

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

-Not Official Until Council Acts-

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That a 15-foot radius property line returns be dedicated at the intersections of Allesandro Avenue and El Moran Street and at Modjeska Street and Peru Street adjoining the tract satisfactory to the City Engineer.
2. That if this tract map is approved as **small lot subdivision**, and if necessary for street address purposes then all the common access to this subdivision be named on the final map satisfactory to the City Engineer.
3. That if this tract map is approved as small lot subdivision then the final map be labeled as "**Small Lot Subdivision per Ordinance No. 176354**" satisfactory to the City Engineer.
4. That any necessary public sanitary sewer easements be dedicated on the final map based on an alignment approved by Central Engineering District Office.
5. That the common access be provided and shown on the final tract map.
6. That the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.
7. **Owners of the property record a Covenant and Agreement together with legal description and map of said lot 16 and public access easement, satisfactory to the City Engineer stating that proposed lot 16 shall be maintained and preserved as a dedicated open space lot in perpetuity running with the land.**

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

8. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in **Inter-Departmental Letter dated March 5, 2007, Log No. 53619-2 and attached to the case file for Vesting Tentative Tract No. 62900-SL. This conditions shall be complied with prior to the issuance of any Building permits.**

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

9. 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. The submitted map indicates R1-1VL as the existing and proposed Zone. Small Lot Subdivision is not permitted in the R1 Zone. Submit a revised map to address the discrepancy and indicate the proposed Zone.
 - b. Provide a copy of APC case APCE-2006-8787-ZC. Show compliance with all the conditions/requirements of the APC cases as applicable.

- c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be rechecked as per net lot area after street dedication.

Notes:

The existing or proposed building plans have not been checked for Building or Zoning Code requirements. Any vested approvals for parking layouts, open space, required yards or building height, should be "to the satisfaction of the Department of Building and Safety at the time of Plan Check".

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

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact John Pourhassan at (213) 482-6880 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

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

FIRE DEPARTMENT

11. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
 - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
 - b. In order to mitigate the inadequacy of fire protection in travel distance, sprinkler systems shall be required throughout any structure to be built, in accordance with the Los Angeles Municipal Code, Section 57.09.07.
 - c. Adequate public and private fire hydrants may be required.
 - d. 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.
 - e. Private Streets and entry gates will be built to City standards to the satisfaction of the City Engineer and Fire Department.
 - 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 greater than 700 feet in length or secondary access shall be required.

- g. 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 roadway, or designated fire lane.
- h. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- i. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction
- j. Private streets shall be recorded as Private Streets, **AND** Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
- k. Plans showing areas to be posted and / or painted, FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- l. No building or portion of a building shall be constructed more than 300 feet from an approved hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.

DEPARTMENT OF WATER AND POWER

- 12. 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

- 13. 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).)
 - a. Satisfactory arrangements shall be made with the Bureau of Street Lighting to assure the property be formed or annexed into a Street Lighting Maintenance Assessment District.

BUREAU OF SANITATION

- 14. 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

15. 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, 200 N. Main Street, Room 1255, Los Angeles, CA 90012, (213) 922-8363.

DEPARTMENT OF RECREATION AND PARKS

16. That the Quimby fee be based on the RD6 Zone.

STREET TREE 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. 153,478, for approval by the City Planning Department and the Bureau of Street Services, Urban Forestry Division.

A minimum of two oak trees (a minimum of 48 inch box in size) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 153,478, and to the satisfaction of the 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 tree removals must be approved by the Board of Public Works. Contact: Street Tree Division at: 213-485-5675.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

18. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
 - a. Limit the proposed development to a maximum of 15 lots for residential use **with a height limit of 35 ft maximum** plus one (1) open space lot for a total of 16 lots provided a zone change is approved to allow the density. If the zone change is not approved for the requested density, the density allowed on the site, or a density allowed by a discretionary action, shall be the density permitted on the site.
 - b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus ½ guest parking space per dwelling unit. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

- c. **Note to City Zoning Engineer and Plan Check.** The Advisory Agency has approved the following variations from the Los Angeles Municipal Code as it applies to this subdivision and the proposed development on the site.

