

**LOS ANGELES CITY PLANNING DEPARTMENT
RECOMMENDATION REPORT**

CITY PLANNING COMMISSION

DATE: October 22, 2009
TIME: after 8:30 a.m.*
PLACE: Van Nuys City Hall
14410 Sylvan Street
Council Chamber, 2nd Floor
Van Nuys, CA 91401

Public Hearing Required
Expiration Date: N/A
Action is not further appealable under LAMC

CASE NO.: DIR-2008-1178-DB-SPP-1A
APPEAL- DENSITY BONUS COMPLIANCE REVIEW
CEQA: ENV-2008-1179-MND
Incidental Cases: None
Related Cases: None
Council District: 2
Plan Area: North Hollywood-Valley Village
Neighborhood Council: Valley Village
Plan Land Use: Medium Residential, High Medium Residential
Zone: R3-1, R4-1

PROJECT

LOCATION: 11933 Magnolia Boulevard, Valley Village

**PROPOSED
PROJECT:**

Appealing the entire Determination of the Director of Planning in approving a Density Bonus Compliance Review to allow the construction of 146 rental apartments, of which 109 units are by-right. A density bonus of 35 percent of the 109 units allows for an additional 38 units but the project is utilizing 37 of the available bonus units. The project is setting aside 11 percent of the 109 units, for a total of 12 units reserved for Very Low Income units. The project is four stories of residential over one and half level of subterranean parking garage with 266 spaces and a residential floor area of 143,578 square feet. Pursuant to State Density Bonus law for projects that provide restricted affordable units, a 35 percent density bonus, a twelve foot - 7 inch increase in height from the menu of incentives was granted for the project. All other project elements follow the LAMC code for the R3-1 and R4-1 zone.

APPLICANT: Gary Schaffel

APPELLANT: Appeal #1: Jennifer Reed, Dale Liebowitz Neglia, Sandy Hubbard for Magnolia Tree Villas HOA, and Sarah Boulton for Weddington Plaza HOA.
Appeal #2: Members of the Board of Neighborhood Council Valley Village: Anthony J. Braswell

RECOMMENDED ACTIONS:

1. **Deny** the appeals.
2. **Sustain** the entire Determination of the Director of Planning.
3. **Approve** a 35 percent density bonus for a project setting aside 11 percent of its pre-density units (12 units) for Very Low Income households.
4. **Approve** the following incentive for a project that reserves 11 percent of its units for Very Low Income households:
 - a. Up to a 12 foot, 7 inches deviation in the height limit, for a total of 48 feet, 7 inches, in lieu of the 36 feet permitted;

5. **Clarify and expand (in bold)** on the following condition numbers 5, 10, 11, and Valley Village Specific Plan Approval Findings section of the original Director's Determination, DIR-2008-1178-DB-SPP dated May 18, 2009.

5. *Automotive Parking: The State Density Bonus Program and the LAMC require one parking space per restricted affordable unit. The project shall provide a minimum of 266 parking spaces for the project.*
59 units 0-1 bedroom = (1 x 59) = 59 parking spaces
87 units 2-3 bedroom = (2 x 87) = 174 parking spaces
59 + 174 = 233 spaces required
Total spaces provided by project = 266
10. **Section 6. B. Building Height:**
- a. *The building shall not exceed 48 feet, 7 inches in height from natural grade to the top of the parapet.*
- b. *All stairwells enclosures projecting above the roofline shall contain architectural design features and detail that match the existing building. All other rooftop mechanical equipment, such as HVAC units, shall be fully screened behind a parapet wall or otherwise not a visible roofline projection.*
- [Note: Applicant shall submit revised elevations and roof plan, including cross section, to ensure the above condition is met, before final clearance can be obtained from the Planning Department.] 12 feet, 7 inches of the height over 36 feet is permitted as an incentive per Government code Section 65915.*
11. **Section 6. C. Open Space for Multiple-Family Projects:**
- a. *The Project shall provide a minimum of 100 square feet of Open Space per dwelling unit. The Project provides **14,707** square feet of Open Space.*
- b. *A minimum of 50 percent of all Open Space shall be landscaped. The Project shall provide a minimum of **7,402** square feet of landscaping.*
- c. *All paved areas, excluding parking areas, shall be stamped and/or colored concrete, tile and/or brick pavers or similar materials and must be shown on the final Landscape Plans.*

Valley Village Specific Plan Approval Findings

1.d. Open Space.

*To provide adequate open space in multi-family projects, the Specific Plan requires a minimum of 100 square feet of open space per unit. The conditionally approved project is providing **14,707** square feet of open space.*

1.f. Landscape.

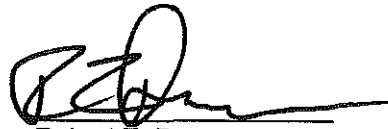
*To assure that the proposed condominium project is compatible with the general existing character of the Valley Village area, landscaping (i.e. landscaping & irrigation plans) conditions have been included to be consistent with the design standards defined in the Specific Plan. The total landscaped area being provided for this development is **7,402** square feet, which is more than the 50% required landscaping of all open areas.*

2. **On April 22, 2009, the project was issued a mitigated negative declaration ENV-2008-1179-MND, of which conditions to mitigate potential impacts have been included herein (under C. Environmental Conditions) in addition to conditions added per the Specific Plan under B. Conditions of Approval.**

6. **Adopt** the attached findings.
7. **Adopt** ENV-2008-1179-MND.

S. Gail Goldberg, AICP
Director of Planning


Dan Scott
Principal Planner


Robert Z. Duenas
Senior City Planner


Sevana Mailian
Planning Assistant
(818) 374-5061

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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PROJECT ANALYSIS

PROJECT SUMMARY AND BACKGROUND

The project site is located at 11933 and 11927 Magnolia Boulevard. The project involves two parcels: Lot 4 (APN 2348009026) and Lot 1 (APN 2348009031), which total approximately 59,450 square feet in gross area, with dimensions of approximately 200 feet by 300 feet. Both parcels are currently occupied with apartment buildings, totaling 51 units, which will be demolished. The project site is located in the North Hollywood-Valley Village Community Plan Area. Both parcels have a split zone of R3-1 and R4-1 with a General Plan Land Use Designation of Medium Residential and High Medium Residential.

The properties to the east of the project site are zoned R3-1 and PF-1VL, developed with multi family dwellings and a LA Unified School. Properties to the north are zoned R3-1 and developed with multi-family dwellings. Properties to south are zoned R3-1 across the street from the subject property facing Magnolia Blvd and are zoned R1-1 further south. Properties to the west are zoned C2-1VL and R3-1, developed with commercial uses facing Laurel Canyon with additional multi-family residential uses.

The proposed project is an apartment building that includes restricted affordable units. Per the minimum lot area requirements for dwelling units in the R3-1 and R4-1 zones, this site permits 109 dwelling units. With a 35 percent density bonus, the project was approved for a total of 146 residential units. The project is also eligible for additional incentives based on the level of restricted affordable housing provided. The project requested one incentive, which was a height increase and was approved for up to 12 feet, 7 inches of additional height in lieu of the 36 feet height limitation of the Valley Village Specific Plan.

The proposed development of 146 apartment units is allowed under the current zoning, land use designation and SB1818. If SB1818 is not utilized, the project is permitted a base density of 109 units by right.

With SB1818, the applicant is utilizing a 35% Density Bonus which allows 38 additional units ($109 \times 35\% = 38$) but the applicant is only requesting 37 units. A 35 % Density Bonus requires an 11 % set-aside of Very Low Income units so 12 units will be set aside ($109 \times 11\% = 11.99 = 12$). The project will have 134 Market Rate units and 12 Very Low Income restricted units. With the use of the density bonus, the proposed development of 146 units is allowable and complies with both LAMC and SB1818. Parking will be provided per the requirement of SB1818.

	<i>Allowed by Existing LAMC</i>	<i>Valley Village Specific Plan (VVSP)</i>	<i>SB1818</i>	<i>Total Project with SB1818</i>
<i>Height</i>	See VVSP height limit	36'	12'-7" Additional height	48'-7"
<i>Units</i>	109	Per LAMC	37	146
<i>Parking</i>	233	Per LAMC	233 1 space (0-1 bd) 2 space (2-3 bd) For entire project	266 (233+33 volunteered spaces)

On May 18, 2009, the Director of Planning approved DIR-2008-1178-DB-SPP to allow the construction of a 146-unit residential apartment building, including 134 units for market rate and 12 units reserved for Very Low Income households. The proposed project height allowed is up to 48 feet, 7 inches, with

four stories of residential over one and a half levels of subterranean parking garage with 266 parking spaces, on a 59,450 square-foot lot.

The project was appealed on June 2, 2009. Appeals of Density Bonus Compliance Reviews are heard by the City Planning Commission.

APPEAL POINTS

The appeals filed cover many areas and points which overlap. After thorough review, both appeal points are divided in eight sections, as listed below.

1. Which Code sections apply to the project?
2. What is the proper review of the project against the Government Code Section 65915?
3. Mitigated Negative Declaration (ENV 2008-1179-MND) date clarification and appropriateness of review.
4. What is the zoning of the property?
5. What are the incentives requested?
6. Accuracy of the Department of Transportation Cumulative Traffic Study.
7. Unrelated case to the appeal: VTT 60712 Building Permit 07010-20000-00043 clarification and condition for public nuisance.
8. Other

STAFF RESPONSE TO APPEAL POINTS

1. **Which Code sections apply to the project?**
(Responding to "A" of the Table of Contents from the appeal package –Exhibit A)

The project is subject to the State Density Bonus Program, State Government Code 65915 (SB 1818) and the Valley Village Specific Plan, Ordinance No. 168,613.

Initially, the Director of Planning issued a Director's Determination on April 23, 2009 approving the project under the City's Implementing Ordinance No. 179,681 and the Valley Village Specific Plan, Ordinance No. 168,613. Due to a clerical error the appeal date on this approval letter was incorrect. The Director then issued a one page correction letter dated April 30, 2009, granting a new 15-day appeal period date, which started from the date of the correction letter. The correction letter extended the new appeal period to May 14, 2009.

Soon after the issuance of this correction letter, the Director determined that this project should have been reviewed against the Government Code 65915 due to its filing date (March 25, 2008) being prior to April 15, 2008, which is when the City's Implementing Ordinance was adopted. The Director carefully reviewed the project against the State Government Code 65915 and the Valley Village Specific Plan and reissued a new Director's Determination dated May 18, 2009. The 15-day appeal period for this action started from May 18, 2009 to June 2, 2009.

2. **What is the proper review of the project against the Government Code Section 65915? (Responding to "C, D" of the Table of Contents from the appeal package – Exhibit A and #3 of appeal package –Exhibit B)**

The Planning Department has reviewed the project against the applicable Government Code Section 65915 and could not make either one of the two findings required to deny the project. The appellant references Interim Processing Procedures Guidelines. There are no City adopted "Interim...." Guidelines. This reference comes from an internal Department memo.

Government Code Section 65915 states:

"The Director shall approve a Density Bonus and requested incentive(s) unless the Director finds that:

- (1) "The incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or for rents for the affordable units",*

The project as designed covers the bulk of the site while providing adequate open space and recreational space. The density bonus units requested total 37 units, equivalent to one story. Without the additional height, one entire floor of units would have to be removed. Removing one floor (37 units) would preclude the applicant's ability to spread out the cost of providing 12 affordable units over 146 units.

- (2) "The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to very low-, low- and moderate income households".*

No findings could be made to address the Specific Adverse Impacts as stated above for No. 2. The impacts of the proposed project have been analyzed in the MND, addressed by the mitigation measures, and evaluated against the CEQA threshold guidelines. The impacts of construction, air quality, aesthetics and safety have all been discussed in the MND (ENV 2008-1179, dated 4/22/2009) and have proper mitigation measures. In addition, the Valley Village Specific Plan addresses landscaping for screening the project from neighboring sites and the project is approved with a landscape plan that addresses such issues. Evaluating the project against the City of Los Angeles CEQA threshold and requiring a shade/shadow study also confirms that the project is well below the threshold for any significant impact. Based on the findings made, the Director has granted the additional height and the density incentives to the proposed project. The project is compatible with the R3-1 and R4-1 zoning and the land use designation of Medium Residential and High Medium Residential. No zone changes, variances or amendments to the General Plan were requested as part of this action.

The project followed all the guidelines of the Valley Village Specific Plan, SB1818 and the L.A.M.C. The Specific Plan restricts the height to 36 feet, much lower than the height of 45 feet allowed under the L.A.M.C for R3-1 and R4-1 zones. The project can develop 109 units without utilizing the SB1818 by-right, with a three story building complying with the 36 feet height. However, in order to utilize the SB1818 and increase the unit density by 35%, the fourth floor is necessary. Therefore, the incentive is needed for the fourth floor to go beyond the 36 feet height limit.

3. **Mitigated Negative Declaration (ENV 2008-1179-MND) date clarification and appropriateness of review.**
(Responding to "L, M, N" of the Table of Contents from the appeal package- Exhibit A)

The November 14, 2007 MND, referred by the appellant, is for the Vesting Tentative Tract project that was proposed on this site in 2006 and was never developed and is not part of this application.

The Planning Department has issued an MND to address the current proposed project under DIR-2008-1178-DB-SPP. There have been two MNDs published for the current proposed project of 146 units under DIR 2008-1178-DB-SPP. The first MND dated 3/18/2009 received comments from the public, thus warranting a second MND to be issued to incorporate additional information. The second MND was issued and dated 4/22/2009 which revised the project description to include 266 parking spaces. The Environmental Review (ENV-2008-1179-MND dated 4/22/2009) discusses specific mitigation measures for height and density under Aesthetics, Land Use and Planning, and Increased Noise Level sections, stating:

"All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker",

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

"A Minimum five-foot wide landscape buffer shall be planted adjacent to the residential uses"

"A 6-foot high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists".

To further address aesthetics and screening from adjacent properties, the Valley Village Specific Plan guideline imposes additional regulations, such as requiring 50% of open space for all multi-family projects to be landscaped. The project is providing a total of 14,829 square feet of open space, of which 7,482 square feet will be landscaped to mitigate any visual impacts and to screen the project from neighboring sites.

The City of Los Angeles CEQA Thresholds of Significance (Section A.3.1.c) apply to projects of 60 feet or greater in height, which the proposed project is not. Additionally, the thresholds of significance indicate that an impact would be considered significant if shading occurs on shading-sensitive uses for more than three hours between 9:00 and 3:00 during the winter months or four hours between 9:00 and 5:00 in the summer months (See Exhibit H).

Even though this project is well below 60 feet in height and is not subject to the CEQA Threshold of Significance Section A.3.1.c, the applicant has conducted a shade and shadow study in order to provide the Commission with more complete information. **The study concludes that the project at 48 feet, 7 inches is considered well below the CEQA threshold guideline for any significant impact on shading or light blockage.** The project does not shade the roofs of any of the main multi-unit buildings to the north at any time during the year. The roofs of the multi-unit buildings to the east and west are not shaded by the proposed project for more than three hours on the Winter Solstice (between 9:00 a.m. to 3:00 p.m.) nor are they shaded for more than four hours on the Vernal Equinox, Autumnal Equinox or Summer Solstice (between 8 a.m. (9:00 Pacific Daylight Time) to 4:00 p.m. (5:00 Pacific

Daylight Time). Given that the project has no significant shade and shadow impacts it will also not be blocking any significant light, which falls on the adjoining properties.

4. What is the zoning of the property?

(Responding to "B" of the Table of Contents from the appeal package – Exhibit A and #5 and #6 of the appeal package –Exhibit B)

The zoning of the property is not appealable. However staff will provide some background:

Both parcels, Lot 4 (APN 2348009026) and Lot 1 (APN 2348009031) are zoned R3-1 and R4-1 with land use designations of Medium Residential and High Medium Residential. The applicant has not filed a zone change or plan amendment with this project.

The property has been zoned R3-1 and R4-1 since 1975. The land use designation in 1986 was Low Medium II, corresponding to the RD1.5 and RD2 zones. Since the zoning and the land use designations were not consistent, the land use designation of the parcels was changed to Medium Residential and High Medium Residential land use designations to make it consistent with the underlying zoning of R3-1 and R4-1. This was part of a larger Citywide Program "AB283" to bring zoning in line with the City's community plans. Therefore, the zoning of the property has always been R3-1 and R4-1 according to City records.

Background on 11911 Magnolia Blvd.

Staff did further research to address the appellant's question for the property located at 11911 Magnolia Boulevard. Even though, this property is clearly not part of the Project, staff felt additional research might help clarify some of the underlying questions for the Commission and the appellants.

As City records indicate, the property located at 11911 Magnolia Boulevard applied for a Tentative Tract 38386 and received a zone change (Ordinance No. 154,645) incidental to the tract case which became effective on April 14, 1982. As part of the Tentative Tract 38386 conditions, the applicant was advised to file a zone change from R4-1 and R3-1 to RD1.5-1 and for a reduction in the number of dwelling units from 40 to 39 in order to meet the net area zoning requirements. The zone change made the property consistent with the existing land use designation of Low Medium II. The project could not have been approved as filed since the zoning and the land use were not consistent. The land use designation of Low Medium II guided the zoning and the density of the property.

5. What are the incentives requested?

(Responding to "E, F and R" of the Table of Contents from the appeal package – Exhibit A and #1 of the appeal package –Exhibit B)

The project requested a height incentive only. The Director has granted a 12'-7" height addition to the 36 feet per Valley Village Specific Plan, for a total of 48'-7". The Valley Village Specific Plan imposes a height limit of 36 feet. SB1818 supersedes the Specific Plan height limit and allows an additional 35% height increase as an incentive. 35% of the 36 feet is 12.6 feet, which converts to 12 feet, 7.2 inches exactly.

The only restriction on height under Government Code 65915 is that if a project is adjacent, abutting or across the street from R1 zoning then the additional height may not exceed 10 feet. This project is not abutting, adjacent, or across the street/alley from an R1 zone, therefore the height can exceed 10 feet.

The project does not need any other incentives besides height, since it is in compliance with the L.A.M.C. and the Valley Village Specific Plan.

A field survey indicates that there are many existing structures on Magnolia Boulevard that are multi-family zoned with two, three and even four stories over garage in height. The neighborhood is highly dense with multi-family housing surrounding the project site. The zoning in the neighborhood ranges from predominately R3-1 and R4-1 to RD1.5-1. The heights of the buildings range from 25 feet to 50 feet in the vicinity of the project. The proposed project will not be the tallest building in the immediate surrounding area. The building located on 11936 Magnolia Boulevard has a height of 50 feet. Many existing structures in the immediately surrounding area are currently built at less than the maximum permitted height and density. The project will be taller than some existing development on neighboring R3-1 zoned property to the immediate east and west. However, the General Plan and zoning for this area anticipate and permit similar development at a medium density multiple family residential density in this location. **The redevelopment of aging structures and development of new housing in this area is not only inevitable and allowed under the zoning but also necessary to fulfill the City's housing production needs.**

FAR

The project is utilizing a 2.4:1 FAR ($143,578 / 59,450 = 2.4$). The permitted FAR for the R3-1 and R4-1 zone is 3:1 FAR.

Expedited Process

The Planning Department has an expedited unit to process cases, however, DIR-2008-1178-DB-SPP was not processed by the expedited unit. The appellant might be confusing this project with the previous, unrelated VTT case 67012 which was filed in 2006 and never recorded. The application was processed through the expedited unit.

Setbacks

According to Building and Safety, a four story building should have side yard setbacks of 7 feet with a rear and front yard setbacks of 15 feet. The project is in fully compliance with the LAMC setback requirements.

Note: Clarification of the 7 foot setback on Lot 4:

The setback requirement for this portion of the yard is 7 feet because Building and Safety considers this portion of the rear yard an actual side yard due to its configuration.

Reduced Open Space

The project has not been granted any open space reductions. The project has satisfied the open space calculations of the Valley Village Specific Plan. The specific plan requires projects to provide a minimum of 100 square feet of Open Space per dwelling unit and 50% of all Open Space to be landscaped. The required Open Space for the project is 14,600 square feet ($146 \text{ units} \times 100 \text{ square feet} = 14,600 \text{ square feet}$). The total Open Space provided for the project is 14,707 square feet, of which 7,402 square feet will be landscaped.

Averaging of R3-1 & R4-1 zones

The project density calculation has been verified with the Department of Building and Safety. The applicant has completed plan check with Building and Safety. The project has not received any incentives for more units other than the 35% increase density bonus units.

Base Density Calculation Without SB1818

R4-1 zone: 25,000 S.F. / 400 S.F. per unit = 62.50 units

R3-1 zone: 36,500 S.F. / 800 S.F. per unit = 45.62 units

62.50 units + 45.62 units = 108.12 units = **109 units** total without density bonus

Parking

The project is utilizing Parking Option 1 of the Government Code Section 65915, which requires 1 parking space for 0-1 bedroom and 2 parking spaces for 2-3 bedrooms:

59 units 0-1 bedroom = (1 x 59) = 59 parking spaces

87 units 2-3 bedroom = (2 x 87) = 174 parking spaces

59 + 174 = 233

Total spaces required = 233

Total spaces provided by project = **266**

Site Plan Review Exemption

The Director finds that the project is exempt from Site Plan Review under Section 16.05.D.2. stating:

"Any development project with a still-valid discretionary approval, including but not limited to those listed in subsection B.2. of this section, shall be exempt from site plan review only if the applicable decision-making body determines in writing that the prior discretionary approval, and the required environmental review, considered significant aspects of the approved project's design (such as, but not limited to, building height, density, use, parking access....."

The project was exempt from Site Plan Review because the current discretionary approval for Project Permit Director's Determination for Valley Village Specific Plan (DIR-2008-1178-DB-SPP, dated May 18, 2009) and the environmental review (ENV-2008-1179-MND, dated 4/22/2009), did consider and addressed the significant aspects of the project such as height, density, use, and parking. The Director's Determination made the same findings as the Site Plan Review would have done in its findings. The project has been reviewed under much stricter guidelines, since it is located in the Valley Village Specific Plan. Aspects such as height, density and parking comply with the SB1818 guidelines, open space and landscaping requirements meet the Valley Village Specific Plan guidelines, setbacks and use comply with the L.A.M.C. The Director is authorized to exempt site plan review if the significant aspects of the project are addressed in writing in a still-valid discretionary approval,

**6. Accuracy of the Department of Transportation Cumulative Traffic Study.
(Responding to "G, J, Q" of the Table of Contents from the appeal package –Exhibit A and #4 of the appeal package –Exhibit B)**

In addition to the MND prepared by the Planning Department, the project was also independently reviewed and analyzed for traffic impacts by the Department of Transportation. The Department of Transportation completed a cumulative traffic assessment for the three proposed residential projects located at 11927-11935 Magnolia Boulevard (project site), 11945-11959 Magnolia Boulevard and 5226-5238 Ben Avenue, at the intersection of Ben Avenue and Magnolia Boulevard in Valley Village. The traffic assessment is based on a traffic study prepared by Hirsch/Green Transportation Consulting, Inc. dated November 26, 2008. After careful review of the pertinent data, DOT has determined that the traffic study, as revised in the letter from DOT, dated March 5, 2009, adequately describes the project related traffic impacts of

the proposed development. In conclusion, the Department of Transportation recommends that the requirements be adopted as conditions of project approval in order to mitigate the project's traffic impact to less than significant levels (see Exhibit B)

The appellant is questioning if DOT has revised their letter. DOT letter dated March 5, 2009 is the revised letter that includes all the corrections and mitigations measures for the project.

7. Unrelated case to this appeal: VTT 60712 Building Permit 07010-20000-00043 clarification and condition for public nuisance.
(Responding to "H, O, P," of the Table of Contents from the appeal package –Exhibit A)

The Planning Department cannot legally discuss a case such as the VTT 60712 in this appeal. This VTT 60712 is not appealed and is not in front of the Commission to be discussed. The conditions for the VTT 60712 were tailored for that project and the conditions for this project are specific for this project only. VTT 60712 was never recorded.

All building permits are public record and the appellant can directly go to Building and Safety and view the permits. To answer the appellant's question in regards to the building permit No. 07010-20000-00043, the permit as listed in the description, is for a new three-story, 78-unit apartment building with recreational rooms over subterranean garage. Once again, this permit is for the VTT 60712 and the Planning Department cannot legally discuss the specifics of this project.

The applicant has volunteered to formally withdraw the VTT-60712 case if necessary.

8. Other
(Responding to "I, K" of the Table of Contents from the appeal package –Exhibit A and #2 of the appeal package –Exhibit B)

Ellis Act:

The Planning Department does not monitor the affordable rental units. As part of the approval process of any density bonus case, a covenant and agreement is required with the Housing Department for the monitoring and compliance of the rental units with City and State guidelines.

Laura Chick's report:

The appellant is referring this section of the appeal to a report issued by Laura Chick. The main issue of the report is that departments do not work together to coordinate projects. This item is not an appealable item and is not up for discussion at this time. The Planning Department makes a great effort to work and coordinate projects with other departments.

Lack of Consultation with Neighborhood Council:

The applicant originally met with the Neighborhood Council and the Council office on the Vesting Tentative Tract 38386 case. The current project plans as submitted and approved for 146 units was shown to the Council office by the applicant. Applicants are advised by the Planning Department to consult upcoming projects with the Neighborhood Council and Council office; however, it is not a mandatory requirement.

ORIGINAL CONDITIONS OF APPROVAL AND FINDINGS ISSUED ON MAY 18, 2009

Approval of the subject development project is made with the following Terms and Conditions imposed, in order to ensure compliance with applicable requirements of the State Government Code Section 65915 (State Density Bonus Program), and the promotion of development compatible with existing and future development of neighboring properties.

DENSITY BONUS COMPLIANCE CONDITIONS

1. **Site Development.** The subject property shall be developed as shown on the submitted plans, including a color elevation, sheets A1.0 thru A7.0, LP-1 and L-1, received on March 10, 2009 and attached to the case file. (DCP)
2. **Permitted Uses.** Uses on the subject property shall be restricted to those uses permitted in the R3-1 and R4-1 zones, per Sections 12.10 and 12.11, respectively of the Los Angeles Municipal Code (LAMC), and as permitted in this grant. The project shall be limited to a maximum of 146 residential dwelling units, of which 109 units are "by right". A density bonus of 35 percent of the 109 "by right" units allow for an additional 38 units but the project is utilizing only 37 of the available bonus units. The project is setting aside 11% of the 109 "by right" units, for a total of 12 units reserved as Very Low Income units. (DCP)
3. **Height.** The proposed building is limited to an increase in height of 12 feet, 7 inches above the 36 foot height limit for a total height of up to 48 feet, 7 inches.
4. **Setback.** Setbacks shall be per LAMC code. (B&S)
5. **Automobile Parking.** The State Density Bonus Program and the current LAMC require one parking space per restricted affordable unit. The project shall provide a minimum of 266 parking spaces for the project. (B&S)
6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department to make 11 percent (12 units) of the pre-density bonus units of the development available for rent solely to Very Low Income households, at a rent determined to be affordable to Very Low Income households by the Los Angeles Housing Department, for a period of 30 years. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the Los Angeles Housing Department. The applicant shall present a copy of the recorded covenant to the Planning Department for inclusion in the subject case file. (HD)
7. **Dedications and Improvements.** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering and the Department of Transportation. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. If required dedications and improvements necessitate redesign of the project, any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department. (BOE, DOT, DCP)

8. **Public Requirements.** The applicant shall provide the following, or assurance of suitable guarantees without expense to the City of Los Angeles:
- a. Construction of sewers to the satisfaction of the City Engineer. (BOE)
 - b. Construction of drainage facilities to the satisfaction of the City Engineer. (BOE)
 - c. Installation of street lights to the satisfaction of the Bureau of Street Lighting. (BOE)

Notice: The Certificate(s) of Occupancy for the subject project will not be issued by the City until the construction of all public improvements required herein are completed to the satisfaction of the City Engineer. (B&S)

VALLEY VILLAGE SPECIFIC PLAN PROJECT PERMIT COMPLIANCE CONDITIONS

9. **Section 6. A. General Provisions:**

- a. All lighting shall be low-illumination, safety, lighting of a color similar to incandescent light, which is shielded and directed onto the property on which the Project is located.
- b. Any area on a rooftop used for recreational purposes shall be fenced off and that enclosure shall be set back 10 feet from the edge of the building. Any rooftop recreation area that is located within 20 feet of a RW1 or more restrictively zoned lot shall have fencing at least six feet in height with opaque or solid wall construction materials.

10. **Section 6. B. Building Height:**

- b. The building shall not exceed 48 feet, 7 inches in height from natural grade to the top of the parapet.
- b. All stairwells enclosures projecting above the roofline shall contain architectural design features and detail that match the existing building. All other rooftop mechanical equipment, such as HVAC units, shall be fully screened behind a parapet wall or otherwise not a visible roofline projection.

[Note: Applicant shall submit revised elevations and roof plan, including cross section, to ensure the above condition is met, before final clearance can be obtained from the Planning Department.]

11. **Section 6. C. Open Space for Multiple-Family Projects:**

- a. The Project shall provide a minimum of 100 square feet of Open Space per dwelling unit. The Project provides 14,829 square feet of Open Space.
- b. A minimum of 50 percent of all Open Space shall be landscaped. The Project shall provide a minimum of 7,482 square feet of landscaping.
- c. All paved areas, excluding parking areas, shall be stamped and/or colored concrete, tile and/or brick pavers or similar materials and must be shown on the final Landscape Plans.

