

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

JUNE LAGMAY
City Clerk

KAREN E. KALFAYAN
Executive Officer

Office of the
CITY CLERK

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KONRAD CARTER
Acting Chief, Council and Public Services
Division

www.cityclerk.lacity.org

May 22, 2009

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council file No.
09-0082, at its meeting held MAY 13, 2009.

City Clerk
srb

TIME LIMIT FILES
ORDINANCES

Mayor's Time Stamp
OFFICE OF THE MAYOR
RECEIVED
2009 MAY 15 PM 2:43
CITY OF LOS ANGELES

RECEIVED
City Clerk's Time Stamp
CITY CLERK'S OFFICE
2009 MAY 15 PM 2:35
CITY CLERK
BY _____ DEPUTY

COUNCIL FILE NUMBER 09-0082 COUNCIL DISTRICT 13

COUNCIL APPROVAL DATE May 13, 2009 LAST DAY FOR MAYOR TO ACT MAY 26 2009

ORDINANCE TYPE: Ord of Intent Zoning Personnel General
 Improvement LAMC LAAC CU or Var Appeals - CPC No. _____

SUBJECT MATTER: A ZONE CHANGE AND RELATED APPEAL OF VESTING TENTATIVE TRACT (VTT)
62900-SL FOR PROPERTY AT 2400 ALLESANDRO STREET, AND 2005 AND 2021
WEST EL MORAN STREET

DIRECTOR BUREAU OF STREET LIGHTING
DIRECTOR OF PLANNING
CITY ATTORNEY
CITY ADMINISTRATIVE OFFICER
OTHER

APPROVED	DISAPPROVED
_____	_____
X _____	_____
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RECEIVED
CITY CLERK'S OFFICE
2009 MAY 21 AM 10:14
CITY CLERK
BY _____ DEPUTY

MAY 20 2009

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO _____
(*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b) (c)

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR MAY 21 2009 ORDINANCE NO. 180700

DATE PUBLISHED _____ DATE POSTED MAY 21 2009 EFFECTIVE DATE JUN 30 2009

ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____

ORDINANCE FOR DISTRIBUTION: YES NO

Your

PLANNING AND LAND USE MANAGEMENT

Committee

reports as follows:

REVISED MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE relative to a Zone Change and related appeal of Vesting Tentative Tract (VTT) 62900-SL for property at 2400 Allesandro Street, and 2005 and 2021 West El Moran Street.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Revised Mitigated Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council File No. 09-0082 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 Revised Mitigated Negative Declaration [ENV 2005-9337 MND REC1], as modified.
2. ADOPT the FINDINGS of the East Los Angeles Area Planning Commission (ELAPC) as the Findings of the City Council.
3. PRESENT and ADOPT the accompanying NEW ORDINANCE dated May 13, 2009, approved by the Director of Planning on behalf of the ELAPC effecting a Zone Change from R1-1VL to (T)(Q)RD6-1VL for a proposed 15 lot single family subdivision plus one (1) open space lot under the Small Lot Ordinance No. 176,354 with 36 residential parking spaces including eight guest parking spaces for property at 2400 Allesandro Street, 2005 and 2021 West El Moran Street, subject to Conditions of Approval, as modified by the ELAPC, and as further modified in Committee, and attached to the Committee report.

Applicant: Henry Nunez Real Estate Co., Inc.,
Fisher Associates (Representative)

APCE 2006-8787-ZC

4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Committee report.
5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
6. DENY APPEAL filed by Diane Edwardson, Cindy Ortiz, and Cheryl Parisi, from the entire decision of the East Los Angeles Area Planning Commission, and THEREBY APPROVE a Zone Change from R1-1VL to (T)(Q)RD6-1VL and VTT 62900-SL for a 15 lot single family subdivision plus one (1) open space lot under the Small Lot Ordinance No. 176,354 with 36 residential parking spaces including eight guest parking spaces for property at 2400 Allesandro Street, 2005 and 2021 West El Moran Street, subject to Conditions of Approval, as modified by the ELAPC, and as further modified in Committee and attached to the Committee report. VTT 62900-SL
7. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
8. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

9. NOT PRESENT AND ORDER FILED Ordinances dated September 24, 2008, and February 10, 2009.

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - MAY 15, 2009

(LAST DAY FOR COUNCIL ACTION - MAY 15, 2009)

Summary:

On February 3, 2009, the Planning and Land Use Management Committee (PLUM) Committee considered Mitigated Negative Declaration, as revised, and appeal filed by Diane Edwardson, Cindy Ortiz, and Cheryl Parisi, from the entire decision of the East Los Angeles Area Planning Commission in approving a Zone Change from R1-1VL to (T)(Q)RD6-1VL and Vesting Tract Map 62900 for a 15 lot single family subdivision plus one (1) open space lot under the Small Lot Ordinance No. 176,354 with 36 residential parking spaces including eight guest parking spaces for property at 2400 Allesandro Street, 2005 and 2021 West El Moran Street, subject to Conditions of Approval, as modified.