Approved Variations as follows:

- d. That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
- e. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- f. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- g. A Maintenance Association shall be formed, composed of all property owners, to maintain **the open space lot and** all common areas such as trees, landscaping, trash, parking, community driveway(s), **public access way(s)**, walkways, monthly service for private fire hydrant (if required), etc. Each owner and future property owners shall automatically become members of the association and shall be subject to a proportionate share of the maintenance. The Maintenance Association shall be recorded as a Covenant and Agreement to run with the land. The subdivider shall submit a copy of this Agreement, once recorded, to the Planning Department for placement in the tract file.
- h. Modjeska Street shall remain unimproved to preserve wildlife access.
- i. **Indemnification.** Upon the effective date of this conditional approval, the applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
19. That prior to the issuance of the building permit or the recordation of the final map, a copy of the APCE-2006-8787-ZC shall be submitted to the satisfaction of the Advisory Agency indicating all the conditions of approval have been satisfied. In the event that APCE-2006-8787-ZC is not approved or amended by the City Council, the development on this site shall be in compliance with the land use designation and zoning of the site.
20. 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:

(The following is to be used with Covenant and Agreement prior to obtaining a grading permit)

That the haul route utilized for the exporting or importing of materials under this tract approval shall observe the following conditions:

- a. Streets to be used shall be limited to Allesandro Street El Moran Street, Riverside Drive, Newell Street., CA-2N., CA-134E., Figueroa Street, and Scholl Canyon Road,
- b. Hours of operation shall be from: 9.00 a.m. to: 4.00 p.m.
- c. Days of the week shall be Monday through Friday.
- d. Total trips per day shall be no more than 40.
- e. Duration of project shall be no more than **six (6) weeks.**
- f. Trucks shall be restricted to 10-wheel dump trucks or smaller.
- g. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).
- h. Streets shall be cleaned of spilled materials at the termination of each work day.
- i. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
- j. 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.
- k. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- l. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. **All trucks with hauling activities are to be covered to prevent spillage and dust.**
- m. All trucks are to be watered at the job site to prevent excessive blowing dirt.
- n. 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.
- o. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.
- p. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.

- q. A Truck Crossing warning signs shall be placed 300 feet in advance of the exit in each direction.
- r. 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 A Work Area Traffic Control Handbook.
- s. 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.
- t. 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.
- u. The permittee shall notify the Street Use Inspection Division 13, 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.
- v. 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.

- w. **Applicant shall post notice to residents along Rosebud, Peru Street and Alvarado regarding hauling schedule and a telephone contacts information relative to issues and concerns related to hauling activities. Prior to and during all hauling operations, contact, communication, and a designated liaison must be provided to Allesandro Elementary School to address school crossing concerns. City of Los Angeles Department of Transportation shall also be contacted for coordination of crossing guards.**
21. **Prior to the issuance of the Certificate of Occupancy, applicant shall complete all the public improvements and comply with approved oak tree and other significant tree replacement / protection plan.**
22. **All mitigations included in the ENV-2005-9337-MND and the October 27, 2006 addendum are incorporated by reference herein and made a part of these conditions.**

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

23. That prior to recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition No(s). 24, 25, and SF-2 of the Tract=s approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction/, construction/post-construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
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-1 Grading shall be kept to a minimum.
- MM-2 Natural features, such as prominent knolls or ridge lines, shall be preserved.
- MM-3 The project shall comply with the City's Hillside Development Guidelines.
- MM-4 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ordinance No. 170,978), Guidelines K - Vehicular Use Areas.
- 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 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 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-7** The genus or genera of the tree(s) shall provide a minimum crown of 30'-50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.
- 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 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.
- MM-9** 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.
- MM-10** Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- MM-11** Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- MM-12** Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- MM-13** Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- MM-14** Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- MM-15** Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock

outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe outlet. Inspect, repair, and maintain the outlet protection after each significant rain.