12. Section 8. A. Parking Standards for Residential Projects:

- a. The Project shall provide resident parking as required by LAMC 12.21 A4 (a) of the Code. The Project provides 266 resident parking spaces
- b. Guest parking shall be clearly identified, easily accessible to guests, and shall not be in tandem.

13. Section 9. A. Landscaping Standards:

- a. A landscape plan, prepared by a person licensed to prepare landscape plans under state law, shall be submitted for review and approval of the Planning Department.
- b. Landscape plans shall include the approximate size of plants at maturity, location of all proposed materials, the scientific and common names of such plant materials, the proposed irrigation plan, and estimated planting schedule.
- c. Artificial plants are prohibited.
- d. Landscaped areas shall be planted with a variety of plant materials which include shrubs, trees and ground cover.
- e. All landscaped areas shall be equipped with an automatic sprinkler or drip irrigation system, designed to conserve water. The applicant shall maintain the approved landscape and irrigation sprinklers and watering devices.
- f. All trees and plants shall be drought-resistant.

14. Section 9.B. Buffer Standards:

- a. There shall be a 5-foot landscaped buffer of plant material wherever the Project is adjacent to an RW1 or more restrictively zoned lot or use. The plant materials shall be maintained at a height of not lower than six feet at maturity. Minimum fifteen gallon size trees shall be planted on private property every twenty feet along the lot line of the property on which the Project is located.
- b. A solid decorative, masonry block wall, a minimum of six feet in height, shall be constructed along any side and/or rear lot line of the Project between any adjacent one-family residential use and any parking or driveway use of the Project, if no wall already exists along said lot line of the Project. There shall be no openings, except for a lockable gate provided for landscape work or as may be required by the LAMC. Decorative masonry walls shall mean split-face, slump stone, plaster, brick or stone facing with a top cap. Both sides of the wall must be decorative.

15. Section 9.C. Existing Trees and Replacement Tree:

- a. For every tree removed due to construction of the Project, a replacement tree shall be planted on a 1:1 basis. Replacement trees shall be at least a 24-inch box size, not less than eight feet in height, with a trunk diameter of not less than two inches, and a minimum branch spread of five feet. All trees shall be in healthy growing condition.

16. Section 9. D Street Trees and Planting Requirements:

Street trees shall be approved by the Street Tree Division of the Bureau of Street Maintenance.

[Note: Confirmation of payment for additional street trees will be required before Planning Department clearance.]

- a. Shade-producing street trees shall be planted at a ratio of at least one tree for every 30 lineal feet of street frontage when no obstructions are present.
- b. The minimum size for street trees shall be ten feet in height and two inches in caliper at the time of planting.

17. Section 9.E. Landscaping Requirements:

In addition to the other landscaping standards provided in Section 9 of the Valley Village Specific Plan, the Project shall provide landscaping in conformance with the following requirements:

- a. The area from the lot line to the building shall be landscaped with live plant materials and/or ground cover, except for required exit-ways, walkways and driveways.
- b. Front, rear and side yards shall be landscaped using similar materials so that the total development creates a consistent landscape theme.
- c. A minimum of 50 percent of the total required front and rear yards shall be planted.

18. Section 10. Public Right-of-Way, Dedications and Roadway Improvements:

Improvements shall be to the satisfaction of the City Engineer.

- a. Dedication(s) and Improvement(s). Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department, (and other responsible City, regional and federal government agencies, as may be necessary).

Responsibilities/Guarantees.

- I. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
- II. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.

**DEPARTMENT OF TRANSPORTATION CUMULATIVE TRAFFIC IMPACT
MITIGATION CONDITIONS**

19. The following conditions, as listed in the Department of Transportation letter to the Planning Department dated March 5, 2009, are required in order to mitigate traffic impacts associated with the Project.

a. **Physical Mitigation Measures:**

- i. The intersection of Ben Avenue and Magnolia Boulevard will be mitigated to a less-than-significant level by widening Magnolia Boulevard as specified below and restriping to provide westbound right turn lane approach to Ben Avenue, and by restriping the southbound approach to provide a left turn only lane.
- ii. The intersection of Colfax Avenue and Magnolia Boulevard will be mitigated to a less-than-significant level by widening Magnolia Boulevard by approximately five feet to provide a half roadway width of at least 25 feet and by restriping the eastbound approach to add a right turn only lane. Since the sidewalk in this area is 15 feet wide and the Standard Plan S-470, effective November 10, 1999 call for a 10-foot sidewalk on secondary highway no additional dedication will be required to implement this 5-foot widening.

b. **Highway Dedication and Improvements:**

- i. Magnolia Boulevard is designated Secondary Highway in the Streets and Highway Element of the City's General Plan, and consists of a 32-foot half roadway on a 40-foot half right-of-way. Standard Plan S-470-0, effective November 10, 1999, dictates that the standard cross section for a Secondary Highway is a 35-foot half-roadway on a 45-foot half right-of-way. A five-foot dedication and a three-foot widening is required to bring the adjacent frontage of Magnolia Boulevard up to the standard required by the General Plan.
- ii. Ben Avenue is a designated Local Street in the General Plan, and consists of a 18-foot half roadway on a 30-foot half right-of-way. Standard Plan S-470-0 dictates that the standard cross section of a Local Street is a 18-foot half roadway on a 30-foot half right-of-way. No further improvements to this street are required.

c. **Site Access and Internal Circulation:**

- i. No access to the 11945-11959 Magnolia project shall be allowed from Magnolia Boulevard, unless exception is given by the DOT.
- ii. All driveways shall be designed in accordance with BOE Standard Plan S-440-3, and shall be designed using case 2, unless exception is given by DOT or BOE.
- iii. All two-way driveways shall be 30 feet wide, exclusive of side slopes.
- iv. To minimize conflict between vehicles using adjoining driveways, a minimum of 50-feet of full height curb shall be provided between all proposed driveways.

- v. To avoid vehicles encroaching onto the public right-of-way, a minimum of 20-foot reservoir space (distance between property line and first parking stall) shall be provided at all ingress driveways for lots containing up to 100 spaces, and a minimum 40-foot reservoir space shall be provided at all ingress driveways for lots containing 101 to 300 spaces.

ENVIRONMENTAL MITIGATION COMPLIANCE CONDITIONS

In compliance with requirements of the California Environmental Quality Act (CEQA), the project was issued a Mitigated Negative Declaration (ENV-2007-4890-MND) in accordance with City of Los Angeles CEQA guidelines. The following conditions are imposed as mitigation measures for environmental impacts pursuant to this grant and/or the Project's Mitigated Negative Declaration, attached to the subject case file.

- 20. **Aesthetics (Landscaping)** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.
- 21. **Aesthetics (Graffiti)**
 - a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to LAMC Section 91.8104.
 - b. 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 LAMC Section 91,8104.15.
- 22. **Aesthetics (Landscape Buffer)**
 - a. A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
 - b. A landscape plan shall be prepared by a licensed landscape architect to the satisfaction of the decision maker.
- 23. **Aesthetics (Light)** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
- 24. **Air Pollution (Stationary)**
RESIDENTIAL - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.
- 25. **Wildlife Corridor**
 - a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture of kill (Fish and Game Code Section 86).
 - b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat the applicant shall:

- i. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31.
- iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- iv. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

26. Seismic:

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.

27. Erosion/Grading/Short-Term Construction Impacts

Air Quality

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- e. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

Noise

- a. 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.
- b. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.

- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

General Construction

- a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- b. 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.
- c. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- d. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
- e. Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
- f. 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.

28. Liquefaction

- a. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss which requires the preparation of a geotechnical report. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration.
- b. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

29. Explosion/Release (Asbestos Containing Materials)

- a. Prior to the issuance of any demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to ill need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other State and Federal rules and regulations.
- b. Prior to issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

30. Single Family Dwelling (10+ Home Subdivision/Multi Family)

- a. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certification from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.

- b. 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.
- c. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- d. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- e. 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.
- f. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- g. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- h. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
- i. Guest parking lots constitute a significant portion of the impervious land coverage. To reduce the quantity of runoff, parking lots can be designed one of two ways:
 - Hybrid Lot - parking stalls utilize permeable materials, such as crushed aggregate, aisles are constructed of conventional materials such as asphalt.
 - Parking Grove - is a variation on the permeable stall design, a grid of trees and bollards are added to delineate parking stalls. This design presents an attractive open space when cars are absent, and shade when cars are present.
- j. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- k. Promote natural vegetation by using parking islands and other landscaped areas.
- l. 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.
- m. 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.
- n. Legibility of stencils and signs must be maintained.
- o. 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 stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- p. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- q. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- r. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- s. Runoff from hillside areas can be collected in a vegetative swale, wet pond, or extended detention basin, before it reaches the storm drain system.
- t. Cut and fill sloped 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.

- u. 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.
- v. 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.

31. Parking Lots with 25 or More Spaces or 5,000 Square-feet of Lot Area (Residential, Commercial, Industrial, Public Facility)

- a. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- b. 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.
- c. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- d. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- e. Maximize trees and other vegetation at each site by planning additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- f. Promote natural vegetation by using parking lot islands and other landscaped areas.
- g. Preserve riparian areas and wetlands.
- h. 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.
- i. 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.
- j. 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.
- k. 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.
- l. Legibility of stencils and signs must be maintained.
- m. 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

- prevents contact with runoff or spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- n. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- o. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- p. Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).
- q. Trash container areas must be screened or walled to prevent off-site transport of trash.
- r. Reduce impervious land coverage of parking lot areas.
- s. Infiltrate runoff before it reaches the storm drain system.
- t. Runoff must be treated prior to release into the storm drain. Three types of treatments are available, (1) dynamic flow separator; (2) a filtration or (3) infiltration. Dynamic flow separator uses hydrodynamic force to remove debris, and oil and grease, and are located underground. Filtration involves catch basins with filter inserts. Filter inserts must be inspected every six months and after major storms, cleaned at least twice a year. Infiltration methods are typically constructed on-site and are determined by various factors such as soil types and groundwater table.
- u. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- v. 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.
- w. Prescriptive Methods detailing BMPs specific to this project category are available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the City's website at: www.lastormwater.org. (see Exhibit D).

32. Environmental Plans/Policies:

The applicant shall comply with mitigation measures required by this MND.

- a. Exceed Title 24 (2007 standard) building energy efficiency minimum requirements by a minimum of 14% (The applicant is advised that exceeding the minimum requirement by 15% may make the project eligible for federal Energy Star rating).
- b. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

33. Increased Noise Levels (Parking Wall) a six foot high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists.

34. Increased Noise Levels (Parking Structure Ramps)

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.
- c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

35. Severe Noise Levels (Aircraft Noise – Residential)

- a. All exterior windows shall be constructed with double-pane glass.
- b. Before granting of a building permit, an acoustical engineer shall specify the CNEL contour within which the building will be located and, based on such

CNEL contours, the measure necessary to achieve an interior noise level which will not exceed 45 dBA in any habitable room.

36. **Relocation:** Potential impacts will be mitigated to a level of insignificance by submitting a relocation plan to the decision maker for approval.
37. **Public Services (Fire):** 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.
38. **Public Services (Police General)** 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.
39. **Public Services (Schools)** 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.
40. **Public Services (Schools)**
 - a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
 - b. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.
 - c. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
 - d. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.
 - e. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
 - f. The developer and contractors shall maintain ongoing contact with administrator of North Hollywood Senior High School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323)342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

41. **Public Services (Street Improvements Not Required By DOT)** The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation. Speechless
42. **Increased Vehicle Trips/Congestion** An adverse impact may result from the project's traffic generation. An investigation and analysis conducted by the Department of Transportation has identified significant project-related traffic impacts which can be mitigated to an acceptable level by the following measure:
- a. Implementing measure(s) detailed in said Department's communication to the Planning Department dated January 12, 2009, and attached shall be complied with. Such report and mitigation measure(s) are incorporated herein by reference.
43. **Inadequate Emergency Access** The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.
44. **Utilities (Local or Regional Water Supplies)**
- a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
 - b. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
 - c. (All New Construction, Commercial/Industrial Remodel, Condominium Conversions, and Adaptive Reuse) Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:
 - i. High-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
 - ii. Restroom faucets with a maximum flow rate of 1.5 gallons per minute.
 - iii. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
 - d. (All New Residential, Condominium Conversions, and Adaptive Reuse) Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall:
 - i. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
 - ii. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
 - iii. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such

appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. Rebates may be offered by the Los Angeles Department of Water and Power to offset portions of the costs of these installations.

- iv. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- e. (Landscaping) In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - i. Weather-based irrigation controller with rain shutoff;
 - ii. Matched precipitation (flow) rates for sprinkler heads;
 - iii. Drip/microspray/subsurface irrigation where appropriate;
 - iv. Minimum irrigation system distribution uniformity of 75 percent;
 - v. Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and
 - vi. Use of landscape contouring to minimize precipitation runoff.
 - vii. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

45. Utilities (Solid Waste)

- a. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- b. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- c. To facilitate onsite separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

ADMINISTRATIVE CONDITIONS

- 46. Approval, Verification and Submittals Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
- 47. Code Compliance Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with LAMC, except where herein granted conditions override.
- 48. Definitions. Any agency, public official, or city department referenced in these conditions shall mean that agency, public official, or city department, or its successor(s) or designee(s). "State Density Bonus Program" refers to State

Government Code Section 65915 adopted by the City Council on February 20, 2008 and effective on April 15, 2008. Plan sheet shall mean a numbered drawing submitted by the applicant as a part of the application for this case, attached to the subject case file with the Department of City Planning.

49. Enforcement Prior to the issuance of any permits for the subject Project by the Department of Building and Safety, the applicant shall submit final construction plans or other required documents to the specified City department for verification of compliance with the conditions imposed herein. Conditions which require Department of City Planning verification are followed by (DCP), Department of Transportation verification is shown by (DOT), Bureau of Engineering verification is shown by (BOE), Housing Department verification is shown by (HD) and conditions requiring verification by the Department of Building and Safety are shown by (B&S).
50. Building Plans The entire determination letter shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
51. Corrective Conditions The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
52. 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.

FINDINGS

DESCRIPTION OF SUBJECT PROPERTY

The subject project is a 146-unit apartment building, with a total floor area of 143,578 square feet. The project will be a four-story building with one and half levels of subterranean parking. The total number of allowable, by-right units is 109. A 35 percent density bonus would allow for an additional 38 units, but the applicant is requesting only an additional 37 units, for a total of 146 units. The project will reserve 11 percent (12 units) of its pre-density bonus units as restricted affordable units available to Very Low Income households. The total maximum project height, excluding roof-top mechanicals and stair/elevator shafts, is 48'-7", which is a 35 percent increase allowed in lieu of the 36 feet height limit in the Valley Village Specific Plan area. The project will provide 266 parking spaces.

The subject property is located at 11933 Magnolia Boulevard. The project involves two parcels- Lot 4 (APN 2348009026) and Lot 1 (APN 2348009031)- which total approximately 59,450 square feet in gross area, with dimensions of 200 feet by 300 feet. The site is located in the North Hollywood-Valley Village Community Plan Area. The subject lots are zoned R3-1 and R4-1 with a General Plan Land Use Designation of Medium Residential and High Medium Residential.

DENSITY BONUS COMPLIANCE FINDINGS

1. The project substantially complies with the applicable regulations, standards and provisions of the State Density Bonus Program.

As conditioned by this approval, the subject project complies with all applicable provisions of State Density Bonus Program (SB 1818). The project qualifies for a 35 percent density bonus for the following reasons: 11 percent of its pre-density bonus units are set aside for Very Low Income residents. The set aside units automatically allow the applicant to qualify for increases in density. In addition, since the project sets aside 11 percent of its pre-density bonus units for Very Low Income occupants, the applicant qualifies for incentives from a specified menu of zoning concessions, as described below.

A. **Density** The subject property consists of two lots which are zoned R3-1 and R4-1. The approximate 59,450 square foot lots permits 109 "by right" units. The State Density Bonus Program, however, allows a 35 percent density bonus, since the applicant is providing 11 percent of the pre-density units as restricted Very Low Income units. Therefore, the applicant would be permitted to build up to 38 additional units, however, the applicant is only asking for 37 additional units. The proposed project is within this permitted density.

B. **Incentive/Concession:**

- **Height** Projects which set aside 11 percent of pre-density bonus residential units as restricted affordable units for Very Low Income households qualify for a height deviation equal to the percentage of density bonus for which the project is eligible, except for a project on a residentially zoned parcel, which abuts, or is across the street or alley from, R1 or more restrictively zoned properties

The height incentive is granted for this project. The project is eligible for an increase in height of 12 feet, 7 inches above the 36 foot height limit.

Based on a Shade and Shadow Study conducted by a consultant, it is confirmed that the project with the additional height does not shade the roofs of any of the main multi-unit building to the north at any time during the year. The roofs of the multi-unit buildings to the east and west are not shaded by the proposed project for more than three hours on the Winter Solstice (between 9 a.m. to 3 p.m.) nor are they shaded for more than four hours on the Vernal Equinox, Autumnal Equinox or Summer Solstice (between 8 a.m. to 4 p.m.) which is less than the significant threshold outlined in the CEQA Shading Guidelines. This is self evident from the fact that the shading of these properties either stops or starts near Noon.

2. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project to the extent physically feasible.**

In compliance with requirements of the California Environmental Quality Act (CEQA), the project was issued a Mitigated Negative Declaration (ENV-2008-1179-MND) in accordance with the City of Los Angeles CEQA guidelines. Conditions are imposed as mitigation measures for environmental impacts pursuant to this grant and/or the project's Mitigated Negative Declaration attached to the subject case file.

VALLEY VILLAGE SPECIFIC PLAN APPROVAL FINDINGS

Based on a review of the plans dated 3/10/2009 of the administrative file DIR 2008-1178-DB-SPP, and as modified by the conditions contained herein, the Director of Planning makes the following findings in accordance with L.A.M.C. Section 11.5.7C 2 of the Los Angeles Municipal Code.

1. **Does the project substantially comply with the applicable regulations, standards and provisions of the Valley Village Specific Plan?**

The proposed project complies with all applicable development requirements (regulations, standards, and provisions) of the Valley Village Specific Plan, as follows:

- a. **Uses.**

The site has a land use designation of High Medium Residential and Medium Residential and zoned R3-1 and R4-1. The approved Project is a permitted use within the Valley Village Community Plan.

- b. **Lighting.**

Lighting is required to be low-illumination and shielded, so as not to intrude on the adjacent properties. All walkways will have decorative stamped concrete and the enclosed stairwells projecting above the roofline will include decorative architectural features to match the existing building design.

- c. **Height.**

The project is not to exceed 48'-7" in building height as permitted by Senate Bill 1818. The building is permitted to exceed the 48'-7" feet height for exceptions as specified in Section 12.21.1 of the LAMC including the stair tower and elevator or other roof projections as allowed. All rooftop mechanical equipment, such as HVAC's, will be fully screened behind a parapet wall or otherwise not a visible roofline projection.

d. Open Space.

To provide adequate open space in multi-family projects, the Specific Plan requires a minimum of 100 square feet per units. The conditionally approved project is providing 14,829 square feet of open space.

e. Parking.

The project will provide at minimum total of 266 parking spaces.

f. Landscape.

To assure that the proposed condominium project is compatible with the general existing character of the Valley Village area, landscaping (i.e. landscaping & irrigation plans) conditions have been included to be consistent with the design standards defined in the Specific Plan. The total landscaped area being provided for this development is 7,482 square feet, which is more than the 50% required landscaping of all open areas.

g. Public Right-Of-Way Improvements.

All street improvements such as street trees, sidewalk, driveway cuts, roadway and alley improvement (if applicable) shall be to the satisfaction of the Department of Public Works, Bureau of Engineering, Bureau of Street Lighting, and Bureau of Street Services (Street Tree Division, Street Maintenance Division).

2. Does the project incorporate mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible?

On November 14, 2007, the project was issued a mitigated negative declaration ENV-2008-1179-MND, of which conditions to mitigate potential impacts have been included herein this document (under C. Environmental Conditions) in addition to conditions added per the Specific Plan under B. Conditions of Approval.

CITY OF LOS ANGELES
PLANNING DEPARTMENT

MASTER APPEAL FORM

APPEAL TO THE: LOS ANGELES CITY PLANNING COMMISSIONREGARDING CASE NO.: DIR-2008-1178-DB-SPP
CEQA & ENV-2008-1179-MND

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.

APPELLANT INFORMATION: PLEASE PRINT CLEARLY

(SEE ATTACHED SIGNATORS)

Name MAGNOLIA TREE VILLAS #11 JENNIFER REED, SANDY HUBBARD,
WEDDINGTON PLAZA, HOA et al DALE LIEBOWITZ-NEGLIA et alMailing Address 11911 MAGNOLIA BLVD, (#35)
VALLEY VILLAGE, CA Zip: 91607Work Phone: (818) 985-4466 Home Phone: (818) 445-5385

- a) Are you or do you represent the original applicant?
(Circle One) YES NO
- b) Are you filing to support the original applicant's position?
(Circle One) YES NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?
(Circle One) SELF OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)

MAGNOLIA TREE VILLAS HOMEOWNERS (see attached list)
WEDDINGTON PLAZA HOMEOWNERS (see attached list)
Homeowners in Valley Village (see attached list)

REPRESENTATIVEName JENNIFER REEDMailing Address 11911 MAGNOLIA BLVD (#35)
VALLEY VILLAGE, CA 91607Zip 91607Work Phone: (818) 985-4466 Home Phone: (818) 445-5385**APPEAL INFORMATION**

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

Final Date to Appeal: June 2, 2009

REASONS FOR APPEALING

Are you appealing the entire decision or parts of it?

☒ Entire ☐ Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

- AGAINST THE
- 1) APPROVAL OF DIR AND RELATED MND
 - 2) AB 283 MISS, AND IMPROPER ZONING OF RD4
 - 3) EXCESSIVE DENSITY BONUS & INCENTIVES
 - 4) CUMULATIVE IMPACTS OF PROJECT, IMPROPER SHADE/SHADOW STUDY
 - 5) DOT ERRORS, APPLICANT ERRORS, PLANNING ERRORS
 - 6) MISSING CONDITIONS PREVIOUSLY APPROVED AND MORE - SEE

ADDITIONAL INFORMATIONETC... ATTACHED PAGES
NOTEBOOKS & EXHIBITS

- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. A copy of the determination/decision letter is required.
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- Seven copies and the original appeal are required.

I certify that the statements contained in this application are complete and true:

Appellant JENNIFER REED, DALE LIEBOWITZ NEGLIA, SANDY HUBBARD
for MAGNOLIA TREE VILLAS HOMEOWNERS (ETAL)
AND SARAH BOULTON FOR WEDDINGTON PLAZA HOMEOWNERS et al

OFFICIAL USE ONLY (AND SEE ATTACHED SIGNATORS)

Receipt No. 278341 Amount 89 + 055 = 102 Date 6/2/09Application Received [Signature]Application Deemed Complete [Signature]

Copies provided: ☒ Determination ☐ Receipt (original applicant only)


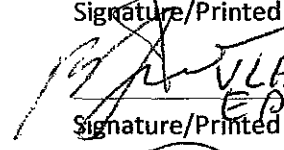
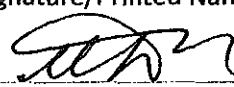
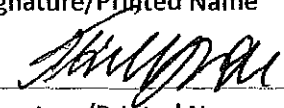
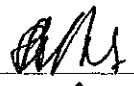
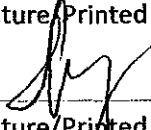
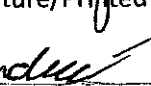

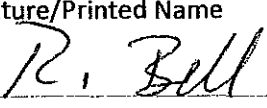
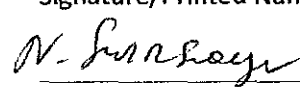
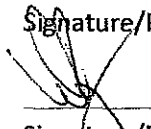


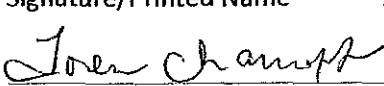
Determination Authority Notified (if necessary)

PHONE + EMAIL

We, the undersigned, wish to be signators to the appeal documents filed by the 11911 Magnolia Blvd. HOA and other residents on the 11933 Magnolia Blvd. project, Case No.: DIR-2008-1178-DB-SPP.

Signature/Printed Name	Address	Email or Phone	Date
Stacey Rifkin	11911 Magnolia Blvd #31	818-505-8583	5/31/09
Deborah A. Taitano	11911 Magnolia Blvd #16	818-219-8212	5/31/09
ROBERT KHEYFETS	11911 Magnolia Blvd. #38	(818)-761-2404	05/31/09
EUGENIA KHEYFETS	11911 Magnolia Blvd. #38	(818)-761-2404	05/31/09
ZINALDA KHEYFETS	11911 Magnolia Blvd #38	(818)-761-2404	05/31/09
JACQUELINE BROWN	11911 Magnolia Blvd #37	(818)-761-1602	5/31/09
Sue Lim	11911 Magnolia #40	(424)901-9246	5/31/09
Stephen W. Buehler	11911 Magnolia #21	(818)763-4586	5/31/09
HARRIS LASKAWY	11911 Magnolia Bl #35	(818)985-4432	5/31/09
JENNIFER REED	11911 MAGNOLIA BLVD #35	(818)985-4466	5/31/09
NOEL WEISS	13700 MARINA POINTE DRIVE #22 MARINA DEL REY, CA 90242	(310)822-0239 noelweiss@ca.rr.com	5/31/09
SANDRA L. HUSTON	11911 Magnolia Blvd #30	818 766-4488	5/31/09
RICHARD CATE	11911 MAGNOLIA BLVD #10	818 631-4471	5/31/09
William M. Skilbeck	owner 11936 Washington St. 9127 Kentland Ave.	818)759-4146	5/31/09
Jon B. Skilbeck	owner 11936 Washington 9127 Kentland Ave	818 759-4146	5/31/09

We, the undersigned, wish to be signators to the appeal documents filed by the 11911 Magnolia Blvd. HOA and other residents on the 11933 Magnolia Blvd. project, Case No.: DIR-2008-1178-DB-SPP.

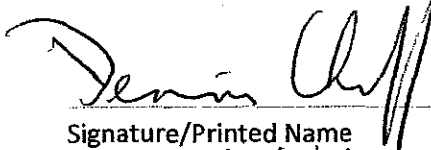
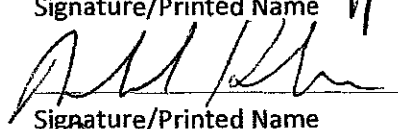

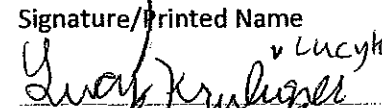
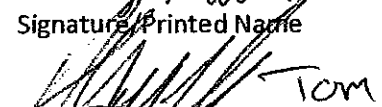
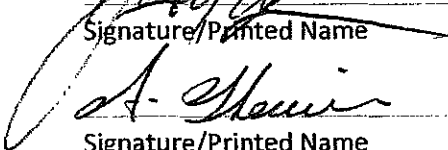
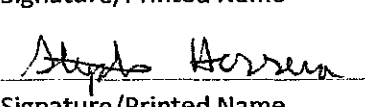
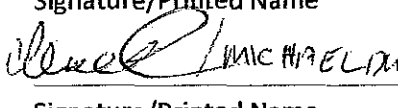
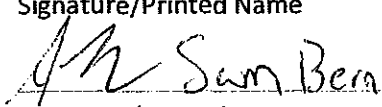
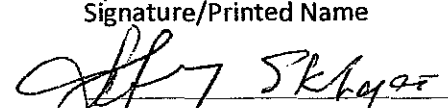
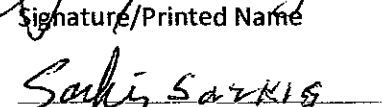
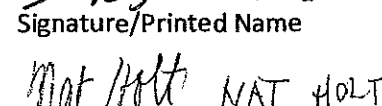
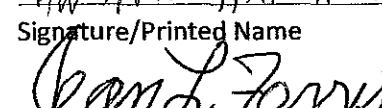
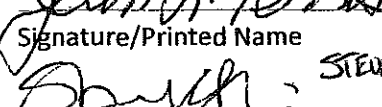
Signature/Printed Name	Address	Email or Phone	Date
 KEITH BEATTY	12121 LA MAIDA	V. VILLAGE CA 91607	4/29/09
 VLADIMIR EPSHTEYN	11911 MAGNOLIA #1	Village Village, CH 91607	4-29-09
 MARIYA GELMAN	11911 Magnolia Blvd #6	W.H. 91607	04/29/09
 Felix Gelman	11911 Magnolia Blvd #6, CA 91607	818-753-0969	04/29/09
 Anatoly Landver	11911 Magnolia Blvd #13	818-769-6934	04/29/09
 Irina Landver	11911 Magnolia Blvd #13	818-769-6934	4/29/09
 Irina Landver	11911 Magnolia Blvd #17	(818) 760-8089	4-29-09
 Sandra Sumbulian	#28	(818) 766-5336	4-29-09
 R. Bell	Robert Bell	11911 Magnolia #23	4-29-09
 N. Skvirskaya	NATALIYA SKVIRSKAYA	11911 Magnolia #25	04/30/09
 MIKE NEELEY	" " #28	818-5336	4-30-09
 ELIZABETH VOLF	#28	818-980-4421	
 Alex Lerman	ALEX LERMAN	#26	818 985-0106 04-30-09
 Toer Chant	#29	CHANT	818-754-0845 4-30-09

50/81

We, the undersigned, wish to be signators to the appeal documents filed by the 11911 Magnolia Blvd. HOA and other residents on the 11933 Magnolia Blvd. project, Case No.: DIR-2008-1178-DB-SPP.