During this meeting staff from the Planning Department briefly described the project and appeal, as well as the Advisory Agency's and ELAPC's actions. Staff further reported that the basis of the appeal was related to the environmental review for the project (Mitigated Negative Declaration). The appellants claimed that the Mitigated Negative Declaration did not adequately address the impacts of the project. Staff reported that the ELAPC concluded that the mitigated measures imposed were adequate.

The appellants, their representative, and others speakers in support of the appeal addressed concerns related to the project's impacts on open space, equestrian trails, public access, wildlife, green spaces, protected trees and the historical significance of the area. Other speakers reported on concerns related to traffic, grading, landscaping, graffiti on retaining walls, and cumulative impacts resulting from over-development in the hillside area. One speaker reported on development in the area which remained abandoned. Another speaker reported that the subject to this appeal was already advertised for sale by the applicant. Documents were submitted to the record to support the appeal, and testimony (See Council file No. 09-0082).

The representative for the appellants suggested that the environmental review contained improper deferrals and deficiencies related to traffic, parking, biological and geological assessments. It was requested that an Environmental Impact Report be completed in order to adequately review the potential adverse impacts related to the project. A representative from the Santa Monica Mountain Conservancy made other requests related to public benefits and maintenance.

The representative and applicant for the subject site discussed the merits of the project. The applicant reported having ten to twelve meetings in the community, and also meeting with the Council Office (Councilmember Eric Garcetti, Council District Thirteen). It was reported that the project was initially proposed as a 21 - 24 homes on a three-acre site. It was further reported that after discussion with the Council Office, and in response to community concerns, a decision was made to reduce the size of project. The applicant reported that after reviewing all concerns, the compromise was to cluster the housing on the lower portion of the site to minimize grading and leave an additional 1 1/2 acres of open space. In addition, the applicant requested removal of two conditions.

A Council Deputy representing Councilmember Eric Garcetti, spoke in support of the project, as modified by the ELAPC. The Council Deputy reported that there were still some conditions which needed to be worked out related to the Zone Change and Tract conditions. In addition, the Council Deputy submitted a letter for the record from Councilmember Garcetti to ensure that the Councilmember's concerns were addressed in the final Conditions of Approval for the project.

The Planning Department and the City Attorney advised the PLUM Committee that the Conditions of Approval, should the property be sold, will run with the land. In addition, the Planning Department suggested additional language for "Q" Conditions of approval, as well as other modified conditions.

After careful consideration of the documents on file, and of the documents and testimony presented at the hearing, the PLUM Committee at the February 3, 2009 hearing, denied the appeal, and approved the project, subject to the modified Conditions of Approval as modified by the ELAPC, and as further modified in Committee per the request of Councilmember Eric Garcetti, Council District 13, and the Planning Department. The Chair of the PLUM Committee asked Planning Staff and a representative Council Deputy from Council District 13, to visit his office in order to review the final draft of the conditions, prior to the matter scheduling in Council. The matter was heard in Council on February 25, 2009.

On February 25, 2009, the City Council by Motion, [Garcetti - Reyes], requested further environmental consideration relative to this project. On April 20, 2009, a revision to the Mitigated Negative Declaration was provided for the record, and the matter was rescheduled for the hearing on May 12, 2009.

During the May 12, 2009, many similar environmental concerns were addressed by the appellants and other speakers at the hearing. Testimony in support of the revised environmental review was provided by Planning Department staff, the applicant, and staff representing Council District 13. The applicant requested one revision to the current conditions related to Tract 62900-SL. The applicant requested that the haul route portion of the project completion be extended from 3 to 6 weeks (as noted in Condition No. 20e). In addition, the Chair of the PLUM Committee reported that the matter had undergone compromise and revised environmental review.

At the conclusion of the hearing, the PLUM Committee recommended that the appeal be denied, and recommended approval of the Zone Change and Tract No. 62900-SL, subject to Conditions of Approval as modified at the February 3, 2009, PLUM Committee hearing, and as further modified for Tract 62900-SL, Condition 20e, as requested by the applicant. The PLUM Committee also approved two other environmental conditions as recommended by the Planning Department staff.

As indicated in Recommendation No. 5 and pursuant to Section 12.32-J of the Los Angeles Municipal Code (LAMC), the applicant is hereby advised that:

. . . whenever property remains in a "Q" Qualified classification for six years . . . after the effective date of the ordinance creating same without substantial physical development thereof for one or more of the uses first permitted herein having taken place within such time or if the Director of Planning determines that such development is not thereafter continuously and expeditiously carried on to completion, or if no physical development is necessary, without having been need for one or more of the purpose first permitted thereby, such Qualified classification and the authority contained therein shall become null and void, the rezoning proceedings shall be terminated and the property thereafter may only be utilized for those purposes permitted prior to the commencement of such rezoning proceedings."

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

MEMBER VOTE
REYES: YES
HUIZAR: ABSENT
WEISS: YES

BG
5-13-09

Attachments: Ordinance
Conditions of Approval, as modified
CD 13

09-0082.A_rpt_plum_5-13-09

ADOPTED

MAY 13 2009

LOS ANGELES CITY COUNCIL

-Not Official Until Council Acts-