- MM-16 Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- MM-17 All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- MM-18 Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- MM-19 Legibility of stencils and signs must be maintained.
- MM-20 Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-21 The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-22 The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-23 The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
- MM-24 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- MM-25 The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

- MM-26 Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
- MM-27 The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.**
- MM-28 The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91,8104.15. Also the applicant shall cover the walls with clinging vines or screened by vegetation capable of spreading over the entire wall within one year of planting. Adequate irrigation shall be provided if vines or vegetation is provided on or along the walls.
- MM-29 **Avoidance of Nesting Birds. To avoid impacting nesting birds during project construction, including migratory birds and raptors, one of the following must be implemented:**
- Conduct vegetation removal from September 1st through January 31st, when birds are not nesting. If construction must occur during nesting season (which is generally February 1st through September 1st), initiate grading activities prior to the breeding season and keep disturbance activities constant throughout the breeding season to prevent birds from establishing nests in surrounding habitat (in order to avoid possible nest abandonment); if there is a lapse in activities of more than five days, pre-construction surveys shall be necessary as described in the bullet below.
- OR -
- Conduct pre-construction surveys for nesting birds if vegetation removal or grading is initiated during the nesting season (which is generally February 1st through September 1st). A qualified wildlife biologist shall conduct weekly pre-construction bird survey no more than 30 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity (at least 300 to 500 feet around the individual construction site, as access allows). The last survey should be conducted no more than three days prior to the initiation of clearance/construction work. If active nests are encountered, clearing and construction in the vicinity of the nest shall be deferred until the

young birds have fledged and there is no evidence of a second attempt at nesting. A minimum exclusion buffer of 300 feet (500 feet for raptor nests) or as determined by a qualified biologist, shall be maintained during construction depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel and activities restricted from the area. Construction personnel should be instructed on the sensitivity of the area. A survey report by the qualified biologist documenting and verifying compliance with the mitigation and with applicable state and federal regulations protecting birds shall be submitted to the City. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

MM-30 Exclusion of Burrowing Owls. Prior to construction activities occurring during the non-nesting season of burrowing owl (typically September through January), a qualified biologist would conduct a clearance survey for wintering burrowing owls. The survey would be conducted no more than 14 days prior to commencement of earth moving activities. If non-breeding burrowing owls are observed within the disturbance footprint, they would be excluded from all occupied burrows in accordance with CDFG protocols (CDFG 1995). Specifically, exclusion devices, utilizing one-way doors, would be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows would then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the site, as determined by a qualified biologist.

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-1 That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

§ Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing.

§ Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.

§ If the case involves more than one street frontage, post a sign on each

street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.

- CM-2 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. **This shall include but not limited to the provision of 8' to 10' dust screen fencing around the perimeter of the site. The height and location of which is to be finally determined by Department of Building and Safety.**
- CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-5 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-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-8 Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-11 The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-12 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- CM-13 Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include

interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-15 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- CM-16 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- CM-17 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- CM-19 Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20 Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.
- CM-21 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- CM-22 Owner or Contractor shall submit traffic and parking plan to Department of City Planning. Workers' vehicles shall be parked on site and not on adjacent residential streets. Otherwise, parking shall be on another off-street parking site.**
- CM-23 Owner/contactor shall provide documentation verification of waste disposal to licensed regulated disposal and recycling sites as a monitoring measure to prevent illegal toxic waste dumping and recycling compliance.**

COUNCIL OFFICE REQUIRED CONDITIONS (CD-13)

- 26. That parcel 16 (open space lot) either be gifted as an open space preserve or that it be deed restricted as a public space and maintained by a home owners association

established as part of this development. **The parcel 16 shall also be in compliance with condition No. 7.**

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 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. 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.

28. That a detailed landscaping plan, specific to parcel 16, is presented to Planning for approval in advance of any grading.
29. That great care is taken in transplanting, and/or replacing all protected trees in accordance with the native tree ordinance.
30. **That the housing development remain open and accessible, and have adequate and safe pedestrian access, including compliance with ADA requirements from Allesandro Street." and adequate exterior lighting (to extent feasible utilize solar lighting).**
31. That any and all retaining walls in the development will be masked with drought resistant plant materials and be maintained that way.
32. That any mechanical equipment on rooftops be hidden and that the rooftops be designed in an attractive, inconspicuous way.
33. That all utilities lines are placed underground.
34. That public access is established connecting the open space to Allesandro via the lower portion of El Moran. **Applicant will work in collaboration with Council District 13 and the Community in their efforts to provide a pedestrian trail to connect to the open space lot.**
35. **That vesting of this tentative tract map and granting of any zone change is solely applicable to the tentative tract plan as currently proposed and the subject of these applications.**

SF-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. 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.