Signature/Printed Name	Address	Email or Phone	Date
<i>Rina Fonbershteyn</i>	11911 Magnolia Blvd #33, VV, CA 91607	(818) 487-7163	04/29/09
<i>Mike Owen</i>	1194 Magnolia Blvd. #34 Valley Village, CA 91607	818 641-6193 mikeowen7@aol.com	4/29/09
<i>Lindsay Owen</i>	Address SAME AS ABOVE	Same 818 641-6193 mikeowen7@aol.com	4/29/09
<i>Margie Weck</i>	Valley Village #911 Magnolia #17	818 487-8803	4/29/09
<i>Patrawsky</i>	11911 Magnolia #20	323-653-9222	4/29/09
<i>Sowadhis</i>	" #12	818 985-6518	4/29/09
<i>Elizabeth Sanchez</i>	" #	#	4/29/09
<i>Jeff Bassetti</i>	11911 Magnolia Blvd #19		4/29/2009
<i>Arkadiy Vinnitskiy</i>	11911 Magnolia Blvd #33, VV, CA 91607	818-487-7163	04/29/09
<i>Nicki Fowler</i>	11911 Magnolia #32	818-980-5534	4/30/09
<i>Suy Lim</i>	11911 Magnolia #40	slim@ntfire.com	4/30/09
<i>Chris Carr</i>	11911 Magnolia #40	ccarr@ntfire.com	4/30/09
<i>Andrey Borovinskiy</i>	11911 Magnolia Blvd #39	Scathe2@yahoo.com	4/30/09
<i>Victor Borovinskiy</i>	#39	vieborovskiy@yahoo.com	4/30/09

We, the undersigned, wish to be signators to the appeal documents filed by the 11911 Magnolia Blvd. HOA and other residents on the 11933 Magnolia Blvd. project, Case No.: DIR-2008-1178-DB-SPP.

	Dennis Charnoff	11911 Magnolia Blvd #29	818-754-0845	4/30/09
Signature/Printed Name	Address	Email or Phone	Date	
	Michael Krubiner	11911 Magnolia Blvd #30		4/30/09
Signature/Printed Name	Address	Email or Phone	Date	
	CASEY WILLIAMS	11911 Magnolia Blvd #30	818-508-5594	4/30/09
Signature/Printed Name	Address	Email or Phone	Date	
	Lucy Krubiner	11911 Magnolia Blvd #30 Valley Village		4/30/09
Signature/Printed Name	Address	Email or Phone	Date	
	Tom McGowan	11911 Magnolia #9	818 509-0628	4/30/09
Signature/Printed Name	Address	Email or Phone	Date	
	Armina	11911 Magnolia #2	armina@kw.com	5-4-09
Signature/Printed Name	Address	Email or Phone	Date	
	Hope Simon	11911 Magnolia Blvd #5	hopesimon@earthlink.net	5/8/09
Signature/Printed Name	Address	Email or Phone	Date	
	Michael	11911 Magnolia Blvd #3	addmike@shcglobal.net	5/8/09
Signature/Printed Name	Address	Email or Phone	Date	
	Sam Berns	11911 Magnolia Blvd #4	352-870-9514	5/10/09
Signature/Printed Name	Address	Email or Phone	Date	
	Skye	11911 #14	1818 4877530	5-20-09
Signature/Printed Name	Address	Email or Phone	Date	
	Sakis Sarris	11911 Magnolia #15		5-20-09
Signature/Printed Name	Address	Email or Phone	Date	
	NAT HOLT	11911 MAGNOLIA BLVD #8	818-985-0990	5/23/09
Signature/Printed Name	Address	Email or Phone	Date	
	Jan L. Forni	11858 Magnolia Blvd	818-980-9873	5-23-09
Signature/Printed Name	Address	Email or Phone	Date	
	STEVEN RIPPIN	11911 Magnolia Blvd #31	(818) 505-8583	5/31/09
Signature/Printed Name	Address	Email or Phone	Date	

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Signature/Printed Name	Address	Email or Phone	Date
<i>Sarah Boulton</i>	11910 Weddington St Valley Village	818-980-2861	4/30/09
<i>Todd D Stocker</i>	11910 Weddington St #108, Valley Village, CA	tstocker@gmail.com	5/1/09
<i>Zoriv Elterman</i>	11910 Weddington St Valley Village, CA	zoriv@julia.com	5/1/09
<i>Julia Elterman</i>	11910 Weddington St #104, Valley Village, CA	julian.elterman@gmail.com	5/1/09
<i>Rita Fridman</i>	11910 WEDDINGTON #305 VALLEY VILLAGE, CA	fridmanr@gmail.com	5/1/2009
<i>Yakov Yareh</i>	11910 Weddington St #204	818/985-7890	5-2-09
<i>Robert</i>	11910 Weddington #304	(818) 985-7890	5/4/09
<i>Irina/Patricia Pelin</i>	11910 Weddington #307	818-762-2516	5/4/09
<i>Boyar Boyarsky</i>	11910 WEDDINGTON #302	818-487-9326	5/4/09
<i>George Bekker</i>	11910 WEDDINGTON ST. #301	(818) 980-2281	5/4/09
<i>Yakov Yareh</i>	11910 Weddington #308	818 763 1892	
<i>Diane Nassau</i>	11910 Weddington St #309	818-761-4408	5/4/09
<i>Sally S. Udoff</i>	11910 Weddington #204	(818) 985-7890	May 6, 2009

80811

We, the undersigned, wish to be signators to the appeal documents filed by the 11911 Magnolia Blvd. HOA and other residents on the 11933 Magnolia Blvd. project, Case No.: DIR-2008-1178-DB-SPP.

~~Linda Boigom~~ Linda Boigom
~~Sarah Bouthin~~ Sarah Bouthin 11910 Weddington 818-415-6775 4/30/09

Signature/Printed Name Address Email or Phone Date
 Andrew Lowrey 11910 Weddington Valley Village 818-2207 4/30/09

Signature/Printed Name Address Email or Phone Date
 Jeff Scott JEFF SCOTT 11910 Weddington #202 Valley Village 818-623-4440 5/02/09

Signature/Printed Name Address Email or Phone Date
 Cheryl Nessel CHERYL 11910 Weddington Valley Village 818-226-5444 5/12/09

Signature/Printed Name Address Email or Phone Date
 Natan 11910 Weddington St 818-762-2516 5/4/09

Signature/Printed Name Address Email or Phone Date
 #307 Valley V. 5/5/09

Signature/Printed Name Address Email or Phone Date
 Sham Earl 11910 Weddington St #206 every7@msn.com 5/5/09

Signature/Printed Name Address Email or Phone Date
 Alex Ashkovsky 11910 Weddington ADXC6JUNO.COM 5/5/09

Signature/Printed Name Address Email or Phone Date
 11911 Magnolia Blvd 71607 5/31/09

Signature/Printed Name Address Email or Phone Date
 11911 Magnolia Blvd #12 91607 5-31-09

Signature/Printed Name Address Email or Phone Date

Signature/Printed Name Address Email or Phone Date

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<i>John Weber</i> Signature/Printed Name	11910 WEEDINGTON Address		5/6/09 Date
<i>Dr. Stu Gantz</i> Signature/Printed Name	#207 Address	818-760-4760 Email or Phone	5/6-09 Date
<i>Bella Rabicheva</i> Signature/Printed Name	#208 Address	818-753-9938 Email or Phone	5/6/09 Date
<i>Alex RASHKOVSKIY</i> Signature/Printed Name	11910 WEEDINGTON Address	818/6064634 Email or Phone	5/6/09 Date
<i>Susan J. Goldman</i> Signature/Printed Name	#205 11910 WEEDINGTON Address	(818) 769-9795 Email or Phone	5-7-09 Date

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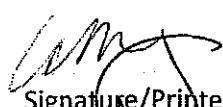
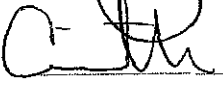
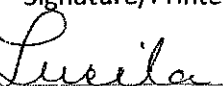

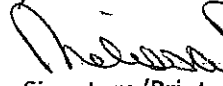
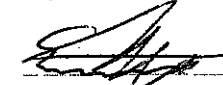


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	Ashley McKinny	5242 Radford Ave #218	6/1/09
Signature/Printed Name	Address	Email or Phone	Date
	Cynthia Cisneros	5242 Radford #203	6/1/09
Signature/Printed Name	Address	Email or Phone	Date
	Lucila Cisneros	5242 Radford #210	5/31/09
Signature/Printed Name	Address	Email or Phone	Date
	JESUS CISNEROS	(818) 738-0525	5/31/09
Signature/Printed Name	Address	Email or Phone	Date
	Melissa Pomperin	5242 Radford Ave #104	5/31/09
Signature/Printed Name	Address	Email or Phone	Date
	ALEX. ALEMATE	5242 RADFORD AVE #107	05-31-2009
Signature/Printed Name	Address	Email or Phone	Date
	Valery Villalobos	5242 Radford Ave #201	05-31-09
Signature/Printed Name	Address	Email or Phone	Date
	Cristian Gonzalez	5242 Radford Ave #214	05-31-09
Signature/Printed Name	Address	Email or Phone	Date

Signature/Printed Name	Address	Email or Phone	Date
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<i>Fredell Goldberg</i> Fredell Goldberg	11911 Magnolia Blvd #36 Valley Village CA 91607	818 752 1962	6/1/09
Signature/Printed Name	Address	Email or Phone	Date

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Nº 278341

PLAN & LAND USE \$89.00
ONE STOP CITY PL \$2.00
DEVELOPMT SURCHG \$5.00
OPERATING SURCHG \$6.00

Total Due: \$102.00
Cash: \$102.00

Department of City Planning
Los Angeles

/ Planning Request

analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant <u>DALE LIEBOWITZ - NEGUA (MAGNOLIA TREE VILLAS HOA)</u>			
Representative <u>JENNIFER REED</u>			
Project Address <u>11927 W. MAGNOLIA BLVD</u>			
Telephone Number <u>(818) 985-4466</u>			
Case Number and Description	Task	SubTask	Ordinance Fee
<u>DIR 2008-1178-SPP-SPR-DB-1A</u>			\$ <u>89</u>
			\$
			\$
			\$
			\$
		Sub Total Fees Paid	\$ <u>89</u>
OSS Surcharge - 2%			\$ <u>2</u>
Development Surcharge - 6%			\$ <u>5</u>
Operating Surcharge - 7%			\$
Expediting Fee			\$
Bad Check Fee			\$
Miscellaneous/Photocopy			\$
			\$ <u>Total Due:</u>
			\$ <u>Cash:</u>
		TOTAL FEES PAID	\$ <u>102</u>

(☒) Cash

() Check # _____

() Money Order # _____

Council District 2

Plan Area NORTH HOLLYWOOD - VALLEY VILLAGE

Processed by

MAY SIRINORWONGSAGOL

Print & sign

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A. The City does not appear to know what application codes or laws apply to this project, and until this is clearly determined, this project should not be approved.

1. The DIR has been issued multiple times, ultimately resulting in a Director's Approval under a different baseline than the project was previously approved under. The concern here is that the project has not been properly reviewed with cumulative impacts under the proper procedures and guidelines, and should therefore be sent back and done correctly:

a. When reviewing the first DIR issued for the project, the posted deadline for the public to respond had already passed.

b. When Planning was notified about the error, they reissued the second DIR for this project—however, only the cover sheet was reissued with the extended deadline notification, without the supporting information explaining the project. Many community members called in and commented that they had thrown the original package away, believing that they no longer had a right to comment on the project, and community leaders called Planning to notify them of this consequence.

c. When Planning intended to issue the third DIR for this project, community members went down to Planning, raising concerns about the many errors that were located within the apartment project's documents. These errors were factual and many, and included project square footage, number of incentives, invalid and inaccurate mailing lists, etc. The community at that time pointed out that under the City's Density Bonus Implementation Ordinance, the building and yards required greater setbacks than were delineated within the approved project. (The first and second DIR, as issued at that point, had been given the Director's Approval based upon the City's Density Bonus Implementation Ordinance No. 179,681.)

d. Because the community went to the Planning Department seeking clarification on errors it found within the 2nd version of the DIR, Planning had time to review the building and yard setback that was apparently missed, and the Planning Department did not then reissue the 3rd version of the DIR. Instead, they changed the government code upon which the new DIR was approved, declaring that the project did NOT need to adhere to the Implementation Ordinance, and reissued a fourth DIR. With this new DIR, the City would no

longer require the project to follow the City's Density Bonus Implementing Ordinance No. 179,681, rather only Government Code §65915, because, it was stated, of the project's filing date of 3-25-08. We point out that the filing date had been the same on the last 3 filings, but was not an issue until this fourth DIR.

e. The City's Density Bonus Implementing Ordinance No. 179,681 adopted noticing procedures that had a far narrower notification range than those which exist for other discretionary developments. However, under this 4th notification the City's Density Bonus Implementing Ordinance No. 179,681 no longer applied. Therefore under pre-implementation protocol, there was improper notice, and this matter needs to be sent back with proper notice to be reheard.

2. The City has stated that this project cannot be approved under the City's Density Bonus Implementing Ordinance No. 179,681, because while it was approved it was not effective law yet, and therefore the project should be approved solely under Government Code §65915. Government Code §65915 clearly states in Section 65915 (a), last sentence, that **"All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented."**

a. According to the Director's Determination, the project **must** be approved under the Government Code §65915, yet the City can't have it both ways—IF this project is to be approved only under Government Code §65915 without acknowledging the city's Density Bonus Implementing Ordinance No. 179,681, THEN the City was required by Government Code §65915 to have an adopted Ordinance in place that would detail how the Government Code would be implemented. Since the Ordinance had not yet been adopted, this matter needs to be sent back to be reviewed under whatever Interim Ordinance would have existed at the time.

3. Since the City states that this project must be approved under Government Code §65915 that was in effect as of the filing date of 3-25-08, but not under Ordinance No. 179,681, because it was approved but not law yet, then the project's application must **also** be subject to the provisions of **any interim provision** applied by the City during the time the Implementation Ordinance was being debated.

Therefore, it is important to establish whether there were any interim approval protocols or procedures in place that the City utilized prior to the recordation of the City's Density Bonus Implementing Ordinance No. 179,681.

a. If such document(s) existed prior to this project's filing date, then the City apparently failed to disclose it during the Louise St. case. When the Implementation Ordinance was passed, interim project approval protocols were never made part of the public record, the lack of which is what the Judge's decision was based on in the Louise Apt. lawsuit.

b. We have obtained documents from Planning that clearly defines a series of procedures that were **in place as of August 7, 2007**. We were only given this protocol when we insisted that we be given the prevailing documents that would govern the findings in this case, since the City had changed the standard by which we would evaluate and understand this project. We obtained these documents in **May, 2009**, after this last DIR was issued.

(i) Memo on City Planning Letterhead, dated August 7, 2007, Subject: Interim Processing Procedures for Affordable Set-Aside Cases (SB1818) aka Density Bonus. Note that this memo states "draft SB 1818 implementing ordinance is not yet approved, and therefore should not be officially referenced, but can be used as guidance." **(ATTACHMENT A)**

(ii) Attachment B, SB1818 original form - Government Code Sec 56915-65918, as of June 2007 **(ATTACHMENT B)**

(iii) Attachments A,B email from community member, Jennifer Reed, establishing that these protocol documents were given to her by Sevana Mailian, who stated in this conversation that the project prevailed under these governing documents, and that Sevana would not use any other guidelines than these. **(ATTACHMENT C)**

Therefore, since procedures DID exist within the Planning Department during the interim period between the passage of Government Code §65915, and the City's Density Bonus Implementing Ordinance No. 179,681, this developer's project cannot be approved subject solely to Government Code §65915. The controlling document applicable to this project is the implementing protocol and processing procedures found within this Planning memo dated August 7, 2007, and this project must be returned for review under this prevailing protocol.

4. Since the City states that this project must be approved under the Government Code §65915 that was in effect as of the filing date of 3-25-08, but not under Ordinance

No. 179,681, because it was approved but not law yet, with the presumption that the procedures in the Government Code §65915 must prevail, the developer was required to, and has not, demonstrated the need for the concessions and incentives, in whole or in part, and to the extent needed; what the economics of the project really are (economic pro-forma showing property purchase price, cost of construction, and profit); why the incentives requested are needed; and whether there are alternative concessions or incentives which would make the project viable.

a. It is not clear whether all 146 units requested are necessary (whether the number of units is correct, or not, will be pointed out later in this document). Could the developer have made a fair profit with less? What is the dollar value of the income needed to subsidize the concession sought? Analysis of these types of questions needs to be undertaken. According to the documentation on file, this analysis was not done, and this constitutes an abuse of discretion by the Planning Department.

b. Planning's procedures in the August 7, 2007 memo state that it is the developer's burden to (i) provide proof that the concessions are needed and (ii) provide proof that the project will not adversely impact the public health, safety, or environment. Planning should have required this information, pursuant to its own procedures noted in the August 7, 2007 memo, and did not. Because Planning failed to follow its own protocol, and because the developer did not follow the law of Government Code §65915 in demonstrating his financial need for requesting the incentives, this project's request for incentives must be denied.

NOTE: The state's repeal in Government Code §65915 of the developer's duty to demonstrate the economic feasibility of the project as dependent upon getting the concessions was enacted on October, 2008, effective January 1, 2009 and is not applicable to this project, as the project was filed prior to this change.

5. Since the City states that this project must be approved under the Government Code §65915 that was in effect as of the filing date of 3-25-08, but not under Ordinance No. 179,681, because it was approved but not law yet, if in fact there were interim provisions then in effect, the City should have, but did not have, the protocol to properly evaluate whether the project as built would constitute a threat to the public health or safety of the community, or the environment under specific, adverse

quantifiable criteria; and whether the incentives or concessions sought are needed to make the project financially feasible or whether there were other alternatives to the requested incentives. Since the City did not have the criteria in place as the Government Code §65915 required, this project must be returned so the City can develop that criteria, and then assess the project under that protocol.

6. We would argue that the applicant did not file a completed application on 3-25-08, as the Density Bonus Application Worksheet was not filed until January 15, 2009, and Rev.1 to the Master Land Use Application was not filed until March 3, 2009, both of which are AFTER the City's Density Bonus Implementing Ordinance No. 179,681 became effective. Therefore the application was incompletely filed before the City's ordinance became final, and the new justification that the Implementing Ordinance does not apply here should be considered invalid.

7. As evidenced throughout elements 1 through 6 in this section, Planning is cherry-picking which set of codes or procedures to follow (issuing once under the City's Density Bonus Implementing Ordinance No. 179,681 and then again under Government Code §65915). **This cannot be construed as good policy or in any way other than an overtly biased decision**, seemingly based upon the desire of the City to approve this project no matter what, rather than by the appropriate code of law. These activities compromise the objectivity and purpose of the Department, and seem to show a bias that compromises good planning. This particular set of actions, where the Planning Department rewrites the provisions for which the applicant should have filed his project under, is perceived as unethical.

8. The actions in this case have impacted the public's right to due process, because the Department has made numerous procedural changes, erroneous notification and presented conflicting facts, which cumulatively made it difficult for the public to educate themselves about the impacts of this project. Because of these actions, the community perceives this developer as having received special treatment by the City. This is the same developer, who during a 2007 condo application for the same property parcels, the city attempted to contact, but mistakenly left the message on an appellant's voicemail. The voicemail stated that the City was going to take care of the applicant and not to worry about the project going forward, that the appeal would be denied. That certainly did not have the appearance of propriety at that time, either.

B. The City has not accurately determined the property zoning or use designation. The property known as 11933 & 11945 Magnolia is overzoned and should have been downzoned as part of the AB 283 Zoning/Community Plan Consistency Program.

1. The property's zoning at R-3/R-4 is overzoned and its current zoning is inconsistent with the AB 283 mandate of State law and the City's AB 283 Implementation Criteria dated November, 1985 (both of which are still the law).

(ATTACHMENTS D and E)

In the 1980s, as part of the AB-283 Citywide General Plan and Zoning Consistency Program, widespread zone and plan changes were implemented to bring zoning into consistency with the General Plan, including the North Hollywood Community Plan which includes the Valley Village area and the now adopted Specific Plan.

Contrary to the mandate of AB 283 and the Zoning Consistency Program, consistency was achieved by **increasing** the land use designations within certain areas of Valley Village to Medium Density and leaving the zoning the same. Instead of increasing the land use designation to match the zoning, the zoning needed to be LOWERED to match the land use designation. Also, there was not a sub-area set out for these properties – a mistake which does not validate the status quo.

Zoning errors were created because they were made directly contrary to prior Council zoning action on the North Hollywood Community Plan, the dictates of AB 283, and the Zoning Consistency Program. **As such, the errors need to be corrected.**

(SEE ATTACHMENT F for Zoning Error discussion)

It is inconsistent planning to require the developer of 11911 Magnolia to downzone that property when applying for land use entitlement, and yet not 11933 Magnolia, given the 'as-built' situation as it existed and still exists today. The zoning envelope is too big for the neighborhood and it is inconsistent with the community plan's 'character and scale' value. Since this is one of three R4 properties in all of Valley Village, and since it was previously noted by the planners that all property in this area would be downzoned to match the community plan, it is clearly an error.

The fact that zoning changes were made pursuant to a court-ordered and court-supervised protocol does not render 'legal' or 'lawful' what is otherwise a misapplication of the Zoning Consistency Program.

AB 283 remains the law of the state. It was not repealed or exempted from State SB 1818 densification legislation. AB 283 Ordinance 165108 adopted in September, 1989, must be enforced like any other law, which means correcting errors, so that the development of the lots is consistent with the surrounding community and the Valley Village Specific Plan and the intent of the AB 283 consistency program.

2. Yale Partners letter dated October 16th, 2008, requesting reconsideration of ENV-2006-5007-MND-REC1, VTT 67012. Numbered pg 2 of 5 (page 4 of packet), states: "Existing General Plan designation is Medium Residential AND VERY LOW RESIDENTIAL." Even the applicant was aware that this was property was to be very low residential! Note that the Land Use Zoning on the applicant's documentation is lower than what Zoning Use implies with (R3) and (R4), in which the implication is that R3 and R4 are Medium HIGH density as listed as the plan land use on this current DIR.

3. Before the Density Bonus calculation can be determined for this project, the property's zoning needs to be downzoned to the correct zoning. All square footage and density bonus numbers considered under the R3/R4 zoning are therefore incorrect.

a. Architectural Plans as submitted by Alan Boivin Architects dated March 11, 2009, show an incorrect lot area, incorrect buildable area, incorrect allowable number of units, incorrect allowable number of bonus units, and therefore must be resubmitted.

This is important since we've learned that Building and Safety and the Planning Department have no mechanism to communicate such changes, and that Building & Safety works off of the Architectural Plans that are submitted, amongst other documents.

b. If the downzoning had occurred as was required in the 1990s, then the sample calculations to determine the density bonus calculation would be:

59,450 project sq footage divided by 1500 sq footage of lot area per dwelling unit (per RD1.5 zoning allowable density) would yield approximately 40 units. $59450 \div 1500 = 39.63$ or approx 40 units

59,450 project sq footage divided by 800 sq footage of lot area per dwelling unit (per R3 zoning allowable density) would yield approximately 75 units. $59450 \div 800 = 74.31$ or approx 75 units

c. Therefore the correct Density Bonus Calculation should be made from 40 units, NOT 109 as computed by the developer. Even if you determine that zoning could be approved at the higher zoning of RD3, the total of units that the Density Bonus Calculation should have been made from would be 75, NOT 109. If you accepted what he submitted on the Condo application, it would be 145 units based on the by-right of 107!

4. Changing the designation from Low Density to Medium on the General Plan was not consistent with the City's own AB 283 Implementation Criteria because less than 50% of the properties in the area were built-out to that level of density.

(ATTACHMENT G)

5. Instead of increasing the land use designation on the General Plan, the Zoning should have been lowered to RD 1.5 to be consistent with the Low Density Land Use Designation, which was required of the property immediately east of this project site (Magnolia Tree Villas) back in 1981, as mandated by the City at that time.

6. When land use entitlements were sought in 1982 for the 11911 Magnolia project, there are notes in the City's files that indicate the developer at the time was upset that he was required to downzone, but the City overrode his objections and required the downzoning at that time, following the State's AB 283 law. To require that one developer adhere to the law, and then allow the implementation of the law to change for another developer would on its face seem to be completely arbitrary, and should allow room for questioning in a court of law.

(ATTACHMENT H)

7. AB 283 is a process and protocol that was in place at the time the 11933 Magnolia Master Land Use application was applied for and must be applied BEFORE any density bonus calculation is taken into account, whether under Government Code §65915 or the City's Density Bonus Implementing Ordinance No. 179,681.

8. The application of the Planning Department's own AB 283 Consistency program would yield a result which would require the property's downzoning:

a. AB 283 General Plan/Zoning Consistency Project, 1.2.1: "If 75% or more of the parcels in a subarea are developed at the level of the existing community plan designation, the plan designation should generally be retained, and a zone consistent with this designation should be recommended."

9. The fact that the City has failed to properly implement its own Consistency Program, and its failure to do this should not prejudice the community.

(ATTACHMENT I)

10. The City has already performed an upzone in the City, outside of the auspices of AB283 and SB1818. The City changed the habitable number of rooms criteria in 2002 which was previously used to determine the number of dwellings per net area permitted in the zones adopted under community plans. That criteria was replaced with the use of 400 sq. ft for R4 and 800 sq. ft. for R3 to determine the number of units permitted by R3 and R4 zoning.

a. The new criteria insures that zoning density is always at the highest range of the dwellings per net acre ranges of the community plans which discourages singles and one bedroom developments and encourages condo developments of 2 and 3 bedrooms, solely to maximize developer profits, with significant loss of affordable housing to the community.

C. If Government Code §65915 is the prevailing baseline for this application, then the application must also be subject to the provisions of any interim provision which the City might have applied during the time the Ordinance was being debated, IN LIEU OF the City's Density Bonus Implementing Ordinance No. 179,681.

1. As discussed previously, we have obtained documents from Planning that clearly defines a series of procedures that were in place as of August 7, 2007.

2. Therefore, since procedures DID exist within the Planning Department during the interim period between the passage of Government Code §65915, and the City's Density Bonus Implementing Ordinance No. 179,681, this developer's project cannot be approved subject solely to Government Code §65915. The controlling document applicable to this project is the implementing protocol and processing procedures found within this Planning memo dated August 7, 2007, and this project must be returned for review under this prevailing protocol.

D. Since the new DIR has the project application being approved by Government Code §65915 (circumventing the City's Density Bonus Implementing Ordinance No. 179,681), then by language of the prevailing Government Code of that time, the applicant has the burden of showing clearly that the incentives or concessions are needed for the project to be financially feasible, which both the applicant has failed to do, AND the City has failed to require.

1. According to the interim processing procedures that we understand the City had on file at least as of August 7, 2007, the applicant must submit data and figures showing why the economics of his project dictate the concession requested. Without the submission of that information, the City has no knowledge of whether or not another concession work equally as well, bearing in mind that this decision IS discretionary on the part of the City.

2. By failing to require the submissions of these financial facts, the City is not following its own procedures that were established at the time.

3. **This project destroys more affordable housing than it creates and is therefore inconsistent with the goals of good community planning.** We also argue that Government Code §65915 clearly mandates that allowed incentives are to be granted that contribute significantly to the creation of low-income housing. The proposed creation of 11 VLI units does NOT adequately replace the destruction of the existing affordable 51 units, and therefore does not comply with the intent of the state's mandate to create ADDITIONAL affordable housing.

4. The precedent has been set: the project located at 11945 Magnolia, immediately to the west of this project, was able to successfully build a 4-story building without violating the Valley Village Specific Plan height limitation of 36 feet. Therefore, an automatic approval by the City of 12'7" additional feet should NOT be granted to this applicant as there is a precedent immediately adjacent to the property that establishes economic feasibility without requiring the height variance.

5. As per the tract map that was previously approved, 78 units fit in this project space. The applicant needs to demonstrate why the units on the project can't be made smaller, still fit within building footprint and be affordable. There needs to be an analysis of whether any other concession would yield a project which pencils out and still resides within the 36' zoning envelope set out in the specific plan.

The assumption is that it is economic to do so for condos, as the applicant previously submitted a 78-unit condo plan for this property that was approved by the City. So what makes it economically unfeasible to build the condos at this juncture? If the apartment project is all that the developer can get a new loan on now, then why can't some of the units be smaller, with more units built within a smaller building envelope? Could the developer ask for rental subsidies; property tax relief; non-design concessions which would benefit the project financially?

Why didn't the Planning Department attempt to negotiate this concession with the developer, instead of giving away the right of the community who live and otherwise abide by the Valley Village Specific Plan in order to maintain it's character by requiring a height cap? The applicant's request for an incentive is NOT a ministerial act that the Planning Department must acquiesce to, as noted in the City's own protocol dated August 2007.

E. If the City decides to continue with this application, and verifies that this project should be processed solely under Government Code §65915, then the project cannot be approved as submitted because of the following findings. It would appear that at least 5 incentives have been granted. This details of each item listed will be developed further in Section Q, but are briefly mentioned here:

1. The applicant has assumed, and the Director's Determination has granted him, more unrequested incentives than Government Code §65915 allows:

a. The Director's Determination has FAR incorrectly granted as approved for 4:1. Note that applicant in an email from Nalani Wong to Sevana Mailian, dated 11/3/2008, stated that the requested FAR will be 2.71, and they do NOT want the additional incentive, therefore, if you accept the applicant's math, his FAR should not be approved at 4:1. This constitutes an incentive if approved.

