the current Urban Forestry Division standards. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.

MM-6 The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement per standards described in the protected tree ordinance 177,404 and Urban Forestry Division standards ~~by a minimum of 24-inch box trees~~ in the parkway and on the site, ~~on a 1:1 basis,~~ shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan.

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

## 16. Construction Mitigation Conditions

### General Construction

CM-22 Owner or Contractor shall submit traffic and parking plan to Department of City Planning and CD13. Workers' vehicles shall be parked on site and not on adjacent residential streets. Otherwise, parking shall be on another off-street parking site.

CM-24 That after the uncertified fill is removed from the development site, as is required by the Department of Building and Safety, great care is taken by the developer in restoring native vegetation to all affected areas on parcel 16 to encourage and enhance existing wildlife habitat.

**Prior to the issuance of any building permits or grading permits, Owner/developer shall to retain the services of a biologist to conduct a site assessment survey of existing wildlife habitat to be submitted to Los Angeles Department of City Planning to evaluate both the short term construction and long term impacts to habitat and migration patterns, if any. Any and all recommendations included in the biologist's report are to be included herein as additional Q conditions**

~~To the greatest extent feasible, applicant shall work in good faith in collaboration with the planning Department and Council District 13 to implement the recommendations of the biologist.~~

**LOT 16 "Open Space Lot" – potential new conditions**

**Lot 16, the open space lot should go to a public parks agency.**

**Santa Monica Mountains Conservancy/MRCA has placed the following item on their agenda for February 11, 2009. See attached MRCA staff report, dated Feb. 11, 2009, for additional information or <http://www.mrca.ca.gov/attachment.asp?agendaid=163> .**

XI. Consideration of resolution authorizing: (a) conditional acceptance of open space lot number 16 from Vesting Tentative Tract Map No. 62900-SL-1A, 2400 Allesandro Street and 2005 and 2021 W. Elmoran Street in either fee simple or a conservation easement, (b) acceptance of trail easements on said property, (c) acceptance of funds to construct said trails and other improvements, and (d) assumption of maintenance responsibility for said open space lot pending condition of approval and mitigation measure requiring adequate payment to the Mountains Recreation and Conservation Authority via adequately worded and recorded CC & R's for City of Los Angeles required Homeowners Association, Elysian Park.

This will lead to additional Q Conditions and I think it is best worked out between CD13 and MRCA directly, see attached MRCA 2-11-09 staff report for additional information.

### **Conclusion**

I know there is a lot of small detail involved in this entire process with VTT62900-SL-2A and APCE 2006-8787-ZC, both under CF09-0082. No one knows this more intimately than I do, since someone had to make the corrections. City Planning Staff seems unable to follow though on basic find & replace word processing skills. Perhaps City Planning should consider requiring staff to take basic skills courses in this regard.

We also appreciate the great amount of time put into this project by CD13 staff, particularly Mitch O'Farrell, who probably knows this project almost as well as I do by now.

Thank you,

Diane Edwardson