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 for the unavoidable loss of desirable trees on the site.

- a. Landscaping palette for required landscape plans shall be comprised of drought tolerant and/or native plant material that is fire retardant and controls erosion.
- b. Retaining walls and building understory areas shall be fully screened with plantings in a reasonable amount of time, as shown on approved landscape plan.
- c. Landscape plans must be submitted to Bureau of Street Services Urban Forestry Division prior to DCP clearance. Upon satisfaction of the requirements set forth under LAMC Ordinance No. 177,404 (Protected Trees) deemed necessary by the Urban Forestry Division, an approval letter will be issued by the Urban Forestry Division and submitted with new development filings as part of submission packages.

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the 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 exceeds 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.
 - 1. Construct four (4) new lights on Allesandro Street.

Notes:

- (1) The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.
- (2) Condition sets: 1) In compliance with Specific Plan, 2) By LADOT, 3) By other legal instrument excluding the Bureau of Engineering condition S-3(i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.
- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the 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:**

- (1) After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer, drainage facilities may be required satisfactory to the City Engineer.
- (2) Construct the necessary on-site mainline sewer satisfactory to the City Engineer.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However, the existing or proposed zoning may not permit this number of units. This vesting map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

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

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

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

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

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 that can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

The Environmental Staff Advisory Committee issued Mitigated Negative Declaration ENV-2005-9337-MND on October 27, 2006, and a Reconsideration ENV-2005-9337-MND-REC DATED October 27, 2006. The Committee found that potential negative impact could occur from the project's implementation due to:

- Aesthetics
- potential loss of significant trees
- noise from the site
- mobile noise

potential seismic activity
need for landscaping.
Animal life

In addition, the East Los Angeles Area Planning Commission and the Council District 13 identified animal habitat as an impact with additional mitigation.

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2005-9337-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition **No(s). 24, 25 and SF-2** of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The Initial Study prepared for the project identifies no potential adverse impacts on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset are concerned. Furthermore, the project site, as well as the surrounding area is presently developed with residential structures and does not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 23.

Furthermore, the Advisory Agency hereby finds that modification(s) to and/or correction(s) of specific mitigation measures have been required in order to assure appropriate and adequate mitigation of potential environmental impacts of the proposed use of this subdivision.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 62900-SL the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.
- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Silver Lake-Echo Park-Elysian Community Plan designates the subject property for Low Residential land use with the corresponding zones of RE9, RS, R1, RU, RD6, RD5. The property contains approximately 3.08 net acres (134,066 net square feet after required dedication) and is presently zoned R1-1VL. The proposed development of 15, single-family lots is allowable under the "Small Lot Subdivision Ordinance". The ordinance permits the subdivision of multi-family and commercially zoned properties into small single-family lots. The project as proposed is consistent with the current land use designation; however, it is not allowable under the current

adopted zone. The applicant has requested for a zone change from R1-1 to RD6-1 which will allow the density if approve.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas).

The project conforms to both the specific provisions and the intent of the Specific Plan for the Management of Flood Hazards (Section 5 of Ordinance 172,081).

Therefore, as conditioned, the proposed tract map 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 site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone.

- (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 Initial Study prepared for the project identifies no potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, and risk of upset are concerned.

Furthermore, the project site is located in an urban area and does not provide a natural habitat for either fish or wildlife.

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

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

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which 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.

These findings shall apply to both the tentative and final maps for Vesting Tract No. 62900-SL.

S. Gail Goldberg, AICP
Advisory Agency

MICHAEL S.Y. YOUNG
Deputy Advisory Agency

MSYY:GC:LS:mkc

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 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
213.482.7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard
Room 251
Van Nuys, CA 91401
818.374.5050

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.

If you have any questions, please call Subdivision staff at (213) 978-1362.