(ATTACHMENT J)

b. We contend that even with the applicant's calculations, he actually DID utilize a Floor Area Ratio incentive, as he has more units than he is entitled to figured into his calculations

c. He has apparently requested the "expedited" incentive, since all actions are noted with an EXPEDITE stamp on them

d. A lot tie joining the 4 land parcels together has not been filed. Therefore it could be construed that he has asked for setbacks on the rear yard, since the architectural renderings of the building replacing that which is currently occupying the 11933 parcel is shown at 7 feet from the abutting owner, instead of the required 16 feet.

e. If the architectural plans are accurate, then a front yard setback reduction incentive was approved as well. At one point, the Planning Desk assisted the community with figuring the setback, and we received confirmation on 5/5/2009 from other Planning staff that the setback that would be required for the whole building would be per SB 1818 rules, which would be 16 feet PLUS 12 feet for the height, making it 28 feet on the front (and noticeably, 18 feet on the sides, which would assist the adjacent homeowners.) While the City and the applicant have decided to try to push this project through without adhering to the current City Implementation Ordinance, either an incentive is noted, or this setback should still apply.

f. There appears there may be an Open Space reduction incentive being incurred. The reason NO ONE can state about the open space is because the PLANS in the file are a mish mash of SUMMARY SHEET that shows a listing of the prior apartment styles but the inner pages of 1st floor and 2,3,4th floor show plans with adjusted floor plans and renumbered styles. The reason this is important is because OPEN SPACE is calculated including COMMON AREA PRIVATE SPACE and PRIVATE OPEN SPACE.

The private open space are balconies that fit the code that meet more than one requirement – they have to be at least 50 sq ft and no horizontal dimension less than six feet when measured perpendicular from any point on each of the boundaries of the open space area. Each balcony has to meet that test, if they do – the developer is credited with 50 sq ft (no more) if it doesn't he gets NO credit.

With the redesign it is questionable whether 78 units as shown on the SUMMARY meet those requirements (and the reference to the 78 units might just be from the old CONDO plans, not updated it for the apartments).

Additionally there is a portion of the SIDE YARD that is incorrectly being added to the Open Space figure (an area they can't use for Open Space, it's just a few feet of it in that fake rear yard turned into side yard).

Also, the GYM is misreported as being 615 sq ft where it is claiming sq footage for the OFFICE and the BATHROOMS which they're not allowed to use.

g. Density Bonus Application Worksheet Attached To 3-03-09 Revision
Seeking Relief From (Per SB 1818) Sec. 16.05. Site Plan Review.

h. The averaging of the R-3 and R-4 over the entire property should also be considered an incentive.

2. Even if you wanted to set aside the fact that the property is overzoned, and accept the square footage of this project as submitted by the applicant at 59,450 sq ft, the math does not pencil out to the number of density bonus units that the applicant states they have a by-right to. **The actual number of by-right units is 102.** 102 multiplied by 35% bonus is 35.7 (or 36 units, totaling 138).

So, the total number of allowable units, including the 35% density bonus, is 138 units of which 11 would be designated VLI to meet the 11% low-income bonus.

Even if you used the numbers that the applicant supplied on the CONDO application, he states there that BY-RIGHT, he is entitled to **107 units**. If you calculate how many units he is allowed after that entitlement, **IT IS ONLY 145. HE DOES NOT QUALIFY FOR 146 UNITS.**

NOTE: If the argument is proffered that the street dedication area must be included as part of the density bonus count, this must be found to be an invalid argument, since the street dedication was irrevocably dedicated, and accepted by a City Council action in January, 2008, prior to this current application. This means the property dedicated to the City was no longer owned by the applicant, and can't be counted as part of the square footage in figuring the density bonus.

3. The following are specific responses to both versions of the DIR:

a. Mitigations as stated in the DIR do not mitigate impacts this building will have to the character of neighborhood, and that it will detract from the aesthetic quality of the area, especially along such a narrow street. This was a garden-style apartment building prior to this development proposal, and allowed all neighbors to feel the park-like presence that was incorporated into the project. Now, abutting owners will feel claustrophobic with such a huge building pushing up against all of the property lines. Perhaps increasing the setbacks to 10 feet on the sideyards would help with issues of privacy to the next

door east/west neighbors, and perhaps increasing the setback of the smallest irregular piece in the rear yard to something more like 12 feet would minimize the feeling of encroachment.

Allowing the rear setback on the 11933 property to be only 7 feet is truly an onerous burden on the buildings to the north of the project. Because of the irregular shape between the two properties that have not yet been lot-tied, the applicant has made the assumption that he can be allowed a setback from the property with the largest property line, which means the adjacent, western property will be extremely close to the buildings behind it.

We'd also like to point out that nearly every developer wants to push the building height envelope which continues to whittle away our unique neighborhood character, and then sets the precedent for the next project. To try to push THAT envelope.

b. Graffiti needs to be mitigated better—as per the conditions granted previously on the condo project, graffiti should be continuously removed during project buildout phase.

c. No true buffer has been provided in landscape provisions, except for vines on 6-foot wall which will not reduce noise, nor will it increase the aesthetic qualities to any great degree for neighboring properties.

d. No mitigation measure has been provided to minimize indoor, ambient or patio lighting emanating from the new structure onto existing structures, especially now that it would be a minimum of 1 floor, and 2 floors if this project is approved as is, taller than adjacent buildings. Recommended changes to landscaping should include a line of trees at least 36 feet in height from grade-level along the eastern, northern, and western perimeters, forming a continuous buffer. Suggestion would be Cypress trees, appropriately spaced to form the continuous buffer for visual, light and noise impacts.

e. Short-term air quality/erosion/grading—see page 2 of the attached Geotechnologies file, where Geology report states that the groundwater level is on the order of 10 feet below grade, which may create a liquefaction and seismic factor that has not been compensated for in this finding. According to the current

Architectural Plans, the parking lot will now be developed 25 feet below grade.

(ATTACHMENT K)

f. The building is being spot-zoned to **triple** the existing density. It is double the height of the adjacent property on one side and one and one half times the height on the other side. The project spans two properties and three driveways. Landscaping alone will not mitigate the impacts to the community. If this building is approved the building exterior must have visual breaks and setbacks to minimize the mass of the building frontage and the height must also be reduced at the streetscape to promote a "pedestrian friendly" environment.

g. The proximity of the project to adjacent properties will cause irreparable harm to the already existing properties due to subjacent slippage hazards and may cause greater liquefaction and soil strength loss to these properties as well.

h. Subsidence issues are also of great concern. Building crack problems of adjacent properties due to project construction must be addressed prior to approving the MND and DIR.

Therefore the current plan has implications to the stability of the building, and the possible ability for liquefaction to occur during seismic activity. All surrounding buildings to this project request a financial bond posted that will guarantee that appropriate shoring and protection will be provided, and should any failure to existing properties occur, both the developer and the City will be held liable for approval of this project without sufficient protections to the existing neighbors, the City's disclaimer of non-responsibility notwithstanding.

Additionally, the Soils report indicates it is ONLY valid for the design it was drafted for (7-foot parking lot, 78 unit condo project), and Geotechnologies specifically state that it is NOT valid for any other project. However, it has been introduced by the applicant as if it was current for this project, which it is not.

Lastly, the applicant stated at a hearing for his condo application that he could only build the parking structure a half-floor below grade, because his soils report clearly stated that there was a danger for him to build it lower:

(see ENV-2006-5007-MND-REC1) "Applicant asked for a 3.5 height exception to go beyond the Valley Village Specific Plan because it alleged a ground water table at 10

feet precludes building the project to comply with the 36 foot specific plan height limit. Excavating 3.5 feet more below grade would allow the project to be built without a height exception but applicant alleged such an excavation would impact on the water table."

If that finding was valid then, it must also be valid now. While we all know there is a water shortage, certainly the water table could not have dropped that significantly in the ensuing 18 months since that project was last heard!

NOTE: Since the developer now claims that there is no water table problem, if the Condo Application is reinstated as the prevailing project, then we respectfully request that the City evaluate the developer's motives as to alleging a water table impact for one project, yet not another, and correspondingly require the developer to drop the parking garage below ground (as he is willing to do with the apartment application) and deny the height variance that was granted with THAT project.

i. Explosion/Release (Asbestos Containing Materials) "prior to the issuance of a demolition permit, the applicant shall provide a letter to the DBS from a qualified asbestos abatement consultant that no ACM are present in the building." A demolition permit has already been issued and there is no letter in the file from a qualified asbestos abatement consultant.

j. The local community is routinely subject to problems with storm drainage runoff and flooding, due to substandard infrastructure. There are no storm drains on Magnolia in this stretch. Sewage infrastructure is also routinely substandard, as nearby residents have experienced numerous sewage backups in the local area, as well as no flood control.

k. Increased Noise Levels—ivy vining on the 6 ft side wall is insufficient to buffer adjacent buildings, suggest cypress trees (as delineated in landscaping response).

Construction hours were also a condition previously granted by the applicant and the City Council during the condo appeal hearing and should be reinstated.

Additionally, we would ask that the installation of the dual-paned windows required for this site are verified as installed. While they were specified as mitigation measures for the 11911 Magnolia project years ago, the windows as

installed were not dual-pane, but the City never held the developer responsible for their installation. The noise heard from Magnolia through the south-facing windows of that project is truly unbearable during many times of the day.

l. Relocation. Final Relocation fees were not paid to remaining residents as authorized by City Council during the September 2007 condo appeal hearing. The conditions were in fact missing from the online files until late last week, where it was resolved thanks to the diligent monitoring and communication to City staff from a community member. These relocation fees need to be reapplied to this project, as well, as they were requested and approved by City Council during the final condo project hearing.

m. Public Services (Fire)—the reduction of 3 driveways to one-underground parking driveway will reduce the fire department's capacity for emergency responses. Does the depth of the driveway opening accommodate a fire truck going underground, or will an necessary emergency response require blockage of Magnolia? **There does not appear to be a dedicated fire lane of 20 foot width in the plan, and it is not clear that the emergency response vehicles can travel underground, therefore these services must be provided from the street.** This requires that the furthest doorway of the project truly be verified as to being no further than 150 feet from Magnolia.

n. Public Services (Police) A police officer who lives within the community has written a personal letter detailing the potential problems with this project. He notes that many of the security measures at the project next door have been breached by the local students—smoking in the attic space, etc., which poses a serious risk to both the residents and the students. He also states that the more people that are added to a community without a corresponding increase in police force, the more likely it is that crime will increase. It would be advantageous to the community overall to require a security guard at all times for this project.

o. Public Services Schools. Throwing more money at the school does not accommodate more children, it just provides for more overcrowding at an already crowded school. It is insufficient to state that money will mitigate the impacts to the school, and this should be studied by the Environmental Division at LAUSD.

There were a number of conditions placed on the condo project that was to take place at this location, approved by both the applicant and City Council, and we ask that all conditions be reinstated on this apartment project, excepting those conditions that overlapped with the project west of this project, also known as the Ben/Magnolia project. These conditions included compliance about haul routes and construction parking, notification of specific community members in addition to the school agent, compliance with specifically stated construction hours so as not to impact student pedestrian traffic during times of school access and egress, and payment of monies owed to previous tenants.

(ATTACHMENT L)

p. Since no construction parking is allowed on streets adjacent to school, this is noted to include Radford, north of Magnolia, as this is immediately adjacent to the school at the north end of Radford, and many of the students use Radford to park on.

There should be specific consequences that the community can invoke if the applicant's construction staff violate this condition. A violation would pose significant risk to the minors. This was also a condition previously set.

q. Public Services (street improvements not required by DOT).
Environmental impacts may result in deterioration of street quality—Mitigation measures do not suffice for replacing the asphalt as it deteriorates due to the minimum additional 266 cars it will be putting on the street (not accounting for any car that must park on the street because the project will not provide enough parking).

r. There will be more discussion on Traffic in Section R. However, to briefly note now, there is also the safety consideration with left hand turns into the project from Magnolia, particularly given the fact that three driveways are going to be replaced by one, tripling the previous load (from 3 driveways to 1), and tripling yet again the number of vehicles traversing the driveway (from 51 units to 146 units).

The DIR 19(c), Site Access and Internal Circulation restriction to property 11945 Magnolia, does not make sense as a finding to this project. Is the street address incorrect in the condition, and should it be 11933? If so, how does DOT

suggest that the project enter the project site? If it is incorrect (applying to the project next door), then it only cements additional proof that this DIR contains multiple errors in it.

s. Utilities – The Mayor recently instituted a 10% water rationing plan, and the State has also mandated all Californians to reduce their water usage. DWP declares that we are in Phase III of a water conservation plan, and that because we are in a drought, there will be water restrictions on the construction industry. This information supercedes the Environmental Mitigation Compliance Condition requiring the developer to wet the project to control dust caused by wind. This will cause the project to be in direct violation of CEQA, since they cannot protect sensitive receptors in the area from tremendous impacts to Air Quality (students at North Hollywood High School, both at school and as pedestrians, as well as the seniors who live next door at 11911 Magnolia).

Additionally, since both City and State have declared a water emergency, this should require a moratorium on building and should PRECLUDE BOTH entities from requiring additional dwellings, at least until the water shortage is over, and the water rationing is lifted.

THE ATTACHMENTS SUPPORTING THIS DOCUMENTATION WERE SUPPLIED WITH THE MND, SEE APPENDIX.

t. Utilities (Solid Waste) — Los Angeles has been running out of landfill capacity for years, requiring the closure of Lopez Canyon Landfill, ongoing suits with Sunshine, and missed proposals for trucking the refuse out to the desert. Any addition to solid waste can not be mitigated to insignificance, and must be incorporated into a rational growth plan for waste disposal.

Additionally, this project previously had 3 driveways that allowed refuse pickup to be performed at the back of the project. It is not clear now how that is expected to occur—is the driveway tall enough to allow trash trucks to drive into the underground parking? Or will the trucks be required to park along the center of Magnolia, aggravating the already poor circulation of this substandard secondary highway?

u. If rooftop recreation is permitted, it would increase the open space allocation, and should not be permitted at this location, because neither has the

incentive been granted, nor should it be permitted due to the reduced nature of the rear setback.

v. The building's height is incorrectly stated throughout the project. Additionally, the City erroneously finds within this DIR that the already granted height variance of 48'6" does NOT need to include roof-top mechanicals and stair/elevator shafts. This MUST be included within the variance, because:

SEC. 12.03. DEFINITIONS: HEIGHT OF BUILDING OR STRUCTURE.

Is the vertical distance above grade measured to the highest point of the roof, structure, or the parapet wall, whichever is highest. Retaining walls shall not be used for the purpose of raising the effective elevation of the finished grade for purposes of measuring the height of a building or structure. ... (Added by Ord. No. 160,657, Eff. 2/17/86, Oper. 6/17/86.)

w. Since this was not superceded by the Government Code, the Valley Village Specific Plan specifies that for every tree removed due to construction of the Project, a replacement tree shall be planted on a 1:1 basis. Replacement trees shall be at least a 24-inch box size, not less than eight feet in height, with a trunk diameter of not less than two inches, and a minimum branch spread of five feet. All trees shall be in healthy growing condition.

F. If the City decides to continue with this application and verifies that this project should be processed under the Density Bonus Implementing Ordinance No. 179,681, then the project cannot be approved as submitted. In addition to all findings previously made, add the following findings unique to the Implementing Ordinance:

1. The proposed project height is incorrect. According to the City's Density Bonus Implementing Ordinance, 179681, Section 25 (f) (5) (i): "In any zone in which the height or number of stories is limited, this height increase shall permit a maximum of 11 additional feet or one additional story, whichever is lower..."

The project has requested a variance totaling 12.6 feet (or 12.7, or 12.5, depending on the document you look at) above the Valley Village Specific Plan of 36 feet. The applicant's architectural plans indicate that each story is 10 feet.

Therefore, one floor equals 10 feet, and this plan should not be allowed to exceed 46 feet. If the maximum of 11 additional feet is allowed, the project should not be allowed to exceed 47 feet.

No additional variance in height should be allowed on top of this increase. This Height discrepancy affects BOTH the MND and the DIR (opening paragraph, 2nd approval paragraph/ subparagraph, Density Bonus Compliance Condition #3, #10,)

2. Additionally, for **each** foot approved in the increase in height, then an **additional** foot was required to be added to the setbacks.

3. The 33 parking spaces that exceed the number required may not be sold or rented or it is to be considered another bonus. This project is only allowed 2 incentives under Density Bonus Implementing Ordinance No. 179,681, this must be watched.

4. The city has violated Government Code §65915 (d)(1) as the city is mandated to make the finding that the concession and incentives are required to provide for affordable housing costs. THIS REBUTS Action required by Director in DIR(g)(2)(c)(i).

5. If the City is going to use the SB 1818 Implementation Ordinance, no specific procedures or protocol are in place and this denies the people the ability to gain the benefit of that which is mandated under the law. In the absence of the protocol, the implementation ordinance should not be used and the project should be sent back for evaluation with the specific protocol contemplated.

G. CUMULATIVE IMPACT. The cumulative impact of the projects planned or executed is too severe on the infrastructure in order to justify adding an additional project.

1. This relates the need to properly zone property and cure the problem not previously attended to in the AB 283 Consistency Analysis.

a. There is a need to pursue an ICO for this geographical rectangular area because there are over 550 proposed condos on multiple sites within about a 6-block long by 2-block width area, with street flow limited because of the Orange Line blocking through streets. All of these projects are now subject to switch to SB1818 projects with the consequential greater environmental impact and assessment required. Pushing high density just because this rectangle residential area is within 1500 ft. of the Laurel Canyon Orange Line station doesn't make for a smart growth one size fits all transit station scenario.

b. All the deferred infrastructure projects in Valley Village need to be examined for their impact on future development. For example, the poor condition of the street asphalt pavement on Radford, between Magnolia and Riverside. The street, like the streets of all of the single family area nearby, was never improved with sidewalks and parkways and a street light network. It hasn't been repaved at least since 1968 or maybe never since originally laid out in the 20s.

c. This project on Magnolia will add more diversion of through-traffic along Radford, a collector street. All these impacts need to be identified and assessed. More traffic will destroy more of the street pavement never intended for such heavy traffic flow.

2. The project will have an adverse impact on health and safety because of the poor infrastructure (lack of storm drain) and because of left-hand turn problem (three driveways being replaced by one – and there are more cars and more people occupying the site than before and it was overwhelming before. No effort to evaluate this was undertaken. Included in this concern are (a) Traffic; (b) Land Condition and water table consideration; (c) the impact of construction to 11911 Magnolia and Weddington properties, and the possibility to undermine our real property;

3. According to the North Hollywood/Valley Village Community Plan, when a preponderance of the parcels within a small area are developed at a density higher than that depicted on the Plan, "infill" at a comparable density may be appropriate on the remaining parcels within the area. However, since the majority of the properties in the surrounding subareas are either RD1.5 or Low /Medium Residential, there is NOT a preponderance of Medium/High Residential. Therefore, it is incorrect to call it infill, and it is incorrect to find RD4 or High Residential Density accurate zoning.

4. In the 1970s during an update of the Community Plan, the finalized NHVVL Community Plan stated that Magnolia, as a secondary highway, was required to be improved prior to allowing any higher density to occur. The City has failed to meet its own findings.

5. There is only 1 park in Valley Village. The developers that are ripping out the garden-style apartments to add additional human density to the area are removing open space from the community. Even if the entire public did not have the right to use it, the residents did. Now the residents must go to a different community for public

park recreation, or congregate at the sole Valley Village park that is adjacent to the freeway.

To make matters worse, since this developer is now submitting plans for apartments, he is not required to even make the nominal donation to the poorly-utilized Quimby fee fund. It is our understanding that Councilwoman Hahn is asking what it would take to charge Quimby fees on apartment projects, and that answer is supposed to be heard on Wednesday, June 3rd. We would ask that the developer either donate land in Valley Village as part of a park donation, or that he be assessed Quimby fees on this project.

H. According to the LA Planning and Zoning Municipal Code, Chapter I, Article 2, Section 12.22 Exceptions, 25. (f) (8) (iii) "No further lot line adjustment or any other action that may cause the Housing Development Project site to be subdivided subsequent to this grant shall be permitted."

1. This provision requires that the applicant formally abandon the previously approved VTT-67012 application that the applicant has subsequently attempted to modify as part of this project's density bonus change. (ATTACHMENT M)

2. The submission of this Apartment Project should require the de facto abandonment of Tract Map. To state it another way, until the developer formally abandons the tract map approval, he should not be able to submit an SB 1818 project application because it fosters speculation on the backs of the community.

I. According to Ellis Act. Section 151.28 B the new building project does not meet the 20% threshold of affordable housing to qualify for an RSO exemption to the Ellis Act, since the applicant has only provided for 11% VLI; the project does not provide 51 rent-stabilized units (which this project intends to replace); therefore it should be stipulated at this time that all units must be rent-controlled moving forward.

1. The developer is acting solely as a speculator in this application at this time, since the property has been reported to be in escrow by both the applicant, Gary Schaffel, and by the broker representing his property. Therefore, within this application, there needs to be submitted the proposed rentals for the units and where the rental units are going to be located within the project as this should be part of the initial approval process, not deferred to later consideration because of the lack of enforcement.

2. It is suggested that tenants in the building be made third-party beneficiaries of Schaffel's deal with the Housing Department so they have independent standing to sue to enforce the same if Housing fails to do so; as well as to be able to join collectively and have legal standing to enforce their rights under land use affordability covenants and should have the right to avoid eviction if conditions are violated. All such disputes are to be mediated as a condition precedent to eviction for failure to pay rent.

3. Conditions must state that all units in the building are subject to the RSO because the developer has not met the 20% threshold of affordable units under LAMC 151.28.

4. Need to provide for some kind of mediation protocol as a condition precedent to eviction where rents are to be raised. How affordability is to be maintained; how vacancies for low income units to be filled; income verification requirements; maintenance of records; and remedies to tenants for non-compliance.

5. TOPA should be considered should the project property sell again.

J. According to a detailed Planning Department email memo from Lynn Harper to Gary Schaffel, dated 2/24/2009, DOT staff was required to issue a correction letter fixing "a few typos" in a previously issued letter. Only one of the corrections was delineated by Ms. Harper, and that was that the necessary half roadway for Magnolia at Colfax is to be 30 feet, not 25 feet, as was specified in some previous communication between the two parties.

1. This communication did not delineate all of the corrections, and since this correction is missing, we must assume more than one is, or all of them are, missing. Please specify what these corrections were supposed to be, and reissue the documentation that correctly reflects the adjusted conditions to the roadway and other items.

2. Why does the intersection at Magnolia/Colfax not need to have the same standards of a secondary highway apply to it, as is required in front of the project area? According to DOT's findings within this DIR, the secondary highway requirements are supposed to be 40 feet, and yet the sum total of the roadway in this intersection is designated to be acceptable at 30 feet—did Magnolia suddenly become something other than a secondary highway here?

K. Laura Chick issued a report called The Final Report LA City Planning 03/23/09 that solidifies the public's understanding that many of the City's Departments work in isolation, and is especially aggravated between the departments of Planning and Building & Safety where frequently there is no coordination of facts and findings, and verification that conditions were followed. Rather, it is left up to the developer to voluntarily comply.

1. Since the developer has set a precedent of non-compliance, as related to non-payment of final relocation monies owed to certain tenants at the conclusion of the condo application, we would suggest that the following standards be set, until such time as the finalize compliance procedures:

a. All plans must be updated by Planning before Building& Safety receives incorrect information.

2. If Building & Safety needs to make changes to the plans, then we would ask that all changes are clearly followed up with Planning to ensure that all density bonus incentives are still being properly allocated. (ATTACHMENT N)

L. A Shade/Shadow Study was performed by Solargy, Inc. referenced in DIR-2008-1178-DB-SPP (pg 20). The written study provided by the developer is less than ½ page and consists mainly of diagrams for a 39.5 feet high building and a 45.5 feet high building. The study does not address the relevant issues – the impact of the proposed 48 foot 7" high (or higher) building that will negatively impact the neighboring properties to the north and render useless the common areas, patios, balconies, pools of the northern buildings.

NOTE: This study was also not found as part of the Valley file, and the community spent quite a lot of time tracking it (and other materials) down. Based on the difficulties that this community had in locating relevant material, we respectfully request that the City review its procedures for warehousing project materials in one location, and preferably if the project is in the Valley, that all materials could be found in the Valley instead of being split between the Valley and Downtown! This seems to be another tactic of obfuscation that blocks the public from participating in their own local community.

1. The report asserts: "The proposed project does not shade the *roofs* of any multi-unit buildings to the north at any time during year. The **roofs** are not the sole issue. Additionally, these CEQA thresholds have changed since the report was written and therefore is not only non-responsive, it is also not accurate and must be redone.

a. *The CEQA guidelines do not just regulate shading to roofs.* The CEQA guidelines also include "areas that are shade/shadow sensitive including routinely useable outdoor spaces associated with residential, recreational... These uses are considered sensitive because sunlight is important to function, physical comfort, or commerce." **This includes the patios, balconies, pools, and recreational common outdoor space for the buildings to the north, northeast, northwest and those on the east and west of the project.** At 48'7" high, the project does impact these areas of the surrounding buildings significantly, and cannot be mitigated to insignificant because of the closeness of the project to surrounding buildings and the miniscule set backs being put forth.

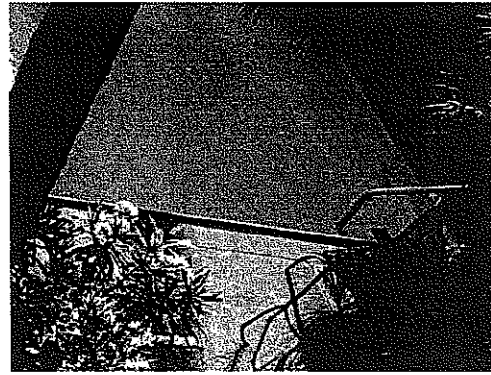
b. In addition, if roofs of surrounding buildings are also impacted for at least two hours each day, perhaps a more recent interpretation of this impact (not only pursuant to CEQA findings, but also recent analysis) conducted in conjunction with the preparation of the Century City West Specific Plan, needs reevaluation of the exact consequences of doubling the height of building over nearby buildings.

2. As Measure B recently pointed out, Solar energy is going to be a dominant need in the future of electrical planning in LA. With this proposed project towering 2 stories over most of the adjacent projects, there is an unascertained impact to their future supply of solar energy, and could be considered the taking of another's right to the sun. This can not be determined without a thorough study of all sides of this building during all times of the year.

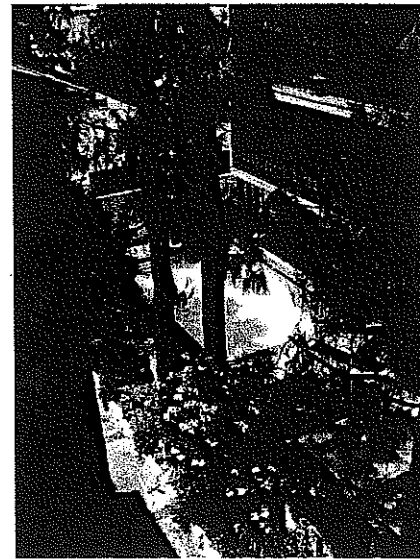
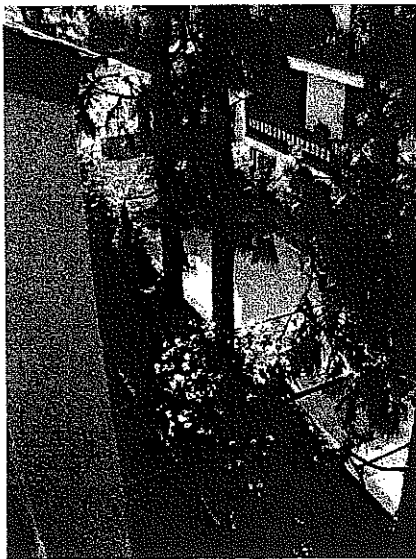
3. See next page for pictures of affected area:



Showing area that would be blocked by new building



Showing area of significant blockage that would be blocked by new building



Showing current shade, how the bldg will place pool in shade 100% of the time now

☐ Street ☐ Aerial ☒ Hybrid

☐ Street ☐ Aerial ☒ Hybrid



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all patios, balconies
and open space in
shadow. 336/1
side of

M. High-efficiency clothes washers are to be installed in the project, and this paragraph contains a statement that the City of Los Angeles will be offering rebates to offset portions of the installation costs.

1. The rebate program has very specific guidelines about the number of rebates the City will offer per month. We have checked the availability of said rebates offered by the City, and for the past 3 months all rebates were taken before the end of the second day of offering.

2. The provision to offer a rebate exclusively for this project should be removed, or it should be labeled as a special incentive, with an explanation to all taxpayers as to why this developer received this special incentive.

N. The Planner references, as part of her decision to approve this project, an approved MND that was created for a much smaller condominium project, dated November 14, 2007, file number ENV-2008-1179-MND and does not apply to this application.

1. This Mitigated Negative Dec. was pulled for a completely different project, and should not be the foundation for approval of this much larger apartment project.

O. There has been a building permit previously issued that expires in June 2009. It has been noted by Planning that this permit is not to be renewed again, as it has previously been renewed. These plans were filed for checking on 1/8/07 under plan check number 07010-20000-00043 BO&VN00225.