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32-G of the Municipal Code, the (T) or [T] Tentative Classification shall be removed by the recordation of a final tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Procedure: The tentative classification shall be removed by the recordation of a final tract map, or by the posting of guarantees satisfactory to the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approvals or guarantees provided to the City Planning Department for attachment to the subject City Plan Case File. Recommendation that recordation of the final tract map may be made as a condition of the Zone Change Approval. The above language does not preclude the Advisory Agency from requiring the recordation of a final map for compliance with the subject conditions or similar conditions:

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

1. **Covenant.** Prior to any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owners in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Furthermore, the agreement shall be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be given to the City Planning Department for attachment to the subject file.
2. **Street Dedications and Improvements.** Street Dedications and improvements shall be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.
3. **Sewer.** Construction of necessary sewer facilities, or payment of sewer fees, shall be Completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.
4. **Drainage.** Construction of necessary drainage and storm water runoff drainage facilities to be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the City Engineer.

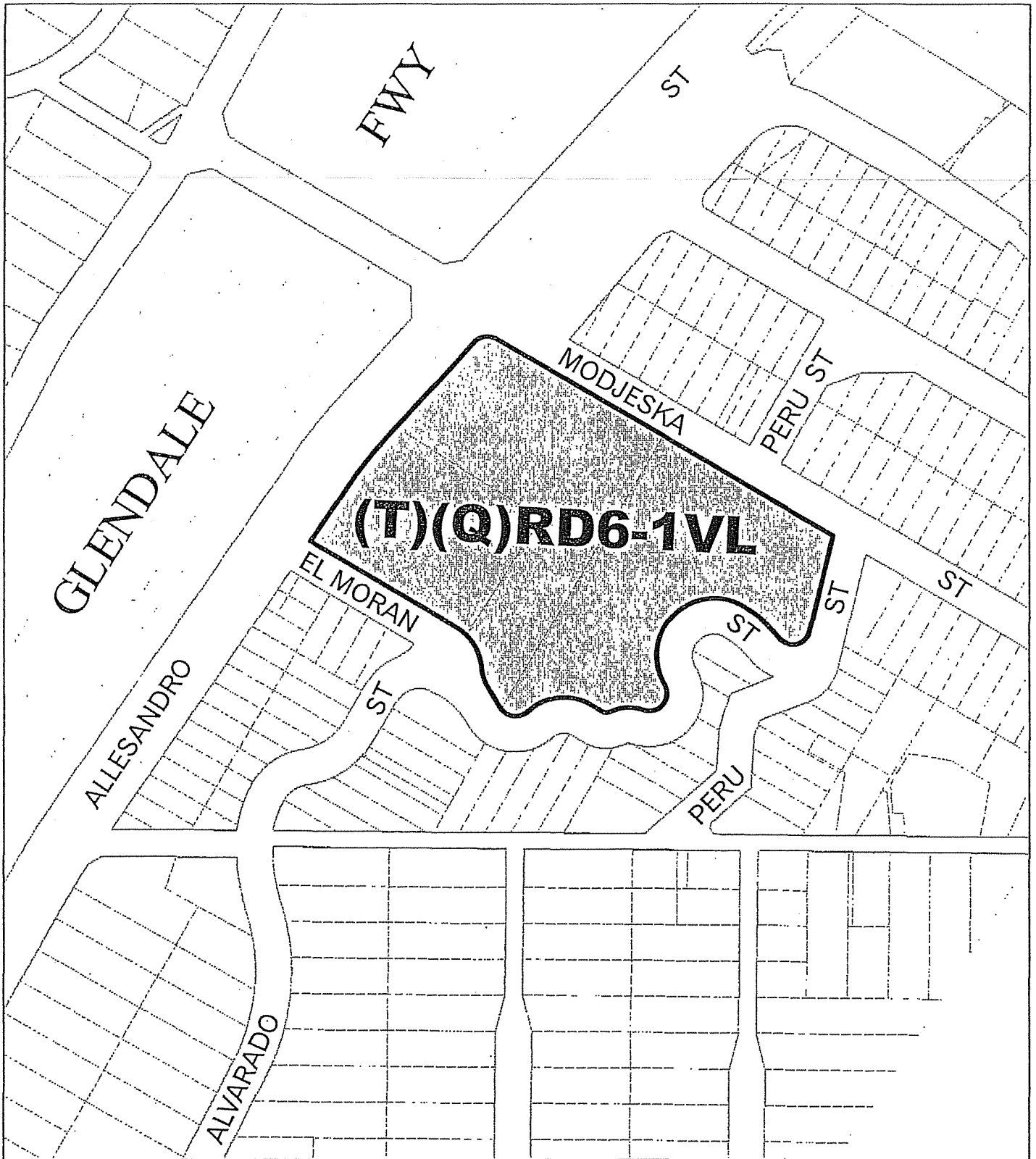
5. **Driveway/Parking Area Plan.** Preparation of a parking plan and driveway plan shall be completed as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
6. **Fire.** Incorporate into the building plans the recommendations of the Fire Department as indicated in the Vesting Tentative Tract No. 62900-SL relative to fire safety, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.
7. **Cable.** Make any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05-N to the satisfaction of the Department of Telecommunications.
8. **Recreation and Park Fees.** Payment of the appropriate recreation and park fees, as they relate to the approved zone, to the Department of Recreation and Parks.
9. **Lighting.** Street lighting facilities shall be provided as indicated in Vesting Tentative Tract No. 62900-SL to the satisfaction of the Bureau of Street Lighting.
10. **Street Trees.** All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the Zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the Zoning map shall be as follows:



NOT TO SCALE

D.M. 147 A 211	APCE-2006-8787-ZC
LH/04	100708

(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32-G of the Los Angeles Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified Classification.

Administrative Conditions

1. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
2. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions will be recorded in the County Recorder's Office. The agreement will run with the land and will be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date will be provided to the Planning Department.
3. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, will be provided to the Planning Department for placement in the subject file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions will mean the agencies, public offices, legislation or their successors, designees or amendments to any legislation.
5. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property will be complied with, except as such regulations are herein specifically varied or required.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions will be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

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.

Entitlement Conditions

8. **Use.** Limit the proposed development to a maximum of 15-lot small lot subdivision, plus one open space lot for a total of 16 lots as shown in the Vesting Tentative Tract Map No. 62900-SL (Exhibit A) dated July 9, 2007, said development on the site shall be in full compliance with all the conditions established under Vesting Tentative Tract Map No. 62900-SL-2A.
9. That no structure built on the subject site shall exceed 35 feet in height above the natural grade (to the peak of the roof). (APC)
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 for approval.
11. The project shall provide an air filtration system to reduce the air quality effects on the proposed inhabitants.
12. Modjeska Street shall remain unimproved to preserve wildlife access.
13. **Infrastructure**
 - a. Construction materials and equipment shall not be permitted to be stored in the public right-of-way in any manner that reduces roadway clearance to less than 20-feet in width. Storage of construction materials and equipment on public property requires a street use permit from the Bureau of Street Services.
 - b. Construction vehicles shall be subject to the restrictions established by the Los Angeles Fire Department Red Flag - No Parking Program. Restricted parking signs shall be procured and installed along the project site at the owner/developer's expense when required by the LAFD and/or LADOT.
14. **Building Design**
 - a. Second story setbacks or terraced structures and other design articulations are to be used to ensure that new development is compatible with existing neighborhood identity, character and scale.

- b. Building materials match architectural style of new development.
- c. Architectural design elements of the front and rear building elevations including articulation of facades, modulations of walls, shape, type details and the location of windows, doors, columns, balconies and garage doors vary from the adjacent/abutting buildings.
- d. Design of new structures shall meet one of the following standards:
 - i. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area, where "Base Floor" shall be defined as set forth in Section 12.03 of the Los Angeles Municipal Code for the purposes of this regulation; or
 - ii. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines; or
 - iii. The buildings of the project shall consist of 3 or more building elements, each with its own associated roof form. A building element CPC-2008-1182- ZC 0-2 may also be a major horizontal mass, setback or forward from the face of other masses.
- e. Structures within 50 linear feet of identified ridgelines, as shown on attached map marked 'Northeast LA Ridgelines', are limited to 15 feet in height. The 50 linear feet must be labeled on all plans accordingly

Environmental Conditions

15. Grading

- MM-1 Grading shall be kept to a minimum.
- MM-2 Natural features, such as prominent knolls or ridge lines, shall be preserved.
- MM-3 The project shall comply with the City's Hillside Development Guidelines.
- MM-4 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ordinance No. 170,978), Guidelines K - Vehicular Use Areas.
- 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 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. (APC)