1. Which project does this apply for: the condo or the apartment?

2. Does the City plan on renewing this building permit again?

3. If the building permit was renewed again, then the building would comply with 2008 LABC for this project, and not the 2002 LABC. One of the conditions for approval on this request for modification of building ordinances (98.0403 L.A.M.C.) is that: No additional extension will be granted.

P. As conditioned in the condo application, the people in the community should be given standing to sue for enforcement of the conditions as a public nuisance and win attorney's fees. As it was an accepted condition in the tract map, so should it be a condition to this project.

Q. Traffic Issues

NOTE: Applications for many projects in the Magnolia corridor are in various stages of development. The community requested a cumulative traffic study for the area, as individual studies did not address the cumulative impacts of development in a small geographic section of a substandard secondary highway, yet in return the community received only a very limited traffic study. We have reported the following traffic concerns to DOT and the Planning Department in response to the applicant's Traffic Study by Hirsch Green for the first time at a meeting with Wendy Greuel, Dale Thrush and representatives from the Planning Department and DOT on November 19th, 2008. These concerns were again sent to them by email. However, these issues remain inadequately addressed by omission or commission. Some of the answers sent by DOT appear to defy logic and common sense. Following the summary of the issues is a map and the supporting documents. All of these issues affect the health, safety, and lack of infrastructure to support this development.

1. Magnolia Boulevard is a substandard street and will remain so even after the projects are built. Providing a right turn only lane at the corner of Ben/Magnolia and Colfax/ Magnolia will not change that fact.

2. "Traffic report does not address site access scenarios, adequacy of parking supplies, or internal circulation." *These are critical factors.* Project triples the density of units and only has one ingress/egress. Original site is developed with three access driveways for 1/3 the number of units. The original driveways were open air and ran the length of the property. Therefore, garbage pick up, deliveries, and emergency vehicles were able to be onsite and not in the middle of Magnolia Boulevard (a substandard secondary highway).

3. DOT stated making a left hand turn into the project from the middle of the street is *not* more dangerous than making a right turn into the project from the flow of traffic! In fact, UPS requires all of its drivers to AVOID left-hand turns, because it is both dangerous, and takes longer. Even DMV seems to be aware that left-hand turns are more dangerous than DOT makes them out to be.

4. The standard used to calculate peak hour trips generated in the report is a national standard from 2003 and bears no relation to Los Angeles traffic. Wendy Greuel admitted to residents at our meeting that she asked for this to be changed and it is not addressed in the traffic report. Simply stated they do not accurately measure peak trips

generated, project volume to capacity ratios, or the impact to intersections from the projects.

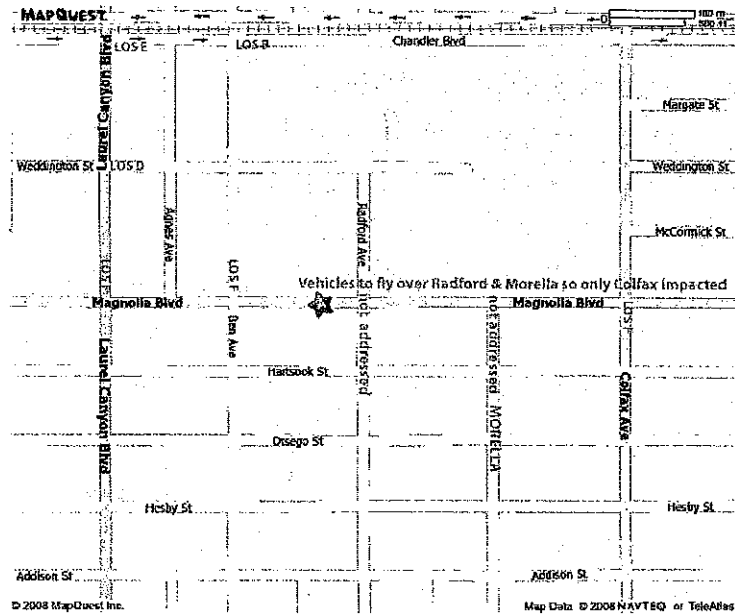
5. Traffic counts were generated when the properties were already empty and therefore, calculations must be based on full number of units not just additional units. Traffic counts should have been based on 119 condominiums + 146 apartments (not 56 apartments). This would have added more than 500 trips daily using DOT's standard. *"The project trip distribution was changed slightly to reflect a greater utilization of local streets during the peak hour periods." Streets will be so impossible to traverse that DOT is relying on cut through traffic to make them passable. At the same time reporting that the closest local intersections will not be impacted and therefore, need not be included in the Traffic Study (Magnolia/Radford and Magnolia/Morella).*

6. The closest intersections to the project are NOT addressed, and it is important to do so because they are land locked and they cannot be mitigated to be insignificant. DOT would have the Planning Commission believe that the Colfax and Magnolia intersection is so impacted by this project alone that is requiring the applicant to pay for street improvements on that intersection. However, it is stating that the two intersections in between the project and Colfax/Magnolia are not impacted at all! Are the vehicles going to fly over those two intersections to get to Colfax/Magnolia? If the report addressed these two intersections at Radford/Magnolia and Morella/Magnolia a full EIR would be required according to statute because no mitigations are possible. Instead, they are omitted from the report.

7. Trip calculations were reduced for Red Line and Orange Line use 10 % although there is no empirical data to support this reduction and Red Line users will still need to use local intersections to access Red Line.

8. Sheer scale of development compromises safety of greater community and is not addressed in MND. The ability of subject property residents and neighbors to escape disaster is not addressed. Disasters do not conform to specious peak trip calculations.

9. Six intersections were rated (see attached map). Three of the six intersections are rated at LOS F and one is rated at LOS E even with the specious, unreliable reduced standards of peak traffic calculations and with the DOT's mitigations. This is not insignificant. A full EIR should be required and the MND should be denied according to statute and therefore, this DIR cannot be approved in the present form.

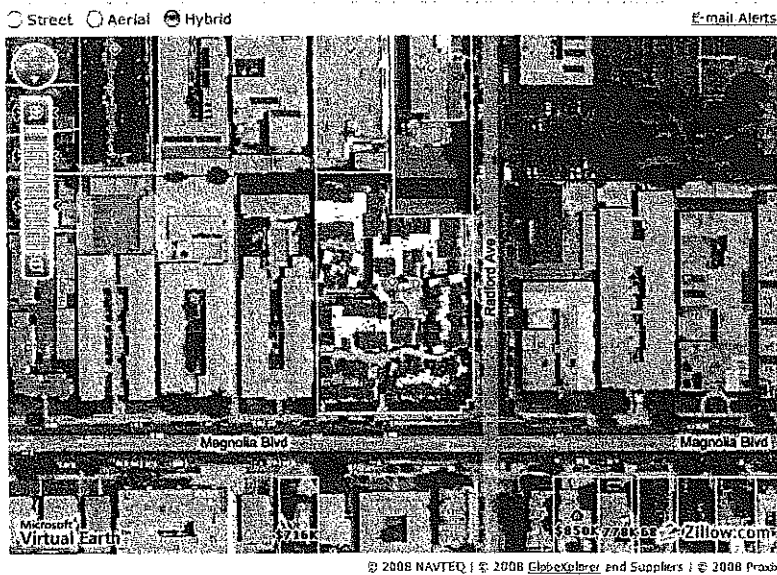


R. Additional and Cumulative Errors and Omissions; Further Explanations of Errors noted earlier in packet

1) INFILL: Misleading "Yale letter" describes the project as being "infill"

YALE PARTNER's LETTER to Expedited Subdivision Unit, Room 721, Maya Zaitzevsky and signed by Dan Zacharias dated 10-16-2008 described his project as INFILL which was INCORRECT and fraudulent. We are an RD1.5 property. He described us as R-3/R-4.

NOHO COMMUNITY PLAN COMMENTS: When a preponderance of the parcels within a small area are developed at a density higher than that depicted on the Plan, "infill" at a comparable density may be appropriate on the remaining parcels within the area. The majority of the properties in the surrounding subareas are either RD1.5 or Low / Medium Residential, there is NOT a preponderance of Medium / High Residential.



- 2) DIFFERING AREAS for same property being considered:**
3-3-09 REVISION 1 of MASTER LAND USE APPLICATION REVISIONS of DENSITY BONUS APPLICATION WORKSHEET dated 1-15-09 says:
Lot Dimensions: Approx: 200' x 300'
Lot Area (sq ft): Approx 59,450
based on APN 2348009026 which is the 11933 parcel only.
It is THE ONLY APN listed on the application: No lot tie as of this application of 3-3-09

3) LEGAL DESCRIPTION CHANGES

3-10-09 ARCHITECTURAL PLANS A1.0 REVISED SET dated 3/10/09 says it was rec'd 3/11/09 (Submitted as part of the application SUMMARY PAGE of PROJECT INFO, SHEET INDEX OF ALL ARCHITECTURAL PLANS,ETC.) states:

Legal Description:

Lot 1 and the South 25 feet of Lot 6, Tract No. 9571, M.B.186-8/9

Lot 7 and the East 3 feet of the South 25 Feet of Lot 3, Tract No 10891, M.B.191-17 in the City and County of LA, State of CA

5-18-09 DIRECTORS DETERMINATION DIR-2008-1178-DB-SPP

Legal Description: Says Tract 10891, Lot 4

The Director's determination does not appear to state all lots involved on this project (and which tract)

4) GOVERNING DOCUMENTS UNDER WHICH DECISION IS BEING BASED

4-25-09 DIRECTORS DETERMINATION DIR-2008-1178-DB-SPP *Note: states Pursuant to the State Density Bonus Program and Los Angeles City Implementing Ordinance No. 179,681 and the Valley Village Specific Plan, ordinance No 168,613 as the designee of the Director of Planning, I hereby: Conditionally Approve*

OR

5-18-09 DIRECTORS DETERMINATION DIR-2008-1178-DB-SPP the COVER PAGE reads "REVISED APPEAL DATE/ CORRECTED APPLICABLE STATUTE" states: *Note: This project is not subject to Density bonus Ordinance No. 1789,681 due to filing on March 25, 2008, before the ordinance effective date of April 15, 2008, Section 7, "Statement of Intent" of the ordinance, reads:*

"It is the intent of the City Council that the provisions of this ordinance shall apply to applications filed on or after the effective date of this ordinance, except that for sale Housing Development Projects with tract or parcel maps that have not been recorded as the effective date of this ordinance are subject to the provisions of this ordinance regardless of language in tract or parcel map conditions or previously recorded covenants".

5) DIFFERING AND CONFLICTING ALLOWABLE "BY RIGHT" DENSITY CALCULATIONS for the same property

VTT 67012 for CONDOMINIUM PURPOSES:

Density Calc: (net after dedication 61,575 sq ft

R3 = 36,575 sq ft / 800 = 45 units

R4 = 25,000 sq ft / 400 = 62 units

Total units permitted = 107

YALE PARTNER's LETTER to Expedited Subdivision Unit, Room 721, Maya Zaitzevsky and signed by Dan Zacharias dated 10-16-2008 states it would be for Vesting Tentative Tract Map 67012 (CONDO) to permit the construction, use and Maintenance of 146 residential CONDOMINIUMS with FOUR stories with a minimum of 263 parking spaces on a 62,575 sq foot site – CONSISTS of 108 by-right units

11-03-2008 Letter to Sevana Mailian from Gary Schaffel Letter states in narrative form that his project is for 146 units. 109 units "by right"

(Says the density bonus would allow for 148 units but they're only building 146)

12-03-08 Alan Boivin Architect letter to Sevana Mailian (he dated it Nov 24, 2008) stamped as rec'd by 12-03-08 says the property "is zoned for 109 units".

3-3-09 REVISION 1 of MASTER LAND USE APPLICATION REVISIONS of DENSITY BONUS APPLICATION WORKSHEET dated 1-15-09 says: 109 units "by right" See attached calculation due to R-3 and R-4
(there is no attached calculation due to R-3 and R-4)

3-10-09 ARCHITECTURAL PLANS A1.0 REVISED SET dated 3/10/09 says it was rec'd 3/11/09 (Submitted as part of the application SUMMARY PAGE of PROJECT INFO, SHEET INDEX OF ALL ARCHITECTURAL PLANS, ETC.) states:
Set Aside 11% (12 Units) VLI DB = 1.35% $110.8 = 149.58$ units (underlying wrong allowable density "by right" units)

6) MULTIPLE INCENTIVES ASKED FOR:

NALANI WONG memo of 11/3/2008 said they would no longer require the incentive for FAR, yet the Director approved a FAR of 4:1, which is an incentive

DENSITY BONUS APPLICATION WORKSHEET ATTACHED TO 3-03-09 REVISION Incentives requested: HEIGHT (only) 35% of 36 ft or 48.6 feet or 48 feet 7 inches

DENSITY BONUS APPLICATION WORKSHEET ATTACHED TO 3-03-09 REVISION Parking per SB1818

DENSITY BONUS APPLICATION WORKSHEET ATTACHED TO 3-03-09 REVISION SEEKING RELIEF FROM (PER SB1818) SEC. 16.05. SITE PLAN REVIEW.

(Renumbered and amended by Ord. No. 166,127, Eff. 9/23/90, Oper. 10/13/90.)

Purpose. The purposes of site plan review are to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of

projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements.

7) DIFFERING NUMBER OF DENSITY BONUS UNITS REQUESTED for the same property; all are incorrect anyway

APPLICANT'S APPLICATION 3-25-08 for 146 unit Apartment DIR-2008-1178-DB-SPR asks for 146 UNIT APARTMENT Building including 37 density bonus units

Reference: Early Notification System Chart

YALE PARTNER's LETTER to Expedited Subdivision Unit, Room 721, Maya Zaitzevsky and signed by Dan Zacharias dated 10-16-2008 states it would be for Vesting Tentative Tract Map 67012 (CONDO) to permit the construction, use and Maintenance of 146 residential CONDOMINIUMS with FOUR stories with a minimum of 263 parking spaces on a 62,575 sq foot site – CONSISTS of 108 by-right units; plus 38 density bonus units

11-03-2008 Letter to Sevana Mailian from Gary Schaffel Letter states in narrative form that his project is for 146 units allowing for 39 density bonus units for a total of 148 total units but we're only building 146

3-3-09 REVISION 1 of MASTER LAND USE APPLICATION REVISIONS of DENSITY BONUS APPLICATION WORKSHEET dated 1-15-09 says: by inference 146 residential units which includes 134 market rate and 12 VLI units (37 DB units) $146 - 109 = 37$ DB units

8) HEIGHT OF BUILDING

11-03-2008 Letter to Sevana Mailian from Gary Schaffel Letter states in narrative form Height of building is 48.5'

11-03-2008 SITE PLAN REVIEW SUPPLEMENTAL APPLICATION FOR APARTMENTS says building is 48.5'

12-03-08 Alan Boivin Architect letter to Sevana Mailian (he dated it Nov 24, 2008) stamped as rec'd by 12-03-08 HEIGHT is stated at a total of 48.5'

3-3-09 REVISION 1 of MASTER LAND USE APPLICATION REVISIONS of DENSITY BONUS APPLICATION WORKSHEET dated 1-15-09 says: 48' 7" in lieu of 36 feet of VV SP

DENSITY BONUS APPLICATION WORKSHEET ATTACHED TO 3-03-09 REVISION: Incentives requested: HEIGHT (only) 35% of 36 ft or 48.6 feet or 48 feet 7 inches

3-10-09 ARCHITECTURAL PLANS A1.0 REVISED SET dated 3/10/09 says it was rec'd 3/11/09 (Submitted as part of the application SUMMARY PAGE of PROJECT INFO, SHEET INDEX OF ALL ARCHITECTURAL PLANS,ETC.) states: Height: 48 feet 6 inches (36' x 1.35 = 48.6')

5-18-09 DIRECTORS DETERMINATION DIR-2008-1178-DB-SPP

Height: building is limited to an increase in height of 12 feet, 7 inches above the 36 ft height limit for a total height of up to 48 ft 7 in.

Please note from the code:

SEC. 12.03. DEFINITIONS

HEIGHT OF BUILDING OR STRUCTURE. Is the vertical distance above grade measured to the highest point of the roof, structure, or the parapet wall, whichever is highest. Retaining walls shall not be used for the purpose of raising the effective elevation of the finished grade for purposes of measuring the height of a building or structure. Section 12.21.2 of this Code. (Added by Ord. No. 160,657, Eff. 2/17/86, Oper. 6/17/86.)

Later in the DIR it allows this height increase to the "top of the parapet wall".

9) TOTAL SQUARE FEET

11-03-2008 SITE PLAN REVIEW SUPPLEMENTAL APPLICATION FOR APARTMENTS says Total Sq ft. of 244,010 sq ft.

10) RESIDENTIAL SQUARE FEET IS DIFFERENT

11-03-2008 Letter to Sevana Mailian from Gary Schaffel Letter states in narrative form Total Floor Area for Residential sq feet is 154,908 sq ft

11-03-2008 SITE PLAN REVIEW SUPPLEMENTAL APPLICATION FOR APARTMENTS says

Total Floor Area for Residential sq feet is 154,908 sq ft

11-04-08 e-mail to Sevana from Nalani Wong says BUILDING SQUARE FOOTAGE is 143,578 sq ft. divided by building envelope (bldg footprint after setbacks) of 53,084 sq ft)

ARCHITECTURAL PLANS Pg A2.0 REV 1 Set dated 3/10/09 states: ACTUAL RESIDENTIAL FLOOR AREA = 143,578 sq ft

4-22-09 ENV-2008-1179-MND Environmental Report for DIR-2008-1178-SPP-SPR-DB

States it is for a 154,908 sq ft residential apartment project

11) FAR (FLOOR AREA RATIO)

11-04-08 e-mail to Sevana from Nalani Wong says BUILDING SQUARE FOOTAGE is 143,578 sq ft. divided by building envelope (bldg footprint after setbacks) of 53,084 sq ft and therefore FAR is being dropped as a request

12-03-08 Alan Boivin Architect letter to Sevana Mailian (he dated it Nov 24,2008)stamped as rec'd by 12-03-08 **He states:** No increase in FAR is being requested

3-3-09 REVISION 1 of MASTER LAND USE APPLICATION REVISIONS of DENSITY BONUS APPLICATION WORKSHEET dated 1-15-09 says: Total Project Size: Approx: 143,578

3-10-09 ARCHITECTURAL PLANS A1.0 REVISED SET dated 3/10/09 says it was rec'd 3/11/09 (Submitted as part of the application SUMMARY PAGE of PROJECT INFO, SHEET INDEX OF ALL ARCHITECTURAL PLANS,ETC.) states:

Total Project Size: 143,578

1st floor: 35,437 sq ft

2nd floor 36,047 sq ft

3rd floor 36,047 sq ft

4th floor 36,047 sq ft

4-22-09 ENV-2008-1179-MND Environmental Report for **DIR-2008-1178-SPP-SPR-DB** States: FLOOR AREA RATIO OF 4:1 IN LIEU OF 3:1

12) PARKING SPACES

11-03-2008 Letter to Sevana Mailian from Gary Schaffel Letter states in narrative form Parking Spaces are 277

11-03-2008 SITE PLAN REVIEW SUPPLEMENTAL APPLICATION FOR APARTMENTS that Parking Spaces are 277 and says Parking required is 233 (per LAMC 12.21A4) based on 146 units are **ALL LESS THAN 3 HABITABLE ROOMS**

3-3-09 REVISION 1 of MASTER LAND USE APPLICATION REVISIONS of DENSITY BONUS APPLICATION WORKSHEET dated 1-15-09 says Parking Spaces are 266

Directions say "on attached sheet, provide a justification for the(se) incentive(s), addressing the need for the incentive(s) in order to support the requisite affordable units in the proposed project.

There is no attachment and no justification

3-10-09 ARCHITECTURAL PLANS A1.0 REVISED SET dated 3/10/09 says it was rec'd 3/11/09 (Submitted as part of the application SUMMARY PAGE of PROJECT INFO, SHEET INDEX OF ALL ARCHITECTURAL PLANS,ETC.) States:

PARKING

140 standard direct

118 compact *tandem*

2 compact direct

6 H/C (?)

(266 spaces total)

Directions say "on attached sheet, provide a justification for the(se) incentive(s), addressing the need for the incentive(s) in order to support the requisite affordable units in the proposed project. There was no attached sheet providing this justification and therefore it is not an incentive he can take. **Therefore regular parking requirements should prevail (SEE RELATED TO PARKING SPACES below):**

13) RELATING TO PARKING SPACES: Note, there is a discrepancy about whether BEDROOMS or HABITABLE ROOMS is the criteria for determining this

11-03-2008 SITE PLAN REVIEW SUPPLEMENTAL APPLICATION FOR APARTMENTS that of the 134 Standard Units that all 134 of them are LESS THAN 3 HABITABLE ROOMS and also that the 12 Affordable Units are LESS THAN 3 HABITABLE ROOMS (per LAMC 12.03) The portion where it says within 1500 feet of a Major Transit Station or Major Bus Route -- was not marked.

3-3-09 REVISION 1 of MASTER LAND USE APPLICATION REVISIONS of DENSITY BONUS APPLICATION WORKSHEET dated 1-15-09 says:

Total Units in Project				146 units
		#spaces /unit	#parking spaces in project	
1-bedroom units	59	1	59	
2-bedroom units	87	2	174	
3-bedroom units		2		
4-bedroom units		2 ½		
Additional parking spaces (optional)			33	266 spaces

Directions say "on attached sheet, provide a justification for the(se) incentive(s), addressing the need for the incentive(s) in order to support the requisite affordable units in the proposed project.

There is no attachment and no justification

Sec 12.21 A 4 of code For Dwelling Units. (Amended by Ord. No. 176,354, Eff. 1/31/05.) The ratio of parking spaces required for all other dwelling units shall be at least one parking space for each dwelling unit of less than **three habitable rooms**, one and one-half parking spaces for each dwelling unit of three habitable rooms, and two parking spaces for each dwelling unit of more than three habitable rooms.

Valley Village Specific Plan requires additional GUEST PARKING for a ANY RESIDENTIAL Multiple-family project (APARTMENTS) at a minimum of **one-quarter space per dwelling unit** in EXCESS of that required by the code (see chart below)

Sec 12.21 A 4 of code	HABITABLE ROOMS CHART
# of habitable rooms	# of Parking spaces required
Less than 3 habitable rms	1
3 habitable ms	1 and ½
More than 3 habitable rooms	2

THEREFORE INSTEAD OF "PROVIDING 33 EXTRA SPACES" (PER THE CHART ABOVE) – WITH NO JUSTIFICATION PROFFERED, THEN THE INCENTIVE SHOULD NOT BE GRANTED TO THE DEVELOPER -- THEREFORE HE NEEDS TO PROVIDE 299 PARKING SPACES IN TOTAL

LISTS of the UNITS on the SUMMARY PAGE of the ARCHITECTURAL PLANS

UNIT	Type Desc.	Nu mbe rs	%	Size	Habitable Rooms For figuring PARKING	Multiplier per code	Stalls req'd
A1/A2/ A4	1 BR	56	40	730sqft	3	x 1 1/2	84
A3	1 BR	3	%	830sqft	3	X 1 1/2	4.5
B1/B5	2 BR	20		1077 sqft	4	X 2	40
B2	2 BR	20		1075 sq ft	4	X 2	40
B3	2 BR	4		938 sq ft	4	X 2	8
B4	2 BR	12	41 %	1049 sq ft	4	X 2	24
B6	2 BR	4		1070 sq ft	4	X 2	8
C1	2 BR	8		1014 sq ft	4	X 2	16
C2	2 BR	12	17 %	1028 sq ft	4	X 2	24
C3	2 BR	4		1023 sq ft	4	X 2	8
D	2 BR	3	2%	1192 sq ft	4	X 2	6
SUB Tot	1 BR	59				X 1 1/2	88.5
SUB Tot	2 BR	87				X 2	174
TOTAL		146					262.5
ALSO:					146 x 1/4		36.50
Valley Village requires a guest parking at a ratio of at least one quarter space per dwelling unit in excess of that required by the Code.							299 parking spaces are required for this project under 65915

GYM SIZE

11-03-2008 SITE PLAN REVIEW SUPPLEMENTAL APPLICATION FOR APARTMENTS says Gym is 591 sq ft

3-10-09 ARCHITECTURAL PLANS A1.0 REVISED SET dated 3/10/09 says it was rec'd 3/11/09 (Submitted as part of the application SUMMARY PAGE of PROJECT INFO, SHEET INDEX OF ALL ARCHITECTURAL PLANS,ETC.) states: Gym size is 618 sq ft

Per the layout on ARCHITECTURAL PLAN page A5.2 LOOKING AT THE PLANS -- NOT TRUE - GYM at 1st floor is NOT 618 sq ft. The included areas of an OFFICE & RESTROOMS DONOT MEET THE DEFINITION of OPEN SPACE -

The gym is 19 feet, 8 1/2 inches X25 feet or 494 sq ft.

14) GARAGE IS DIFFERENT

11-03-2008 Letter to Sevana Mailian from Gary Schaffel Letter states in narrative form total floor area for the garage is 79,951 sq ft

11-03-2008 SITE PLAN REVIEW SUPPLEMENTAL APPLICATION FOR APARTMENTS says garage is 79,931 sq ft

15) BUILDING ENVELOPE IS DIFFERENT

11-04-08 e-mail to Sevana from Nalani Wong says BUILDING SQUARE FOOTAGE is 143,578 sq ft. divided by building envelope (bldg footprint after setbacks) of 53,084 sq ft note how this compares to: 5-18-09 DIRECTORS DETERMINATION DIR-2008-1178-DB-SPP says lot size of 54,450 sq ft

3-10-09 ARCHITECTURAL PLANS A1.0 REVISED SET dated 3/10/09 says it was rec'd 3/11/09 (Submitted as part of the application Summary Page of Project info, Sheet Index of all ARCHITECTURAL PLANS, etc.) states:
Buildable Area = 54,643 sq ft max
Allowable Area = 163,929 sq ft

16) TOTAL OPEN SPACE PROVIDED

11-03-2008 Letter to Sevana Mailian from Gary Schaffel Letter states in narrative form is 14,936 sq ft. of 14,600 sq ft required

3-10-09 ARCHITECTURAL PLANS A1.0 REVISED SET dated 3/10/09 says it was rec'd 3/11/09 (Submitted as part of the application SUMMARY PAGE of PROJECT INFO, SHEET INDEX OF ALL ARCHITECTURAL PLANS,ETC.) states:

OPEN SPACE

Open Space Req'd - 146 units @100 sq ft @=14,600sqft

NOT TRUE UNDER 65915 Code would prevail.

Open Space Provided -

Central Open Court..... 8,438 sqft

Landscaped Rear Yard1,873 sqft

Private Balconies 78 units x 50 sqft @ = 3,900 sqft

SUMMARY DOES NOT PROPERLY LIST THE UNITS, either mislabeled, and in the chart does not disclose some units square footage like A4 720 sq ft, and A4alt of 679 sq ft One can no longer believe these figures based on new layout styles on subsequent architectural drawing pages that don't match the summary, calling into question the actual private open space and some common open space that is tallied up.

Total 14,829 sqft

ARCHITECTURAL PLANS Pg A1.5 says

OPEN SPACE REQ'D: 146 Units x100 sf each) = 14, 600 sq ft

PRIVATE BALCONIES (78 x 50 sq ft each) =3,900 sq ft

GYM @ 1st FLOOR = 618 sq ft

REAR YARD.....50% min landscaped....=1,873 sq ft

COURT YARD.....=8,438 sq ft

TOTAL 14,829 sq ft

Therefore in his beneficence he seems to be giving 229 sq ft more than req'd

NOT TRUE - GYM at 1st floor is NOT 618 sq ft. The included areas of an OFFICE & RESTROOMS DONOT MEET THE DEFINITION of OPEN SPACE
 -Per the layout on ARCHITECTURAL PLAN page A5.2 The gym is 19 feet, 8 ½ inches X 25 feet or 494 sq ft.

17) COMMON OPEN SPACE

11-03-2008 SITE PLAN REVIEW SUPPLEMENTAL APPLICATION FOR APARTMENTS says Common Open Space Is 9,171 sq ft (Courtyard + Gym) (Courtyard is 8,581) (Gym is 591)

3-10-09 ARCHITECTURAL PLANS A1.0 REVISED SET dated 3/10/09 says it was rec'd 3/11/09 (Submitted as part of the application SUMMARY PAGE of PROJECT INFO, SHEET INDEX OF ALL ARCHITECTURAL PLANS,ETC.) states: Gym.....618 sqft
 Gym is reported as being 615 has wrong square footage , it is including an "office" and bathrooms. – not part of the definition of OPEN SPACE

18) PRIVATE OPEN SPACE

11-03-2008 Letter to Sevana Mailian from Gary Schaffel Letter states in narrative form is 3,800 sq ft

3-10-09 ARCHITECTURAL PLANS A1.0 REVISED SET dated 3/10/09 says it was rec'd 3/11/09 (Submitted as part of the application SUMMARY PAGE of PROJECT INFO, SHEET INDEX OF ALL ARCHITECTURAL PLANS,ETC.) IN OPEN SPACE PROVIDED SUMMARY AREA it states these units are included in the open space calculations (the private portion of OPEN SPACE).

# of units	Layout Style
24	A1
4	A4
16	B1
3	A3
4	B5 (incorrectly labeled – should be B2)
4	B3
4	B5
4	B6
12	C1
3	D

As you can see in this next chart, only some of the units were able to be credited with private open space to meet the strict definition of it. Here's a chart that illustrates that.

The left hand column shows whether the unit gets "credit" for the open space requirement.

PRIVATE OPEN SPACE CALCULATIONS

UNIT	Type Description	Numbers	%	Size	Private Open Space (balconies) figuring OPEN SPACE	Multiplier per code	OS allowed on private space in conformance to OPEN SPACE CODE
A1/	1 BR		40%	A1: 730sqft	A1: 55 sq ft		50 sq ft
A2				A2: 730 sqft	A2: 27.8sq ft TOO SMALL		NO CREDIT
A4alt				A4alt: 679sqft	A4alt: 55 sq ft		50 sq ft
A4				A4: 720sqft	A4: 55 sq ft		50 sq ft
A3	1 BR	3		830sqft	53.6 sq ft		50 sq ft
B1/B5	2 BR	20		1077 sqft	60.8 sq ft Non-conforming		50 sq ft
B2	2 BR	20	41%	1075 sq ft	Too small at 34.3 sq ft		NO CREDIT
B3	2 BR	4		938 sq ft	60.8 sq ft		50 sq ft
B4	2 BR	12		1049 sq ft	Too small at 34.3 sq ft		NO CREDIT
B5	2BR				60.8 sq ft		50 sq ft
B6	2 BR	4		1070 sq ft	60.8 sq ft		50 sq ft
C1	2 BR	8		1014 sq ft	56 sq ft		50 sq ft
C2	2 BR	12	17%	1028 sq ft	56 sq ft Non-conforming		50 sq ft
C3	2 BR	4		1023 sq ft	Too small at 29.75 sq ft		NO CREDIT
D	2 BR	3	2%	1192 sq ft	55 sq ft Non-conforming		50 sq ft
Total Private Open Space:							

BUT one can no longer rely on the private open space number cited or even figure it because the above layouts of the units have changed massively (as shown in the difference between the summary chart and the backup architectural re-drawings – layout styles are re-named to reflect these changes (See the difference between the charts below). Balconies may have been reduced substantially to accommodate and no longer may meet the threshold of a minimum of 50 sq ft of where no horizontal dimension is less than six feet when measured perpendicular from any point on each of the boundaries of the open space area

THE ARCHITECTURAL A1.0 SUMMARY CHART DESCRIBING THE LAYOUTS OF THE UNITS BY LAYOUT STYLE (aka A1 or B2), THEIR SQUARE FOOTAGE and how MANY of each of these layouts as shown in the chart below:

UNIT	Type Description	Numbers	%	Size	Habit able Rooms only for calculating open space	Stalls req'd
A1/A2/A4	1 BR	56	40%	730sqft	2	84
A3	1 BR	3		830sqft	2	43
B1/B5	2 BR	20	41%	1077 sqft	3	40
B2	2 BR	20		1075 sq ft	3	40
B3	2 BR	4		938 sq ft	3	8
B4	2 BR	12		1049 sq ft	3	24
B6	2 BR	4		1070 sq ft	3	8
C1	2 BR	8	17%	1014 sq ft	3	16
C2	2 BR	12		1028 sq ft	3	24
C3	2 BR	4		1023 sq ft	3	8
D	2 BR	3	2%	1192 sq ft	3	6
SUB Tot	1 BR	59				
SUB Tot	2 BR	87				
TOTAL		146				262.5

(SEE DIFFERING CHART BELOW)

QUITE DIFFERENT IS IN WHAT IS ACTUALLY IN THE BACKUP PAGES OF THE ARCHITECTURAL PLANS WHICH HAVE UNDERGONE MASSIVE UNIT STYLE CHANGES and the NUMBERS OF THOSE UNITS.

PLANS A3.2 (1ST FLOOR)

PLANS A3.3 (2ND, 3RD & 4TH FLOORS)

UNIT STYL E	Type Descri ption	Numb ers		Total # of Units	Habit able Room s	Stalls req'd
A1		4+12= 16		16		
A1rev		2+6=8		8		
A2		7+21= 28		28		
A3		0+3=3		3		
A4		0+3=3		3		
A4alt		1+0=1		1		
B1		4+12= 16		16		
B2		5+15= 19		20		
B3		1+3=4		4		
B4		3+9=1 2		12		
B5		1+3=4		4		
B6		1+3=4		4		
C1		1+3=4		4		
C1rev		1+3=4		4		
C2		1+3=4		4		
C2rev		2+6=8		8		
C3		1+3=4		4		
D		0+3=3		3		
SUB Tot						
SUB Tot						
TOTA L				146		

19. LANDSCAPED AREA (TOTAL)

11-03-2008 Letter to Sevana Mailian from Gary Schaffel Letter states in narrative form the total landscaped area of 14,936 sq ft

11-03-2008 SITE PLAN REVIEW SUPPLEMENTAL APPLICATION FOR APARTMENTS says Landscaped Open Space is 1,964 (Rear Yard)

EVEN THESE CAN NOT BE RELIED UPON AS THE NUMBERS ARE A MOVING TARGET AS TO HOW BIG A LOT, HOW BIG A BUILDING, AND THEY ARE IMPORTANT. BUT THE SETBACKS ARE IN FLUX AS WELL.

20. LANDSCAPED AREA (OF OPEN SPACE REQUIREMENT)

11-03-2008 Letter to Sevana Mailian from Gary Schaffel Letter states in narrative form the Landscaped Area Provided is 7,482 sq ft. (which reflects more than the required 50% of the total landscaped area of 14,936)

21. SETBACKS

ARCHITECTURAL PLANS Pg A2.0 Shows a 7' setback on the 11933 parcel (There is no lot tie at present and it will impact negatively the neighbors to the north – the lot tie would make it a SIDE YARD)
Shows a 16' Rear Setback on half of the property.

22. ENVIRONMENTAL EVALUATION GUIDELINES NOT FOLLOWED:

4-22-09 ENV-2008-1179-MND Environmental Report for DIR-2008-1178-SPP-SPR-DB

pg 11 of 29 Item 2. States: **All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.**

PRIVACY INVASION not considered or mitigated by proper setbacks, large enough (trees) landscaping to protect from privacy, light from UNITS at night, loss of sun

NOISE from TRASH COLLECTION is not considered, nor has the TRASH COLLECTION impact on traffic, with no driveways in the complex. It'll be right on MAGNOLIA BLVD. They'll need "stinger service" -- and 146 units will need at least THREE 3-yard bins or THREE 4-yard bins SIX days a week pickup right on Magnolia Blvd. the "stinger" (basically a forklift) backs up into it, lifts each one up, takes it up to the street from the subterranean garage, deposits it on the street, then the big trash hauler picks it up and dumps it, -- then the stinger returns the bins down to the garage.

A FAULTY SHADE SHADOW study performed - did not include NORTHERN properties LOSS OF ENJOYMENT of THEIR COMMON AREA pools. A SHADE/SHADOW ANALYSIS is requested for 11936 and 11910 Weddington Ave. These properties will lose the enjoyment of their common areas if this project is allowed to be built.

Pg 15 of 29, IV.e Potentially significant unless mitigation incorporated . ON-SITE TREES WILL BE REMOVED AS PART OF THIS PROPOSED DEVELOPMENT and there is no mitigation incorporated in the Conditions

Pg 4 of 29 Conditions ,VII b5. Explosion /Release (Asbestos Containing Materials) "prior to the issuance of a demolition permit, the applicant shall provide a letter to the DBS from a qualified asbestos abatement consultant that no ACM are present in the building." A demolition permit has already been issued and there is no letter in the file from a qualified asbestos abatement consultant.

Leaves out IX d of the CEQA Guidelines: CREATE OTHER LAND USE IMPACTS? The project destroys the neighborhood character of Valley Village and its immediate neighborhood by its towering and inappropriate size and scope.

Pg 17 of 29 XIII. Public Services

d. Parks. The Planner REDUCED the score of this impact as **Less than Significant, in direct conflict with the previous Planner's assessment in ENV-2006-5007-MND-REC1 issued 4/18/2007** that it was **Potentially Significant unless Mitigation Incorporated** for this SAME PROPERTY that was being planned for 78 condo units and that used to serve 51 units with 2 pools and 2 pool deck areas, an inner courtyard, 3 driveways. NOW the Planner says that 146 UNITS with less parking will have less of an impact with 1 pool, 1 little gym, a cement inner courtyard and a shaded "landscaped area" in the building surrounded area at the north boundary.

23) MISLEADING OR OBFUSCATING and HALF-TRUTH STATEMENTS MADE BY THE DEVELOPER

A. 3-25-08 Environmental Assessment Form: signed by Gary Schaffel Says the PROJECT ADDRESS is 11933 Magnolia Blvd, Valley Village, CA 91607 Says the CROSS STREETS: are "Between Laurel Canyon and Whitsett Street and 2 blocks north of the Ventura Freeway". This is incorrect, and must be a project description for some other project.

If only streets with signals count, then the project is between Colfax and Laurel Canyon, and is 2 blocks west of the 170 AS WELL AS 10 blocks north of the Ventura Freeway.

B. ARCHITECTURAL PLANS Pg A1.6 uses an out of date geology report as part of this exhibit which clearly states in the actual report that if the project were re-designed it would not be applicable.

This is a new 146 apt unit complex over a 2-level garage – much deeper than the previous VTT-60712 project that it was prepared for (that was a half subterranean garage – one level). Developer used this old report on the VTT Tract Approval to claim that the water table was 10 feet below the surface and **therefore he needed a height exception for the 78-unit condo project because he couldn't go lower – what appears now to be a fraudulent claim.**

C. *****4-25-09 DIRECTORS DETERMINATION DIR-2008-1178-DB-SPP** The proposed project height allowed is up to 48 feet, 7 inches, over one and a half levels of subterranean parking in order to ensure compliance with applicable requirements of the State Government Code section 65915 (State Density Bonus Program), and the promotion of development compatible with existing and future development of neighboring properties.

1. **Site Development:** says it will be developed as shown on the submitted plans, including a color elevation, sheets A1.0 thru A7.0, LP-1 and L-1, received on March 10, 2009 and attached to the case file. The submitted plans are erroneous, full of mistakes and not to be relied on.
2. Erroneous Density bonus allows for an additional 38 units
3. **Setback:** Setbacks shall be per LAMC code (they are NOT to code, they are a projection of what the developer would like **SHOULD** he get a lot tie which he does not have. The sideyard, and therefore 7' setback on the northern piece of 11933 parcel currently is NOT to code.
4. **Automobile Parking :** The State Density Bonus Program and the current LAMC require one parking space per restricted affordable unit. **Planner left out the requirement for the NON-AFFORDABLE UNITS.**
5. **Dedication and Improvements – why aren't the ALREADY DETERMINED dedications and improvements by DOT (incorporated into this DIR the necessary half road way for Magnolia at Colfax is 30 feet, not 25 feet as specified in the 1/12/09 memo"**
6. **Actual requested height is different throughout documents, AND planner erroneously grants height increase for roof-top mechanicals ON TOP OF the 35% increase. Approve the following incentive of a project that reserves 11 percent of its units for Very Low Income occupants: Up to a 12 foot, 7 inch deviation in the height limit, for a total of 48 feet, 7 inches in lieu of the 36 feet permitted**

And later in the FINDINGS: The total maximum project height, **excluding roof-top mechanicals and stair/elevator shafts, is 48' 7"**, which is a 35 percent increase allowed in lieu of the 36 feet height limit in the Valley Village Specific Plan.

SEC. 12.03. DEFINITIONS

HEIGHT OF BUILDING OR STRUCTURE. Is the vertical distance above grade measured to the highest point of the roof, structure, or the parapet wall, whichever is highest. Retaining walls shall not be used for the purpose of raising the effective elevation of the finished grade for purposes of measuring the height of a building or structure.

The highest point of this structure is, by definition, the HIGHEST POINT – not beyond the highest point.

24) MITIGATION CONDITIONS The director is approving INCORRECT and OLD conditions which she hasn't even looked at:

- a. **Physical Mitigation** measures has the incorrect information of what is required at the intersection of Colfax Ave and Magnolia Blvd by widening 5 feet to provide a half roadway width of at least 25 feet (Lynn Harper's memo said this was a typo and it would be reissued as "at least 30" feet but it was not incorporated into this DIR)
- b. **Site Access and Internal Circulation:** OLD STUFF – This is not the subject property. "No access to the 11945-11959 Magnolia Project shall be allowed from Magnolia Boulevard, unless exception is given by DOT or BOE. (this doesn't even apply to this project and is "a lift" from previous documents)

c. **VALLEY VILLAGE SPECIFIC PLAN APPROVAL FINDINGS :**

1. Pg.21, f. Landscape

Says "to assure that the proposed condominium project is compatible with ... "

2. OPEN SPACE

Page 4 of the DIR , Section 6.B. Open Space

The Developer has not requested an incentive for OPEN SPACE and is not following the GOVT CODE requirements providing the required OPEN SPACE per Dwelling Unit with the habitable room part of the equation Per Govt Code 65915.

Total Open Space Required for this Project 16,775 sq ft required

UNITS AS LISTED ON THE SUMMARY ARCHITECTURE PLANS
CHART LISTS the UNITS

UNIT	Type Description	Numbers	%	Size	Habitable Rooms figuring OpenSpace	Multiplier per code	OS sq ft required
A1/A2/A4	1 BR	56	40%	730sqft	2	X100sf	5600
A3	1 BR	3		830sqft	2	X 100sf	300
B1/B5	2 BR	20		1077 sqft	3	X 125sf	2500
B2	2 BR	20	41%	1075 sq ft	3	X 125sf	2500
B3	2 BR	4		938 sq ft	3	X 125sf	500
B4	2 BR	12		1049 sq ft	3	X 125sf	1500
B6	2 BR	4		1070 sq ft	3	X 125sf	500
C1	2 BR	8	17%	1014 sq ft	3	X 125sf	1000
C2	2 BR	12		1028 sq ft	3	X 125sf	1500
C3	2 BR	4		1023 sq ft	3	X 125sf	500
D	2 BR	3	2%	1192 sq ft	3	X 125sf	375
Total Open Space Required for this Project 16,775 sq ft required							

25. ENVIRONMENTAL MITIGATIONS COMPLIANCE CONDITIONS

A. Erosion Control/Grading/Short-Term Construction Impacts Air Quality

- a. all unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction ...wetting could reduce fugitive dust by as much as 50 %
- b. The owner or contractor shall keep the construction area sufficiently damp to control dust...caused by wind.

WE ARE IN PHASE III of a Water conservation plan per the DWP.

Because we are in a drought, there are already water restrictions on everyone. If there are drought restrictions placed on the contractors, that restrict or reduce the amount of water that is used to mitigate their construction, this will cause unreasonable hardship to the sensitive receptors comprised of the elderly neighbors, the young who live in our complex, the school kids.

B. Noise

Construction noise of the project 2 doors down was UNBEARABLE for those units that were on our western edge. They were subjected to incessant pounding and shaking in their units. And this, from a project site that was 200 feet away. This project will be within 7 feet of us. NOISE mitigations must be restricted much further and many more steps taken to alleviate the mayhem that occurs daily on a construction site.

C. General Construction

Many of these conditions were hard fought and won on the 78-CONDO project (see mitigations in place on simultaneous Tentative Tract Map Conditions -- Council File 07-3505) These must be incorporated.

26) REPORT OF IRREGULARITIES in BUILDING & SAFETY NOT CORRECTLY IDENTIFYING COMMUNITY AREA PROJECT APPLICATION WAS FILED IN

Planning (and/or the developer) filed the original case stating the properties were in a different community. The original documents claimed the properties were in Valley Circle, rather than Valley Village.

COUNCIL FILE No. 07-3505 "NOT SCANNED PROPERLY" -- various elements blanked out or not included

PARCEL PROFILE REPORT FOR 11927 on ZIMAS (AFTER 5' STREET DEDICATION) -- Doesn't show a lot tie between 11927 and 11933 and ASSESSOR INFORMATION is missing and has been for quite a while.

LOT TIE MAP & ABUTTING OWNER LABELS are sitting in the file, but the lot tie hasn't occurred yet. Dated 5/11/09 in planning file to go out to the 108 abutting owners with a warning notification from the preparer that *"this map must be filed within (90) days from the date on the map"* Reference: 5/28/09 2:43p Sevana Mailian, The Planner phone call to Jennifer Reed - "there is no application for a Lot Tie in the file, I checked and there is nothing filed in B&S or at the Planning Counter for a lot tie by the Applicant. It is not in his Master Land Use application. The

labels and map with the lot tie illustration (with a reminder that the notification must be sent out within 90 days of ordering the labels) are merely for the planning department file. The Planner then said " Before a permit can be issued the lot tie must occur -- the application for a LOT TIE takes about 2 to 3 days -- to be completed at the time of getting a permit". When asked WHO ordered the labels?, she could not say. Most irregular and improper for the PLANNING DEPT to be ordering the DEVELOPER's LABELS without his having applied for and paid a fee for that service.

FAULTY NOTIFICATIONS OF DIR-2008-1178-DB-SPP & CEQA: ENV-2008-1179-MND

"CHANGING HORSES" WITH THE GOVERNING LAWS of the PROPOSED PROJECT following the 5-5-09 visit by Jennifer Reed to the community planning counter and consultation with Dan O'Donnel to point out how the 11933 project needed to be redesigned and the whole building set back further to comply with the LA Enabling Ordinance 179,681

28) LACKING ECONOMIC FEASIBILITY:

12-03-08 Alan Boivin Architect letter to Sevana Mailian (he dated it Nov 24,2008) stamped as rec'd by 12-03-08 says **in a short narrative letter describing "need" for height with no economic data to back up the need. This does not meet the test of 65915. He states:** No increase in FAR is being requested, yet HEIGHT is stated at a total of 48.5' (aka 48 feet 6 inches)

29) LACKING CORRECT PROCEDURE and therefore should not be approved:

The applicant failed to file for a ZA determination (an appealable determination) to JOIN the density of the two zones on the site into one and to waive the required setbacks at the middle of the combined sites.

Reference: 5/28/09 2:43p Sevana Mailian, The Planner phone call to Jennifer Reed -- "there is no application for a Lot Tie in the file, I checked and there is nothing filed in B&S or at the Planning Counter for a lot tie by the Applicant. It is not in his Master Land Use application. The labels and map with the lot tie illustration (with a reminder that the notification must be sent out within 90 days of ordering the labels) are merely for the planning department file."

30) The City Council electronic files that should accurately reflect the conditions previously set with the CONDO Tract Map yet are incomplete after 4 attempts by the community to rectify them.

CITY OF LOS ANGELES
PLANNING DEPARTMENT

MASTER APPEAL FORM

APPEAL TO THE: Planning Commission
 REGARDING CASE NO.: DIR 2008-1178-DB-SPP
and CEQA ENV-2008-1179-MND

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.

APPELLANT INFORMATION: PLEASE PRINT CLEARLY

Name Anthony J. Braswell
Members of the Board of Neighborhood Council Valley Village
 Mailing Address Po Box 4703
Valley Village CA Zip: _____
 Work Phone: (310) 423 4472 Home Phone: (818) 759 8204

- a) Are you or do you represent the original applicant?
 (Circle One) YES ☒ NO
- b) Are you filing to support the original applicant's position?
 (Circle One) YES ☒ NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?
 (Circle One) SELF ☒ OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)

The Board of NCVV is filing this appeal on
behalf of our stakeholders

REPRESENTATIVE

Name Anthony J. Braswell
 Mailing Address P.O. Box 4703
Valley Village CA Zip: _____
 Work Phone: (same as above) Home Phone: (same as above)

APPEAL INFORMATION

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

Final Date to Appeal: _____

REASONS FOR APPEALING

Are you appealing the entire decision or parts of it?

☒ Entire☐ Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

- #5 ✓ Excessive Height/Bulk
 #2 ✓ Lack of Consultation with Neighborhood Council
 (2) ✓ Procedural Irregularities
 ✓ Failure to Adequately Address Traffic/Safety Impact
 (4) ✓ Failure to Require Mandated Down Zoning
 (4) ✓ Precedent for Spot Zoning

ADDITIONAL INFORMATION

- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. A copy of the determination/decision letter is required.
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- Seven copies and the original appeal are required.

I certify that the statements contained in this application are complete and true:

Appellant Cathy Brewer for NCVV stakeholders**OFFICIAL USE ONLY**Receipt No. 278343 Amount \$102.00 Date 6/02/09

Application Received

Application Deemed Complete

Copies provided:

☒ Determination☐ Receipt (original applicant only)

Determination Authority Notified (if necessary)

☒

June 1, 2009

DRAFT APPEAL LETTER REGARDING 11933 MAGNOLIA BLVD PROJECT.

RE: DIR 2008-1178-DB-SPP

The members of the Board of Neighborhood Council Valley Village (NCVV) hereby appeal the conditional approval ("Approval") of the Density Bonus Compliance Review and Project Permit Compliance Review for 11933 Magnolia Boulevard; the adoption of ENV-2008-1179-MND; the approval of a 35 percent density bonus; the approval of a height incentive of up to a 12 foot, 7 inch deviation from the height limit and the adoption of the Findings with regard to Case No. DIR-2008-1178-DB-SPP (location 11933 Magnolia Boulevard). This appeal is filed on multiple grounds, including the following:

1. Excessive Height/Bulk:

The proposed project is exceptionally out of scale with the surrounding community. The Valley Village Specific Plan mandates a maximum height of 36 feet. Development of this site does not reflect the prevailing character of the community, and will stand dramatically at odds with adjoining properties. The Approval purports to limit the building height to 48 feet 7 inches (already over 12 feet in excess of the maximum permitted under the Specific Plan), but also now provides that stair towers, elevator shafts and other roof projections may exceed 48 feet 7 inches. The total height will in many places be even farther in excess of the permissible standards under the Specific Plan. We believe that appropriate consideration was not given to encroachment on the privacy and sunlight of adjacent owners. We believe this decision also includes failure to require appropriate step backs and other measures to mitigate bulk of the project.

2. Lack of Consultation with Neighborhood Council Valley Village:

While there was initial discussion between the developer and Neighborhood Council, that communication has not continued. The developer presented the original condominium proposal to the Planning and Land Use Committee of NCVV. The scaled up version has not been presented to the Committee or to the Board. The failure of the Director to require review by NCVV prior to approval, and to consider the input of NCVV, demonstrates a disregard for the community, and is an inappropriate use of discretionary authority. We believe the Planning department should have required continued consultation with NCVV.

3. Procedural Irregularities:

The basis for approval of the DIR has shifted at the 11th hour from the City's now discredited Density Bonus Implementing Ordinance No.179681, to Govt. Code 65915. However, the applicant has not complied with the requirements of section 65915. For example, the applicant has not carried his burden of proving that the incentives are required in order to make the project financially feasible, and approval by the Director without the required showing is an inappropriate use of discretionary authority. Moreover, NCVV was given no notice of the change in basis for this project. Furthermore, the change in basis appears to have occurred after the Director had already determined to approve the Project, thus

the required analysis under section 65915 cannot have been performed in good faith. It is our opinion that the additional height that exceeds the Valley Village Specific Plan is not necessary in order for this project to provide affordable housing to the community.

4. Failure to Adequately Address Traffic /Safety Impact:

The project will increase many times over the amount of cut-through traffic on Ben Avenue and Radford Avenue to the south of Magnolia Blvd., and cars will further congest the entirely single family neighborhood they transect.

The project will increase many times over the amount of cut-through traffic on Agnes and Ben Avenue to the north of Magnolia, dramatically raising the amount of cars in a very pedestrian area that includes the Ben, Weddington, Radford rectangle. The surrounding streets for the most part have no sidewalks or infrastructure to protect the bicyclists or pedestrians. Approval under these circumstances displays a disregard for the safety of our stakeholders, particularly residents and students of the two immediately affected schools, one within 500 feet and another within 1200 feet of the project. The director has failed to give adequate consideration to the health and safety impact of additional traffic, as well as the added parking burdens this project will cause.

Traffic counts are demonstrably inaccurate. Many of the intersections on Magnolia Blvd in the vicinity of this project are already at level LOS F and the mitigations implemented have not reduced this level of service at the intersections or on local streets.

The scale of this project also compromises the safety of neighborhood; the congestion it brings to the substandard surrounding streets will hamper efforts to safely evacuate the community in the event of natural disaster, and impede the ability of response in the event of emergency (fire, health/safety or crime) in for residents living in the immediate area.

5. Failure to Require Mandated Down-Zoning:

This property is over zoned; in our opinion the property was improperly allowed to escape down-zoning to RD 1.5 upon change of ownership as required by AB283. When appropriately regarded as an RD 1.5 property, the project does not qualify for the density bonuses approved by the Director, and it is our opinion this decision to approve density bonuses *on an ineligible property* is an inappropriate use of discretionary authority.

6. Precedent for Spot Zoning:

We have a specific concern that the excessive height and bulk of this project will in the future be improperly cited as a precedent for variances and exceptions to the Specific Plan, enabling opportunities for projects that are not presently entitled to density bonus.

Exhibit C

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

11927-11935 Magnolia Bl., 11945-11959 Magnolia Bl., 5226-5238 Ben Av.
DOT Case No. SFV-2006-173

Date: March 5, 2009

To: Mike Young, Associate Zoning Administrator
Department of City Planning

From: Sergio D. Valdez, Transportation Engineer
Department of Transportation

Subject: **CLARIFICATION OF CUMULATIVE TRAFFIC ASSESSMENT FOR THREE PROPOSED RESIDENTIAL PROJECTS AT THE INTERSECTION OF MAGNOLIA BOULEVARD AND BEN AVENUE IN VALLEY VILLAGE**

VTT-65785, VTT-67012, TT-66949

The Department of Transportation (DOT) has completed the revised cumulative traffic assessment for the three proposed residential projects located at 11927-11935 Magnolia Boulevard, 11945-11959 Magnolia Boulevard, and 5226-5238 Ben Avenue, at the intersection of Ben Avenue and Magnolia Boulevard in Valley Village. This traffic assessment is based on a traffic study prepared by Hirsch/Green Transportation Consulting, Inc. dated November 26, 2008. After careful review of the pertinent data, DOT has determined that the traffic study, as revised, adequately describes the project related traffic impacts of the proposed development.

DISCUSSION AND FINDINGS

The three proposed projects consist of a total of 119 new condominiums and 146 apartments. Two of the three projects have since begun construction. Prior to their vacation, the sites were occupied by three single family homes and a total of 87 apartment homes. The three proposed projects will generate a total of 955 net new daily trips, 73 new a.m. peak hour trips and 85 new p.m. peak hour trips, as shown in Table 1 below. The trip generation estimates are based on formulas published by the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition, 2003.

Table 1: Project Trip Generation Estimates

ITE Code/Use Description	Unit	Net Change to Units			Daily Trips	a.m. Peak Hour Trips			p.m. Peak Hour Trips		
		+ Proposal	- Existing	= Change		IN	OUT	TOTAL	IN	OUT	TOTAL
230 / Condominium/townhouse	Dwelling Unit	119		119	697	10	44	54	40	21	61
220 / Apartments	Dwelling Unit	146	(87)	59	396	7	24	31	25	12	37
210 / Single family detached housing	Dwelling Unit		(3)	(3)	(29)	(1)	(2)	(3)	(2)	(1)	(3)
Less 10% reduction for transit trips:					(109)	(2)	(7)	(9)	(7)	(3)	(10)
Net project trips:					955	14	59	73	56	29	85

The traffic study was revised by recalculating the existing and projected volume-to-capacity (v/c) ratios and levels of service (LOS) at the study intersections after making the following changes:

- The project trip distribution was changed slightly to reflect a greater utilization of local streets during the peak hour periods.

- Lane configuration at the intersection of Colfax Avenue and Magnolia Boulevard was changed to include a functional right-turn only lane as specified by DOT policies and procedures: "Assumed unmarked lanes will be allowed in the capacity calculation if the lane is a minimum of 22 feet wide, with no bus stops and low pedestrian volume in the peak hour,"

The traffic study reviewed six intersections for traffic impacts.

DOT's policy on significant transportation impact thresholds is summarized in Table 2. DOT has determined that the proposed project will have a significant traffic impact at the intersection of Ben Avenue and Magnolia Boulevard and at the intersection of Colfax Avenue and Magnolia Boulevard as shown in Table 3, which is a summary of the volume-to-capacity ratios and levels of service at the study intersections.

Table 2: Significant Transportation Impact Thresholds

Level of Service	Projected future Volume to Capacity Ratio (v/c), including Project	Project-Related Impact ($\Delta v/c$)
C	between 0.701 and 0.800	≥ 0.040
D	between 0.801 and 0.900	≥ 0.020
E, F	≥ 0.901	≥ 0.010

The Department of Transportation recommends that the following Project Requirements be adopted as conditions of project approval in order to mitigate the project's traffic impact to less than significant levels.

PROJECT REQUIREMENTS

A. Physical Mitigation Measures

The intersection of Ben Avenue and Magnolia Boulevard will be mitigated to a less-than-significant level by widening Magnolia Boulevard as specified below and restriping to provide a westbound right turn lane approach to Ben Avenue, and by restriping the southbound approach to provide a left turn only lane. This was previously required in our March 6, 2007 letter and will continue to be required.

In addition, the impacted intersection of Colfax Avenue and Magnolia Boulevard will be mitigated to a less-than-significant level by widening Magnolia Boulevard by approximately five feet to provide a roadway width of at least 25 feet, and by restriping the eastbound approach to add a right turn only lane. Since the sidewalk in this area is 15 feet wide and the Standard Plan S-470-0, effective November 10, 1999 call for a 10-foot sidewalk on secondary highways no additional dedication will be required to implement this 5-foot widening.

The above mitigation measures shall be guaranteed through the B-permit process of the Bureau of Engineering (BOE) before the issuance of any building permit for this project. All physical improvements shall be completed to the satisfaction of DOT and BOE prior to the issuance of any certificate of occupancy.