- 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 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. (APC)
- MM-7 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas. (APC)
- 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 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. (APC)
- MM-9 Avoidance of Nesting Birds. To avoid impacting nesting birds during project construction, including migratory birds and raptors, one of the following must be implemented:**
- **Conduct vegetation removal from September 1st through January 31st, when birds are not nesting. If construction must occur during nesting season (which is generally February 1st through September 1st), initiate grading activities prior to the breeding season and keep disturbance activities constant throughout the breeding season to prevent birds from establishing nests in surrounding habitat (in order to avoid possible nest abandonment); if there is a lapse in activities of more than five days, pre-construction surveys shall be necessary as described in the bullet below.**
- OR -**
- **Conduct pre-construction surveys for nesting birds if vegetation removal or grading is initiated during the nesting**

season (which is generally February 1st through September 1st). A qualified wildlife biologist shall conduct weekly pre-construction bird survey no more than 30 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity (at least 300 to 500 feet around the individual construction site, as access allows). The last survey should be conducted no more than three days prior to the initiation of clearance/construction work. If active nests are encountered, clearing and construction in the vicinity of the nest shall be deferred until the young birds have fledged and there is no evidence of a second attempt at nesting. A minimum exclusion buffer of 300 feet (500 feet for raptor nests) or as determined by a qualified biologist, shall be maintained during construction depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel and activities restricted from the area. Construction personnel should be instructed on the sensitivity of the area. A survey report by the qualified biologist documenting and verifying compliance with the mitigation and with applicable state and federal regulations protecting birds shall be submitted to the City. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

- MM-10** Exclusion of Burrowing Owls. Prior to construction activities occurring during the non-nesting season of burrowing owl (typically September through January), a qualified biologist would conduct a clearance survey for wintering burrowing owls. The survey would be conducted no more than 14 days prior to commencement of earth moving activities. If non-breeding burrowing owls are observed within the disturbance footprint, they would be excluded from all occupied burrows in accordance with CDFG protocols (CDFG 1995). Specifically, exclusion devices, utilizing one-way doors, would be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows would then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the site, as determined by a qualified biologist.

16. Seismic

MM-9 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.

17. Storm Water

MM-10 Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.

MM-11 Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.

MM-12 Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.

MM-13 Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.

MM-14 Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.

MM-15 Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe outlet. Inspect, repair, and maintain the outlet protection after each significant rain.

MM-16 Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

MM-17 All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.

MM-18 Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.

MM-19 Legibility of stencils and signs must be maintained.

- MM-20 Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-21 The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-22 The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-23 The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

18. Public Services

- MM-24 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- MM-25 The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
- MM-26 Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
- MM-27 The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's

Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits. (APC)

MM-28 The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91,8104.15. Also the applicant shall cover the walls with clinging vines or screened by vegetation capable of spreading over the entire wall within one year of planting. Adequate irrigation shall be provided if vines or vegetation is provided on or along the walls. (APC)

19. Construction Mitigation Conditions

Air Quality

CM-1 That a sign shall be installed on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing.
- Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
- If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.

CM-2 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. This shall include but not limited to the provision of 8' to 10' dust screen fencing around the perimeter of the site. The height and location of which is to be finally determined by Department of Building and Safety. (APC)

CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

- CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-5 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-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

Noise

- CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-8 Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-11 The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-12 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- CM-13 Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-15 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.

General Construction

- CM-16 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- CM-17 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- CM-19 Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20 Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.
- CM-21 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- CM-22 Owner or Contractor shall submit traffic and parking plan to Department of City Planning. Workers' vehicles shall be parked on site and not on adjacent residential streets. Otherwise, parking shall be on another off-street parking site. (APC)
- CM-23 Owner/contactor shall provide documentation verification of waste disposal to licensed regulated disposal and recycling sites as a monitoring measure to prevent illegal toxic waste dumping and recycling compliance.
- 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. 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. (APC)

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles at its meeting of _____.

KAREN E. KALFAYAN, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney Pursuant to Sec. 559 of the City Charter, I approve this ordinance on behalf of the City Planning Commission and recommend its adoption...

By _____

City Attorney

May 13, 2009
See attached report

File No. C.F. 09-0082
APCE-2006-8787-ZC



S. Gail Goldberg
Director of Planning