B. Highway Dedications and Improvements

1. Magnolia Boulevard is a designated Secondary Highway in the Streets and Highways Element of the City's General Plan, and consists of a 32-foot half roadway on a 40-foot half right-of-way. Standard Plan S-470-0, effective November 10, 1999, dictates that the standard cross section for a Secondary Highway is a 35-foot half-roadway on a 45-foot half right-of-way. A five-foot dedication and a three foot widening is required to bring the adjacent frontage of Magnolia Boulevard up to the standard required by the General Plan.
2. Ben Avenue is a designated Local Street in the General Plan, and consists of a 18-foot half roadway on a 30-foot half right-of-way. Standard Plan S-470-0 dictates that the standard cross section of a Local Street is a 18-foot half roadway on a 30-foot half right-of-way. No further

improvements to this street are required.

The applicant should contact the Bureau of Engineering (BOE) to determine exact dedication and widening standards and to ensure compliance of these requirements of the municipal code. The applicant should contact BOE to determine any other required street improvements.

All required street improvements shall be guaranteed through the B-permit process of BOE before the issuance of any building permit for this project. These measures shall be completed to the satisfaction of DOT and BOE prior to the issuance of any certificate of occupancy.

C. Site Access and Internal Circulation

This determination does not include final approval of the project's driveways, internal circulation, and parking scheme. However, the following general comments do apply:

1. No access to the 11945-11959 Magnolia project shall be allowed from Magnolia Boulevard, unless exception is given by DOT.
2. All driveways shall be designed in accordance with BOE Standard Plan S-440-3, and shall be designed using case 2, unless exception is given by DOT or BOE.
3. All two-way driveways shall be 30 feet wide, exclusive of side slopes.
4. To minimize conflict between vehicles using adjoining driveways, a minimum of 50-feet of full-height curb shall be provided between all proposed driveways.
5. To avoid vehicles encroaching onto the public right-of-way, a minimum 20-foot reservoir space (distance between property line and first parking stall) shall be provided at all ingress driveways for lots containing up to 100 spaces, and a minimum 40-foot reservoir space shall be provided at all ingress driveways for lots containing 101 to 300 spaces.

Final DOT approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting a detailed site and/or driveway plan, at a scale of at least 1" = 40', to DOT's Valley Development Review Section at 6262 Van Nuys Boulevard, Suite 320, Van Nuys, 91401, prior to submittal of building plans for plan check to the Department of Building and Safety.

If you have any questions, you may contact me or Ken Aitchison or my staff at (818) 374-4699.

c: Second Council District
DOT East Valley District
Tim Conger, DOT Geometric Design
Edmond Yew, BOE Land Development Group
Ali Nahass, BOE Valley District
Ron Hirsch, Hirsch/Green Transportation Consulting, Inc.
Gary Schaffel, Schaffel Development Co., Inc.
11933 Magnolia Ventures, LLC
11 Magnolia, LLC

Table 2: Significant Transportation Impact Thresholds

Level of Service	Projected future Volume to Capacity Ratio (v/c), including Project	Project-Related Impact ($\Delta v/c$)
C	between 0.701 and 0.800	≥ 0.040
D	between 0.801 and 0.900	≥ 0.020
E, F	≥ 0.901	≥ 0.010

Table 3: Summary of Volume to Capacity Ratios (v/c) and Levels of Service (LOS)

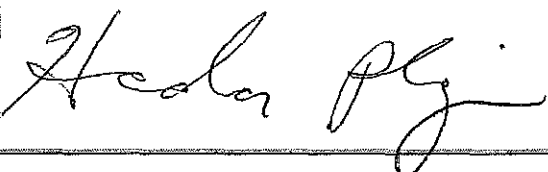
Cumulative Condominium Study
11927-11935 Magnolia Bl., 11945-11959 Magnolia Bl., 5226-5238 Ben Av.

Intersection	Peak Hour	Year 2006 Existing		Year 200X without Project		Year 200X with Project		Project Impact	Year 200X with mitigation	
		v/c	LOS	v/c	LOS	v/c	LOS	$\Delta v/c$	v/c	$\Delta v/c$
Laurel Canyon Bl & Chandler Bl	AM	0.849	D	0.913	E	0.915	E	0.002	---	---
	PM	0.644	B	0.693	B	0.696	B	0.003	---	---
Ben Av & Chandler Bl	AM	0.360	A	0.401	A	0.402	A	0.001	---	---
	PM	0.235	A	0.275	A	0.276	A	0.001	---	---
Laurel Canyon Bl & Weddington Av	AM	0.713	C	0.771	C	0.771	C	0.000	---	---
	PM	0.610	B	0.663	B	0.666	B	0.003	---	---
Laurel Canyon Bl & Magnolia Bl	AM	1.113	F	1.243	F	1.252	F	0.009	---	---
	PM	1.002	F	1.140	F	1.148	F	0.008	---	---
Ben Av & Magnolia Bl	AM	0.815	D	0.953	E	0.972	E	0.019*	0.962	0.009
	PM	0.746	C	0.916	E	0.946	E	0.030*	0.902	-0.014
Colfax Av & Magnolia Bl	AM	0.930	E	1.086	F	1.102	F	0.016*	1.032	-0.054
	PM	0.979	E	1.165	F	1.173	F	0.008	1.141	-0.024

*Significantly impacted intersection

Exhibit D

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
PROPOSED MITIGATED NEGATIVE DECLARATION

LEAD CITY AGENCY LOS ANGELES CITY PLANNING DEPARTMENT		COUNCIL DISTRICT 2
PROJECT TITLE ENV-2008-1179-MND		CASE NO. DIR-2008-1178-SPP-SPR-DB
PROJECT LOCATION 11933 WEST MAGNOLIA BOULEVARD; NORTH HOLLYWOOD-VALLEY VILLAGE, 91607		
PROJECT DESCRIPTION PROJECT PERMIT COMPLIANCE FOR COMPLAINT WITH THE VALLEY VILLAGE SPECIFIC PLAN; DENSITY BONUS TO PERMIT 146 DWELLING UNITS IN LIEU OF 109 ALLOWED ON R3-1/R-4 ZONE AND FLOOR AREA RATIO OF 4:1 IN LIEU OF 3:1 AND HEIGHT OF 48.5-FEET IN LIEU OF 36-FEET; SITE PLAN REVIEW ALL IN CONJUNCTION WITH A NEW 146-UNIT, 154,908 SQUARE-FOOT RESIDENTIAL APARTMENT PROJECT WITH 266 PARKING SPACES ON A 59,450 SQUARE-FOOT LOT DEVELOPED WITH A 51-UNIT APARTMENT WITHIN TWO STRUCTURES IN THE R3-1 AND R4-1 ZONES. REMOVAL OF TREES.		
NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY 11933 MAGNOLIA VENTURES LLC 15235 BURBANK BOULEVARD, SUITE C VAN NUYS, CA 91411		
FINDING: The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measure(s) outlined on the attached page(s) will reduce any potential significant adverse effects to a level of insignificance <div style="text-align: center;">(CONTINUED ON PAGE 2)</div>		
SEE ATTACHED SHEET(S) FOR ANY MITIGATION MEASURES IMPOSED.		
Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt the mitigated negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.		
THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.		
NAME OF PERSON PREPARING THIS FORM ANITA BIZZELL	TITLE CITY PLANNING ASSISTANT	TELEPHONE NUMBER (213) 978-1356
ADDRESS 200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012	SIGNATURE (Official) 	DATE APRIL 22, 2009

3

6

I b2. Aesthetics (Landscaping)

- Environmental impacts to the character and aesthetics of the neighborhood may result from project implementation. However, the potential impacts will be mitigated to a level of insignificance by the following measure:
- All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.

I b4. Aesthetics (Graffiti)

- Environmental impacts may result from project implementation due to graffiti and accumulation of rubbish and debris along the wall(s) adjacent to public rights-of-way. However, this potential impact will be mitigated to a level of insignificance by the following measures:
- Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
- 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.

I b7. Aesthetics (Landscape Buffer)

- Environmental impacts to adjacent residential properties may result due to the proposed use on the site. However, the potential impact will be mitigated to a level of insignificance by the following measures:
- A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
- A landscape plan shall be prepared by a licensed landscape architect to the satisfaction of the decision maker.

I c1. Aesthetics (Light)

- Environmental impacts to the adjacent residential properties may result due to excessive illumination on the project site. However, the potential impacts will be mitigated to a level of insignificance by the following measure:
- Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

III d1. Air Pollution (Stationary)

- Adverse impacts upon future occupants may result from the project implementation due to existing ambient air pollution levels in the project vicinity. However, this impact can be mitigated to a level of insignificance by the following measure:
- **RESIDENTIAL** - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.

IV d. Wildlife Corridor

- Environmental impacts from project implementation may result in: 1) conversion and/or disturbance of existing animal habitat area on-site and proximal to the site, and 2) disruption of access corridors between habitat areas. However, these impacts will be mitigated to a level of insignificance by the following measures:
- **Nesting Native Birds** - The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
 - a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
 - b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat the applicant shall:
 - i. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.

- ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31.
- iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- iv. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

IV f. Tree Removal (Non-Protected Trees)

- Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a level of insignificance by the following measures:
- Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.
- The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker.
- The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.
- Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: 213-847-3077.

VI aii. Seismic

- Environmental impacts may result to the safety of future occupants due to the project's location in an area of potential seismic activity. However, this potential impact will be mitigated to a level of insignificance by the following measure:
- 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.

VI b2. Erosion/Grading/Short-Term Construction Impacts

- Short-term air quality and noise impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a level of insignificance by the following measures:
- **Air Quality**
- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- **Noise**
- The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

- Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- **General Construction**
- 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.
- All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
- Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
- All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

VI c1. Liquefaction

- Environmental impacts may result due to the proposed project's location in an area with liquefaction potential. However, these potential impacts will be mitigated to a level of insignificance by the following measures:
- The project shall comply with the Uniform Building Code Chapter 18, Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss which requires the preparation of a geotechnical report. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration.
- Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

VII b5. Explosion/Release (Asbestos Containing Materials)

- Due to the age of the building(s) being demolished, asbestos-containing materials (ACM) may be located in the structure(s). Exposure to ACM during demolition could be hazardous to the health of the demolition workers as well as area residents and employees. However, these impacts can be mitigated to a level of insignificance by the following measure:
- Prior to the issuance of any demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other State and Federal rules and regulations.
- Prior to issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

VIII c2. Single Family Dwelling (10+ Home Subdivision/Multi Family)

- Environmental impacts may result from the development of this project. However, the potential impacts will be mitigated to a level of insignificance by incorporating stormwater pollution control measures. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).

- Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
- Guest parking lots constitute a significant portion of the impervious land coverage. To reduce the quantity of runoff, parking lots can be designed one of two ways:
 - *Hybrid Lot* - parking stalls utilize permeable materials, such as crushed aggregate, aisles are constructed of conventional materials such as asphalt.
 - *Parking Grove* - is a variation on the permeable stall design, a grid of trees and bollards are added to delineate parking stalls. This design presents an attractive open space when cars are absent, and shade when cars are present.
- Paint messages that prohibits the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- Promote natural vegetation by using parking islands and other landscaped areas.
- All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- Legibility of stencils and signs must be maintained.
- Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- Runoff from hillside areas can be collected in a vegetative swale, wet pond, or extended detention basin, before it reaches the storm drain system.
- Cut and fill sloped in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.

- 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.

VIII c8. Parking Lots with 25 or More Spaces or 5,000 Square-feet of Lot Area (Residential, Commercial, Industrial, Public Facility)

- Environmental impacts may result from delivery vehicles and customer and employee vehicles transferring contaminants (gasoline, oil, grease, sediments) to the parking lot and release toxins into the stormwater drainage channels. However, the potential impacts will be mitigated to a level of insignificance by incorporating stormwater pollution control measures. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).
- Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- Maximize trees and other vegetation at each site by planning additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- Promote natural vegetation by using parking lot islands and other landscaped areas.
- Preserve riparian areas and wetlands.
- Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair, and maintain the outlet protection after each significant rain.
- All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- Legibility of stencils and signs must be maintained.
- Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).
- Trash container areas must be screened or walled to prevent off-site transport of trash.
- Reduce impervious land coverage of parking lot areas.
- Infiltrate runoff before it reaches the storm drain system.

MITIGATED NEGATIVE DECLARATION

ENV-2008-1179-MND

- Runoff must be treated prior to release into the storm drain. Three types of treatments are available, (1) dynamic flow separator; (2) a filtration or (3) infiltration. Dynamic flow separator uses hydrodynamic force to remove debris, and oil and grease, and are located underground. Filtration involves catch basins with filter inserts. Filter inserts must be inspected every six months and after major storms, cleaned at least twice a year. Infiltration methods are typically constructed on-site and are determined by various factors such as soil types and groundwater table.
- Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- 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.
- Prescriptive Methods detailing BMPs specific to this project category are available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the City's website at: www.lastormwater.org. (See Exhibit D).

IX b. Environmental Plans/Policies

- Environmental impacts may result from project implementation due to an incompatibility with applicable environmental plans or policies. However, the potential impacts can be mitigated to a level of insignificance by the following measure:
- The applicant shall comply with mitigation measures required by this MND.
- Exceed Title 24 (2007 standard) building energy efficiency minimum requirements by a minimum of 14% (The applicant is advised that exceeding the minimum requirement by 15% may make the project eligible for federal Energy Star rating).
- Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

XI a1. Increased Noise Levels (Parking Wall)

- Environmental impacts to the adjacent residential properties may result due to noise from parking on the site. However, this potential impact will be mitigated to a level of insignificance by the following measure:
- A 6-foot-high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists.

XI a2. Increased Noise Levels (Parking Structure Ramps)

- Environmental impacts may result from project implementation due to noise from cars using the parking ramp. However, the potential impacts will be mitigated to a level of insignificance by the following measures:
- Concrete, not metal, shall be used for construction of parking ramps.
- The interior ramps shall be textured to prevent tire squeal at turning areas.
- Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

XI e1. Severe Noise Levels (Aircraft Noise - Residential)

- Environmental impacts to future occupants may result from project implementation due to aircraft noise. However, this potential impact will be mitigated to a level of insignificance by the following measures:
- All exterior windows shall be constructed with double-pane glass.
- Before the granting of a building permit, an acoustical engineer shall specify the CNEL contour within which the building will be located and, based on such CNEL contours, the measures necessary to achieve an interior noise level which will not exceed 45 dBA in any habitable room.

XII d. Relocation

- Environmental impacts may result from project implementation due to relocation of families. However, these potential impacts will be mitigated to a level of insignificance by submitting a relocation plan to the decision maker for approval.

XIII a. Public Services (Fire)

- Environmental impacts may result from project implementation due to the location of the project in an area having marginal fire protection facilities. However, this potential impact will be mitigated to a level of insignificance by the following measure:

EXHIBIT D

CITY OF LOS ANGELES – STORMWATER PROGRAM

Prescriptive Method Standard Urban Stormwater Mitigation Plan

PARKING LOTS

OBJECTIVE

The prescriptive method described in this bulletin meets the minimum requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) for a parking lot $\geq 5,000$ square feet (sf) but not more than 20,000 sf, or ≥ 25 parking spaces but not more than 50 parking spaces. As a prescriptive method, all requirements specified herein shall be incorporated into the development plan. Should an alternate method of compliance or an alternate product/manufacture be used, the applicant shall prepare a site-specific plan indicating the alternate and its details. Such plan must be submitted for review and approval.

REQUIREMENTS

Site Drainage

The site drainage alternatives for a parking lot development can include one, or a combination of, the following: an infiltration trench; a hydrodynamic system; or a catch basin (CB) with filter insert. The infiltration trench or CB with filter insert, if selected, shall be used for every 5,000 sf area. The hydrodynamic system shall be used for lot areas up to 20,000 sf. The site shall be graded to drain to the drainage system.

- Hydrodynamic system can be one of the following:
 - StormCeptor® 450/ (StormCeptor® Corp., Web Site: <http://www.csrstormceptor.com>)
 - Vortechincs™ 1000 (Vortechincs, Inc., Web Site: <http://www.vortechincs.com>)
 - Jensen® Interceptor JPHV-750 (Jensen® Precast, Web Site: <http://www.jensenprecast.com>)
 - V2B1™ V2-3 (Environment 21, Web Page: <http://www.env21.com>)
- Infiltration trench
 - Infiltration trench must **not** be used if either one of the following site conditions exist:
 - Project is located in the **San Fernando Valley/Upper Los Angeles River Area** watershed
 - Groundwater table/depth beneath the site is less than 10 feet below ground surface.
 - Site soil lithology consists primarily of clay
 - Parking lot is located in industrial areas or areas of industrial activity as defined in the State of California NPDES General Permit for Discharges of Stormwater Associated with Industrial Activities.
 - Parking lot is located in an area immediately adjacent to, or if the project receives and/or has a potential to receive stormwater run on from areas subject to high vehicular traffic activity (25,000 or greater average daily traffic [ADT] on main roadway or 15,000 or more ADT on any intersecting roadway)
 - Project is located in hillside area (area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty five percent or greater)
 - The following factors must be considered if infiltration trench is selected:
 - Local site geology/soil characterization – The developer shall demonstrate that the site soil geology is appropriate for infiltration.
 - Location(s) of nearby or surrounding water supply wells – The developer shall demonstrate that risk of impact on nearby water supply wells due to infiltration, is not likely to occur.
 - Groundwater depth.
 - Drainage site location.
 - Potential pollutants arising from use of the lot.
 - A soil report to address the feasibility of infiltration will be required to be submitted with the plan to LADBS for review and approval.
 - The infiltration trench configuration shall follow the specifications indicated in Figures 1 through 4. The primary components shall consist of the following:
 - Trench shall be 5'4" wide by 4'6" deep and 15' in length
 - Bottom infiltration layer shall be 18" thick & consist of fine sand

- Top infiltration layer shall be 3' thick & consist of $\frac{3}{4}$ inch clean and washed gravel free of organic material. The gravel shall be placed in lifts and compacted per ASTM D-1557.
- Geotextile fabric filter liner
- Shall contain a vegetated buffer 10' wide at inflow side and cable concrete mat as shown in Figures 1 and 5.
- Two inch diameter observation well (cap secured with lock) located at center of trench
- Overflow inlet
- Inflow curb openings for sheet flow to the trench
- Figure 5 shows an example infiltration trench
- Single grating CB with filter insert. CB shall be in accordance with the City of Los Angeles Standard Plan S-355-0 with depth modified to accommodate drainage elevations. Minimum depth of CB insert shall be 24 inches. Figure 6 shows an example CB insert. CB filter insert can be either of the following:
 - Aqua-Guard™ (AquaShield/Remedial Solutions, Inc., Web Site: <http://www.aquashieldinc.com>)
 - Ultra-Urban™ Filter Series DI2020 (Abtech Industries, Inc., Web Site: <http://www.abtechindustries.com>)
 - DrainPac™ (United Storm Water, Inc., Web Site: <http://www.unitedstormwater.com>)
 - Enviro-Drain® (Enviro-Drain®, Inc., Web Site: <http://www.members.aa.net/~filters>)
- Proofs of ongoing system maintenance shall be kept on site indicating at the minimum, type of system, operator name, activity date, and activity type. Refer to Provision No. 8 of the Final SUSMP.

Outdoor Material Storage Area (If included)

- Must be placed in an enclosure or bermed (secondary containment). The berm height shall be $\frac{1}{2}$ inch.
- Must be paved to contain leaks and spills.

Trash Storage Area (If included)

- Must be screened or walled to prevent off-site transport of trash.

FIGURE 1

Infiltration Trench Configuration

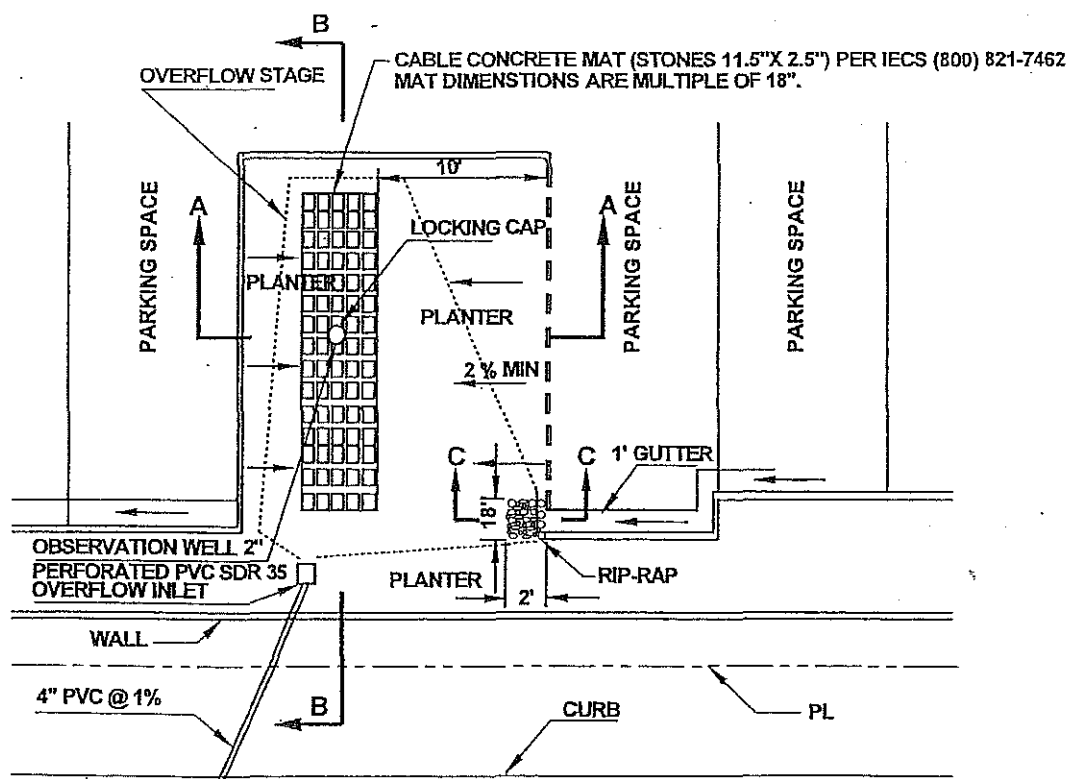
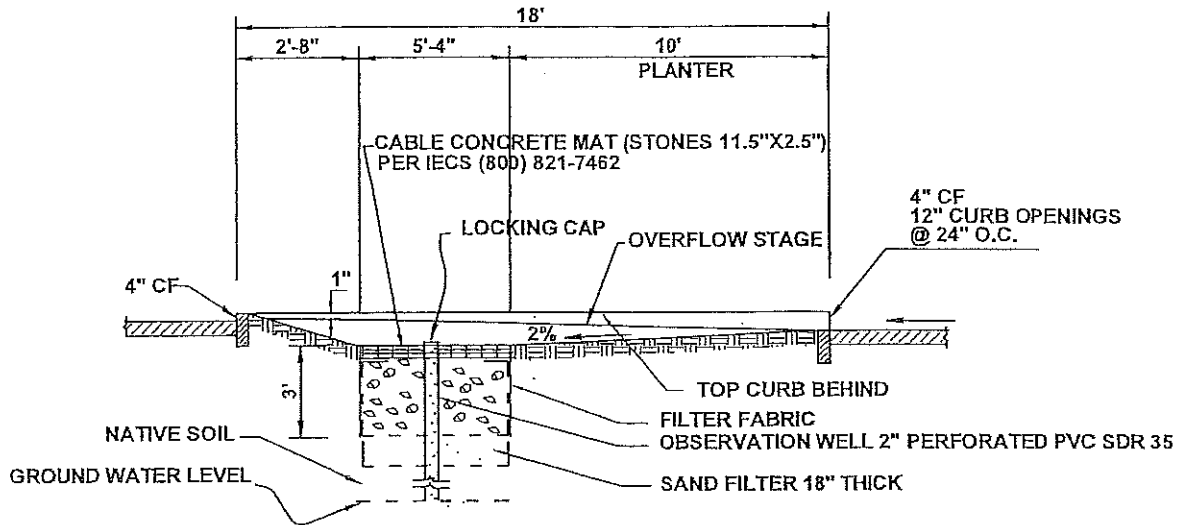


FIGURE 2

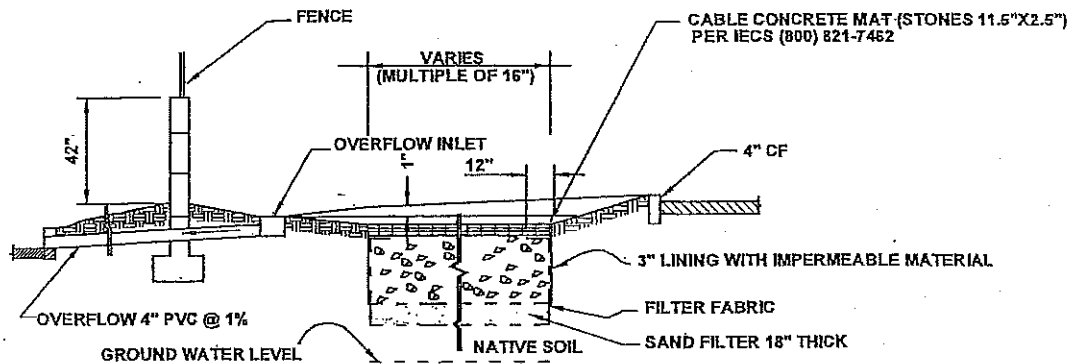
Infiltration Trench Configuration (Section A-A)



**SECTION A-A
NTS**

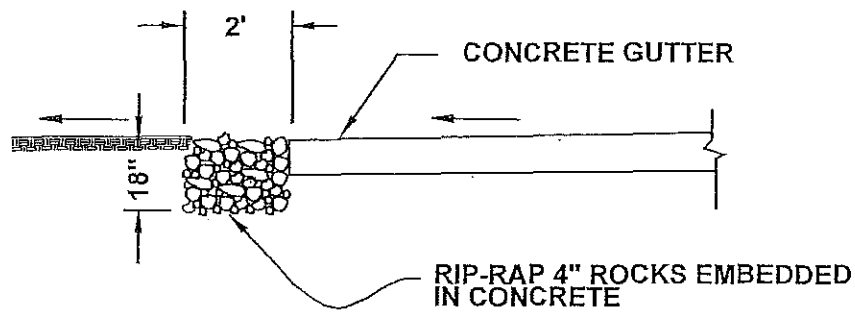
FIGURE 3

Infiltration Trench Configuration (Section B-B)



**SECTION B-B
NTS**

FIGURE 4
Infiltration Trench Configuration (Section C-C)



SECTION C-C
NTS

FIGURE 5
Example Infiltration Trench

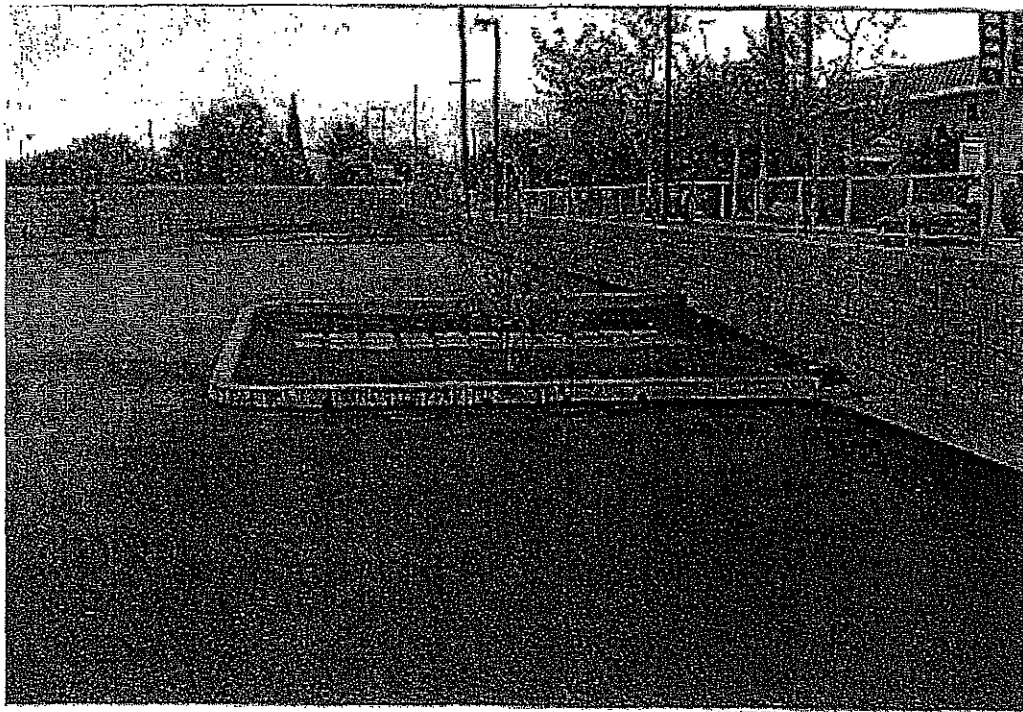
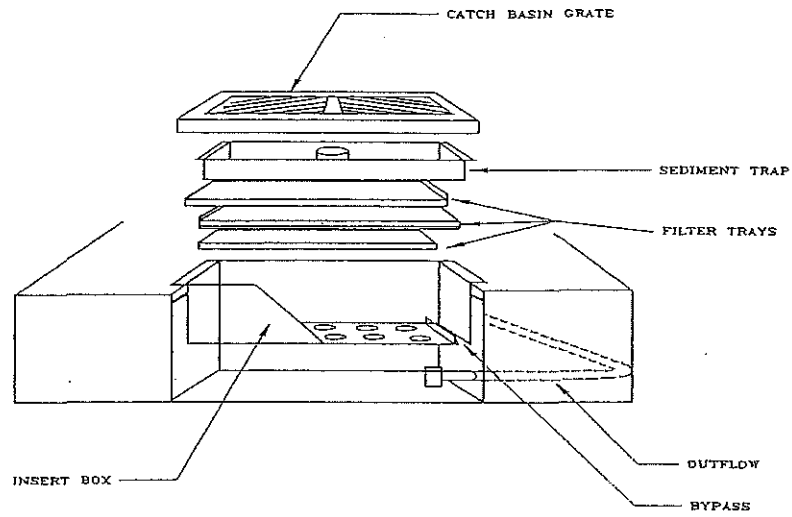


FIGURE 6
Example Catch Basin Insert



CATCH BASIN INSERT

- 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.

XIII b1. Public Services (Police General)

- Environmental impacts may result from project implementation due to the location of the project in an area having marginal police services. However, this potential impact will be mitigated to a level of insignificance by the following measure:
- 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.

XIII c1. Public Services (Schools)

- Environmental impacts may result from project implementation due to the location of the project in an area with insufficient school capacity. However, the potential impact will be mitigated to a level of insignificance by the following measure:
- 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.

XIII c2. Public Services (Schools)

- Environmental impacts may result from project implementation due to the close proximity of the project to a school. However, the potential impact will be mitigated to a level of insignificance by the following measures:
- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.
- There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
- Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.
- Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- The developer and contractors shall maintain ongoing contact with administrator of North Hollywood Senior High School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323)342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

XIII e. Public Services (Street Improvements Not Required By DOT)

- Environmental impacts may result from project implementation due to the deterioration of street quality from increased traffic generation. However, the potential impact will be mitigated to a level of insignificance by the following measure:
- The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation.

XV a1. Increased Vehicle Trips/Congestion

- An adverse impact may result from the project's traffic generation. An investigation and analysis conducted by the Department of Transportation has identified significant project-related traffic impacts which can be mitigated to an acceptable level by the following measure:

- Implementing measure(s) detailed in said Department's communication to the Planning Department dated January 12, 2009, and attached shall be complied with. Such report and mitigation measure(s) are incorporated herein by reference.

XV e. Inadequate Emergency Access

- Environmental impacts may result from project implementation due to inadequate emergency access. However, these impacts can be mitigated to a level of insignificance by the following measure:
- The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

XVI d. Utilities (Local or Regional Water Supplies)

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a level of insignificance by the following measures:
- The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- **(All New Construction, Commercial/Industrial Remodel, Condominium Conversions, and Adaptive Reuse)**
Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:

- a. High-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.

- b. Restroom faucets with a maximum flow rate of 1.5 gallons per minute.

Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

- **(All New Residential, Condominium Conversions, and Adaptive Reuse)**
Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall:
 - a. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
 - b. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
 - c. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
 - d. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

- **(Landscaping)**

In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- a. Weather-based irrigation controller with rain shutoff;
 - b. Matched precipitation (flow) rates for sprinkler heads;
 - c. Drip/microspray/subsurface irrigation where appropriate;
 - d. Minimum irrigation system distribution uniformity of 75 percent;
 - e. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; and
 - f. Use of landscape contouring to minimize precipitation runoff.
- g. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

XVI f. Utilities (Solid Waste)

- Environmental impacts may result from project implementation due to the creation of additional solid waste. However, this potential impact will be mitigated to a level of insignificance by the following measure:
- Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- To facilitate onsite separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

XVII d. End

- The conditions outlined in this proposed mitigated negative declaration which are not already required by law shall be required as condition(s) of approval by the decision-making body except as noted on the face page of this document.
- Therefore, it is concluded that no significant impacts are apparent which might result from this project's implementation.

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY
and CHECKLIST
(CEQA Guidelines Section 15063)

LEAD CITY AGENCY: LOS ANGELES CITY PLANNING DEPARTMENT		COUNCIL DISTRICT: CD 2 - WENDY GREUEL	DATE: 01/29/2009
RESPONSIBLE AGENCIES: DEPARTMENT OF CITY PLANNING			
ENVIRONMENTAL CASE: ENV-2008-1179-MND		RELATED CASES: DIR-2008-1178-SPP-SPR-DB	
PREVIOUS ACTIONS CASE NO.:		<input type="checkbox"/> Does have significant changes from previous actions. <input checked="" type="checkbox"/> Does NOT have significant changes from previous actions.	
PROJECT DESCRIPTION: NEW 146-UNIT APARTMENT BUILDING INCLUDING 37 DENSITY BONUS UNITS.			
ENV PROJECT DESCRIPTION: PROJECT PERMIT COMPLIANCE FOR COMPLAINT WITH THE VALLEY VILLAGE SPECIFIC PLAN; DENSITY BONUS TO PERMIT 146 DWELLING UNITS IN LIEU OF 109 ALLOWED ON R3-1/R-4 ZONE AND FLOOR AREA RATIO OF 4:1 IN LIEU OF 3:1 AND HEIGHT OF 48.5-FEET IN LIEU OF 36-FEET; SITE PLAN REVIEW ALL IN CONJUNCTION WITH A NEW 146-UNIT, 154,908 SQUARE-FOOT RESIDENTIAL APARTMENT PROJECT WITH 266 PARKING SPACES ON A 59,450 SQUARE-FOOT LOT DEVELOPED WITH A 51-UNIT APARTMENT WITHIN TWO STRUCTURES IN THE R3-1 AND R4-1 ZONES. REMOVAL OF TREES.			
ENVIRONMENTAL SETTINGS: THE PROJECT SITE IS A FLAT, IRRECTANGULAR-SHAPED, INTERIOR, PARCEL OF LAND CONSISTING OF TWO LOTS WITH AN APPROXIMATE 200 FOOT FRONTAGE ON THE NORTHERLY SIDE OF MAGNOLIA BOULEVARD. THE SITE IS WITHIN THE NORTH HOLLYWOOD-VALLEY VILLAGE COMMUNITY PLAN AREA, IS WITHIN 50 FEET OF NORTH HOLLYWOOD SENIOR HIGH SCHOOL, LIQUEFACTION AREA, FLOOD ZONE C, AND LOCATED 3.92 FROM THE NEAREST KNOWN FAULT. SURROUNDING USES MULTI-UNIT RESIDENTIAL IN THE R3-1 AND [Q]R3-1 ZONES.			
PROJECT LOCATION: 11933 WEST MAGNOLIA BOULEVARD; NORTH HOLLYWOOD-VALLEY VILLAGE, 91607			
COMMUNITY PLAN AREA: NORTH HOLLYWOOD - VALLEY VILLAGE STATUS: <input checked="" type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan		AREA PLANNING COMMISSION: SOUTH VALLEY	CERTIFIED NEIGHBORHOOD COUNCIL: VALLEY VILLAGE
EXISTING ZONING: R3-1 R4-1		MAX. DENSITY/INTENSITY ALLOWED BY ZONING:	
GENERAL PLAN LAND USE: MEDIUM RESIDENTIAL HIGH MEDIUM RESIDENTIAL		MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION:	
		PROPOSED PROJECT DENSITY:	
		LA River Adjacent: NO	

Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

CITY PLANNING ASSISTANT

Title

(213) 978-1356

Phone

Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," cross referenced).
5. Earlier analysis must be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whichever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> AESTHETICS	<input checked="" type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS	<input checked="" type="checkbox"/> PUBLIC SERVICES
<input type="checkbox"/> AGRICULTURAL RESOURCES	<input checked="" type="checkbox"/> HYDROLOGY AND WATER QUALITY	<input type="checkbox"/> RECREATION
<input checked="" type="checkbox"/> AIR QUALITY	<input checked="" type="checkbox"/> LAND USE AND PLANNING	<input checked="" type="checkbox"/> TRANSPORTATION/CIRCULATION
<input checked="" type="checkbox"/> BIOLOGICAL RESOURCES	<input type="checkbox"/> MINERAL RESOURCES	<input checked="" type="checkbox"/> UTILITIES
<input type="checkbox"/> CULTURAL RESOURCES	<input checked="" type="checkbox"/> NOISE	<input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE
<input checked="" type="checkbox"/> GEOLOGY AND SOILS	<input checked="" type="checkbox"/> POPULATION AND HOUSING	

INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

Background

PROPONENT NAME:

11933 MAGNOLIA VENTURES LLC

PHONE NUMBER:

(818) 787-2771

APPLICANT ADDRESS:

15235 BURBANK BOULEVARD, SUITE C
VAN NUYS, CA 91411

AGENCY REQUIRING CHECKLIST:

DEPARTMENT OF CITY PLANNING

DATE SUBMITTED:

03/27/2008

PROPOSAL NAME (if Applicable):

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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I. AESTHETICS				
a.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA?			✓
b.	SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING, BUT NOT LIMITED TO, TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS, OR OTHER LOCALLY RECOGNIZED DESIRABLE AESTHETIC NATURAL FEATURE WITHIN A CITY-DESIGNATED SCENIC HIGHWAY?			✓
c.	SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF THE SITE AND ITS SURROUNDINGS?	✓		
d.	CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA?	✓		
II. AGRICULTURAL RESOURCES				
a.	CONVERT PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USE?			✓
b.	CONFLICT THE EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT?			✓
c.	INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND, TO NON-AGRICULTURAL USE?			✓
III. AIR QUALITY				
a.	CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE SCAQMD OR CONGESTION MANAGEMENT PLAN?		✓	
b.	VIOLATE ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION?	✓		
c.	RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE AIR BASIN IS NON-ATTAINMENT (OZONE, CARBON MONOXIDE, & PM 10) UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD?		✓	
d.	EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS?		✓	
e.	CREATE OBJECTIONABLE ODORS AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE?			✓
IV. BIOLOGICAL RESOURCES				
a.	HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATION, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?			✓
b.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN THE CITY OR REGIONAL PLANS, POLICIES, REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?			✓
c.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT (INCLUDING, BUT NOT LIMITED TO, MARSH VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS?			✓
d.	INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS, OR IMPEDE THE USE OF NATIVE WILDLIFE NURSERY SITES?			✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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e.	CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS TREE PRESERVATION POLICY OR ORDINANCE (E.G., OAK TREES OR CALIFORNIA WALNUT WOODLANDS)?		✓		
f.	CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN?				✓
V. CULTURAL RESOURCES					
a.	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF A HISTORICAL RESOURCE AS DEFINED IN STATE CEQA 15064.5?				✓
b.	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO STATE CEQA 15064.5?			✓	
c.	DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE?			✓	
d.	DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES?				✓
VI. GEOLOGY AND SOILS					
a.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : RUPTURE OF A KNOWN EARTHQUAKE FAULT, AS DELINEATED ON THE MOST RECENT ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING MAP ISSUED BY THE STATE GEOLOGIST FOR THE AREA OR BASED ON OTHER SUBSTANTIAL EVIDENCE OF A KNOWN FAULT? REFER TO DIVISION OF MINES AND GEOLOGY SPECIAL PUBLICATION 42.				✓
b.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : STRONG SEISMIC GROUND SHAKING?		✓		
c.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : SEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION?		✓		
d.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : LANDSLIDES?				✓
e.	RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL?		✓		
f.	BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIAL RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE?		✓		
g.	BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY?				✓
h.	HAVE SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTE WATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTE WATER?				✓
VII. HAZARDS AND HAZARDOUS MATERIALS					
a.	CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS?				✓
b.	CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT?		✓		

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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c.	EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING OR PROPOSED SCHOOL?				✓
d.	BE LOCATED ON A SITE WHICH IS INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5 AND, AS A RESULT, WOULD IT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT?				✓
e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT RESULT IN A SAFETY HAZARD FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA?				✓
f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT RESULT IN A SAFETY HAZARD FOR THE PEOPLE RESIDING OR WORKING IN THE AREA?				✓
g.	IMPAIR IMPLEMENTATION OF OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN?				✓
h.	EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING WILDLAND FIRES, INCLUDING WHERE WILDLANDS ARE ADJACENT TO URBANIZED AREAS OR WHERE RESIDENCES ARE INTERMIXED WITH WILDLANDS?				✓

VIII. HYDROLOGY AND WATER QUALITY

a.	VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS?			✓	
b.	SUBSTANTIALLY DEplete GROUNDWATER SUPPLIES OR INTERFERE WITH GROUNDWATER RECHARGE SUCH THAT THERE WOULD BE A NET DEFICIT IN AQUIFER VOLUME OR A LOWERING OF THE LOCAL GROUNDWATER TABLE LEVEL (E.G., THE PRODUCTION RATE OF PRE-EXISTING NEARBY WELLS WOULD DROP TO A LEVEL WHICH WOULD NOT SUPPORT EXISTING LAND USES OR PLANNED LAND USES FOR WHICH PERMITS HAVE BEEN GRANTED)?				✓
c.	SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, IN A MANNER WHICH WOULD RESULT IN SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE?				✓
d.	SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN AN MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF SITE?			✓	
e.	CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF?			✓	
f.	OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY?		✓		
g.	PLACE HOUSING WITHIN A 100-YEAR FLOOD PLAIN AS MAPPED ON FEDERAL FLOOD HAZARD BOUNDARY OR FLOOD INSURANCE RATE MAP OR OTHER FLOOD HAZARD DELINEATION MAP?				✓
h.	PLACE WITHIN A 100-YEAR FLOOD PLAIN STRUCTURES WHICH WOULD IMPEDE OR REDIRECT FLOOD FLOWS?				✓
i.	EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING FLOODING, INCLUDING FLOODING AS A RESULT OF THE FAILURE OF A LEVEE OR DAM?				✓
j.	INUNDATION BY SEICHE, TSUNAMI, OR MUDFLOW?				✓

IX. LAND USE AND PLANNING

a.	PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY?				✓
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Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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b.	CONFLICT WITH APPLICABLE LAND USE PLAN, POLICY OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT (INCLUDING BUT NOT LIMITED TO THE GENERAL PLAN, SPECIFIC PLAN, COASTAL PROGRAM, OR ZONING ORDINANCE) ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?		✓		
c.	CONFLICT WITH ANY APPLICABLE HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN?				✓
X. MINERAL RESOURCES					
a.	RESULT IN THE LOSS OF AVAILABILITY OF A KNOWN MINERAL RESOURCE THAT WOULD BE OF VALUE TO THE REGION AND THE RESIDENTS OF THE STATE?				✓
b.	RESULT IN THE LOSS OF AVAILABILITY OF A LOCALLY-IMPORTANT MINERAL RESOURCE RECOVERY SITE DELINEATED ON A LOCAL GENERAL PLAN, SPECIFIC PLAN, OR OTHER LAND USE PLAN?				✓
XI. NOISE					
a.	EXPOSURE OF PERSONS TO OR GENERATION OF NOISE IN LEVEL IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES?		✓		
b.	EXPOSURE OF PEOPLE TO OR GENERATION OF EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS?				✓
c.	A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?		✓		
d.	A SUBSTANTIAL TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?		✓		
e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT; WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?		✓		
f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?				✓
XII. POPULATION AND HOUSING					
a.	INDUCE SUBSTANTIAL POPULATION GROWTH IN AN AREA EITHER DIRECTLY (FOR EXAMPLE, BY PROPOSING NEW HOMES AND BUSINESSES) OR INDIRECTLY (FOR EXAMPLE, THROUGH EXTENSION OF ROADS OR OTHER INFRASTRUCTURE)?			✓	
b.	DISPLACE SUBSTANTIAL NUMBERS OF EXISTING HOUSING NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?			✓	
c.	DISPLACE SUBSTANTIAL NUMBERS OF PEOPLE NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?		✓		
XIII. PUBLIC SERVICES					
a.	FIRE PROTECTION?		✓		
b.	POLICE PROTECTION?		✓		
c.	SCHOOLS?		✓		
d.	PARKS?			✓	
e.	OTHER GOVERNMENTAL SERVICES (INCLUDING ROADS)?		✓		
XIV. RECREATION					

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	WOULD THE PROJECT INCREASE THE USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS OR OTHER RECREATIONAL FACILITIES SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION OF THE FACILITY WOULD OCCUR OR BE ACCELERATED?			✓	
b.	DOES THE PROJECT INCLUDE RECREATIONAL FACILITIES OR REQUIRE THE CONSTRUCTION OR EXPANSION OF RECREATIONAL FACILITIES WHICH MIGHT HAVE AN ADVERSE PHYSICAL EFFECT ON THE ENVIRONMENT?				✓

XV. TRANSPORTATION/CIRCULATION

a.	CAUSE AN INCREASE IN TRAFFIC WHICH IS SUBSTANTIAL IN RELATION TO THE EXISTING TRAFFIC LOAD AND CAPACITY OF THE STREET SYSTEM (I.E., RESULT IN A SUBSTANTIAL INCREASE IN EITHER THE NUMBER OF VEHICLE TRIPS, THE VOLUME TO RATIO CAPACITY ON ROADS, OR CONGESTION AT INTERSECTIONS)?		✓		
b.	EXCEED, EITHER INDIVIDUALLY OR CUMULATIVELY, A LEVEL OF SERVICE STANDARD ESTABLISHED BY THE COUNTY CONGESTION MANAGEMENT AGENCY FOR DESIGNATED ROADS OR HIGHWAYS?			✓	
c.	RESULT IN A CHANGE IN AIR TRAFFIC PATTERNS, INCLUDING EITHER AN INCREASE IN TRAFFIC LEVELS OR A CHANGE IN LOCATION THAT RESULTS IN SUBSTANTIAL SAFETY RISKS?				✓
d.	SUBSTANTIALLY INCREASE HAZARDS TO A DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT)?			✓	
e.	RESULT IN INADEQUATE EMERGENCY ACCESS?		✓		
f.	RESULT IN INADEQUATE PARKING CAPACITY?				✓
g.	CONFLICT WITH ADOPTED POLICIES, PLANS, OR PROGRAMS SUPPORTING ALTERNATIVE TRANSPORTATION (E.G., BUS TURNOUTS, BICYCLE RACKS)?			✓	

XVI. UTILITIES

a.	EXCEED WASTEWATER TREATMENT REQUIREMENTS OF THE APPLICABLE REGIONAL WATER QUALITY CONTROL BOARD?				✓
b.	REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER OR WASTEWATER TREATMENT FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?				✓
c.	REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?				✓
d.	HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT FROM EXISTING ENTITLEMENTS AND RESOURCE, OR ARE NEW OR EXPANDED ENTITLEMENTS NEEDED?		✓		
e.	RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECTS PROJECTED DEMAND IN ADDITION TO THE PROVIDERS				✓
f.	BE SERVED BY A LANDFILL WITH SUFFICIENT PERMITTED CAPACITY TO ACCOMMODATE THE PROJECTS SOLID WASTE DISPOSAL NEEDS?				✓
g.	COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE?		✓		

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a.	DOES THE PROJECT HAVE THE POTENTIAL TO DEGRADE THE QUALITY OF THE ENVIRONMENT, SUBSTANTIALLY REDUCE THE HABITAT OF FISH OR WILDLIFE SPECIES, CAUSE A FISH OR WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE A PLANT OR ANIMAL COMMUNITY, REDUCE THE NUMBER OR RESTRICT THE RANGE OF A RARE OR ENDANGERED PLANT OR ANIMAL OR ELIMINATE IMPORTANT EXAMPLES OF THE			✓	
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Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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	MAJOR PERIODS OF CALIFORNIA HISTORY OR PREHISTORY?				
b.	DOES THE PROJECT HAVE IMPACTS WHICH ARE INDIVIDUALLY LIMITED, BUT CUMULATIVELY CONSIDERABLE? (CUMULATIVELY CONSIDERABLE MEANS THAT THE INCREMENTAL EFFECTS OF AN INDIVIDUAL PROJECT ARE CONSIDERABLE WHEN VIEWED IN CONNECTION WITH THE EFFECTS OF PAST PROJECTS, THE EFFECTS OF OTHER CURRENT PROJECTS, AND THE EFFECTS OF PROBABLE FUTURE PROJECTS).			✓	
c.	DOES THE PROJECT HAVE ENVIRONMENTAL EFFECTS WHICH CAUSE SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS, EITHER DIRECTLY OR INDIRECTLY?			✓	

DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description may cause potentially significant impacts on the environment without mitigation. Therefore, this environmental analysis concludes that a Mitigated Negative Declaration shall be issued to avoid and mitigate all potential adverse impacts on the environment by the imposition of mitigation measures and/or conditions contained and expressed in this document; the environmental case file known as **ENV-2008-1179-MND** and the associated case(s), **DIR-2008-1178-SPP-SPR-DB** **DIR-2008-1178-SPP-SPR-DB**. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impact(s) on the environment (after mitigation) **will not:**

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.
- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

ADDITIONAL INFORMATION:

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org> ; City Planning - and Zoning Information Mapping Automated System (ZIMAS) cityplanning.lacity.org/ or EIR Unit, City Hall, 200 N Spring Street, Room 763.

Seismic Hazard Maps - <http://gmw.consrv.ca.gov/shmp/>

Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE:	TELEPHONE NO.:	DATE:
ANITA BIZZELL	CITY PLANNING ASSISTANT	(213) 978-1356	03/20/2009

Impact?	Explanation	Mitigation Measures
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APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE

I. AESTHETICS

a.	NO IMPACT	NO SCENIC VISTA HAS BEEN DESIGNATED FOR THIS AREA.	
b.	NO IMPACT	THE SITE DOES NOT CONTAIN ANY SCENIC RESOURCES.	
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	ATTRACTIVE LANDSCAPING MUST BE INCORPORATED INTO THE FINAL DESIGN AND CONSTRUCTION. TEMPORARY CONSTRUCTION IMPACTS AFFECTING AESTHETICS WILL EXIST. GENERAL UPKEEP AND MAINTENANCE DURING THIS TIME PERIOD IS REQUIRED TO MINIMIZE IMPACTS.	I b2, I b4, I b7
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	EXTERIOR LIGHTS ON THE BUILDING NEED TO BE SHEILDLED DOWNWARD TO MITIGATE THE AESTHETIC IMPACTS TO A LESS THAN SIGNIFICANT LEVEL.	I c1

II. AGRICULTURAL RESOURCES

a.	NO IMPACT	THE SITE IS LOCATED IN AN DEVELOPED RESIDENTIAL NEIGHBORHOOD. THE PROPERTY DOES NOT CONTAIN ANY FARMLAND.	
b.	NO IMPACT	THE SITE IS LOCATED IN AN DEVELOPED RESIDENTIAL NEIGHBORHOOD. THE PROPERTY DOES NOT CONTAIN ANY FARMLAND.	
c.	NO IMPACT	THE SITE IS LOCATED IN AN DEVELOPED RESIDENTIAL NEIGHBORHOOD. THE PROPERTY DOES NOT CONTAIN ANY FARMLAND.	

III. AIR QUALITY

a.	LESS THAN SIGNIFICANT IMPACT	THE PROPOSED PROJECT IS NOT ANTICIPATED TO CONFLICT WITH OR OBSTRUCT THE IMPLEMENTATION OF EITHER PLAN.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	AIR QUALITY IMPACTS WILL BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL BY THE PROPOSED MITIGATION MEASURES.	III d1 PLEASE SEE CONSTRUCTION MITIGATION MEASURES VI b2 AND VII b5
c.	LESS THAN SIGNIFICANT IMPACT	THE IMPACTS RELATED TO CUMULATIVE NET INCREASES IN POLLUTANTS RELATIVE TO FEDERAL AND STATE STANDARDS ARE CONSIDERED LESS THAN SIGNIFICANT.	

Impact?		Explanation	Mitigation Measures
d.	LESS THAN SIGNIFICANT IMPACT	THE CONSTRUCTION PHASE OF THE PROJECT IS LESS THAN A SIGNIFICANT IMPACT WITH THE IMPLEMENTATION OF THE MM III d1 ABOVE.	
e.	NO IMPACT	THE PROPOSED PROJECT IS A RESIDENTIAL DEVELOPMENT. OBJECTIONABLE ODOR IS NOT ANTICIPATED.	
IV. BIOLOGICAL RESOURCES			
a.	NO IMPACT	THE SITE IS LOCATED IN A HIGHLY URBANIZED AREA; NO IMPACTS TO APPLICABLE SPECIES ARE ANTICIPATED.	
b.	NO IMPACT	THE SITE IS LOCATED IN A HIGHLY URBANIZED AREA; NO IMPACTS TO RIPARIAN HABITATS OR OTHER SENSITIVE NATURAL COMMUNITIES ARE ANTICIPATED.	
c.	NO IMPACT	THE SITE DOES NOT CONTAIN WETLANDS; NO IMPACT WOULD RESULT.	
d.	NO IMPACT	THE SITE IS LOCATED IN A HIGHLY URBANIZED AREA; NO IMPACTS TO APPLICABLE SPECIES ARE ANTICIPATED.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	ON-SITE TREES WILL BE REMOVED AS PART OF THIS PROPOSED DEVELOPMENT. MITIGATION MEASURES SHALL BE APPLIED TO REDUCE ANY POTENTIAL IMPACTS TO LEVEL OF LESS THAN SIGNIFICANT.	IV d, IV f
f.	NO IMPACT	NO IMPACTS TO ANY OF INDICATED PLANS ARE ANTICIPATED.	
V. CULTURAL RESOURCES			
a.	NO IMPACT	NO IMPACTS TO EXISTING HISTORIC RESOURCES ARE ANTICIPATED.	
b.	LESS THAN SIGNIFICANT IMPACT	NO IMPACTS TO ARCHEAOLOGICAL RESOURCES ARE ANTICIPATED. THE APPLICANT SHALL ABIDE BY CURRENT LAW IF ARCHEAOLOGICAL RESOURCES IS DISCOVERED DURING CONSTRUCTION.	
c.	LESS THAN SIGNIFICANT IMPACT	NO IMPACTS TO PALEONTOLOGICAL RESOURCES ARE ANTICIPATED. THE APPLICANT SHALL ABIDE BY CURRENT LAW IF A PALEONTOLOGICAL RESOURCE IS DISCOVERED.	
d.	NO IMPACT	NO HUMAN REMAINS ARE ANTICIPATED TO BE LOCATED AT THE SITE.	

Impact?	Explanation	Mitigation Measures
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VI. GEOLOGY AND SOILS

a.	NO IMPACT	THE SUBJECT SITE IS NOT WITHIN AN ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE - NO IMPACTS RELATED TO THIS MATTER EXIST.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE SUBJECT SITE IS WITHIN 3.92 (KM) OF A KNOWN FAULT - MITIGATION MEASURES SHALL BE APPLIED TO REDUCE THE POTENTIAL IMPACTS TO LESS THAN SIGNIFICANT.	VI aii
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE SITE IS WITHIN A KNOWN LIQUEFACTION AREA.	VI c1
d.	NO IMPACT	THE PROJECT SITE IS NOT LOCATED IN A HILLSIDE GRADING AREA.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE SITE IS ALREADY DEVELOPED. NO HAUL ROUTE - UNDER 20,000 CUBIC YARDS OF DIRT TO BE REMOVED. GRADING OF THE PROJECT SITE WILL RESULT IN THE LOSS OF TOPSOIL; HOWEVER, THIS IMPACT WILL BE REDUCED TO A LESS THAN SIGNIFICANT LEVEL BY THE INCORPORATION OF CONSTRUCTION MITIGATION MEASURES.	VI b2
f.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE SITE IS WITHIN A KNOWN LIQUEFACTION AREA.	VI c1
g.	NO IMPACT	THE PROJECT SITE DOES NOT CONTAIN EXPANSIVE SOILS. NO IMPACT WOULD RESULT.	
h.	NO IMPACT	SEWER SYSTEM IS AVAILABLE. IMPACTS ARE NOT ANTICIPATED.	

VII. HAZARDS AND HAZARDOUS MATERIALS

a.	NO IMPACT	NO HAZARDOUS MATERIALS ARE PROPOSED TO BE ROUTINELY TRANSPORTED, USED, OR DISPOSED OF AS PART OF THIS PROJECT.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE SUBJECT SITE CONTAINS FOUR DWELLINGS (TO BE DEMOLISHED) CONSTRUCTED IN THE 1920'S AND A HIGH LIKELIHOOD EXISTS THAT THIS STRUCTURE MAY CONTAIN LEAD AND ASBESTOS BASED UPON THE CONSTRUCTION TIMEFRAMES.	VII b5
c.	NO IMPACT	THE PROJECT IS LOCATED NEAR A SCHOOL. NO IMPACT WOULD RESULT.	
d.	NO IMPACT	THE SITE IS NOT LOCATED ON A LIST OF HAZARDOUS MATERIALS SITES. NO IMPACT WOULD RESULT.	

Impact?	Explanation	Mitigation Measures
e.	NO IMPACT	THE SITE IS NOT LOCATED WITHIN AN AIRPORT LAND USE PLAN. NO IMPACT WOULD RESULT.
f.	NO IMPACT	THE SITE IS NOT LOCATED NEAR A PRIVATE AIRSTRIP. NO IMPACT WOULD RESULT.
g.	NO IMPACT	THE PROPOSED DEVELOPMENT IS PERMITTED IN THE ZONE AND DOES NOT SEEM TO IMPAIR THE IMPLEMENTATION OF OR INTERFERE WITH AN EMERGENCY RESPONSE OR EVACUATION PLAN. NO IMPACT WOULD RESULT.
h.	NO IMPACT	THE PROJECT IS LOCATED IN A URBAN AREA. NO WILDLANDS ARE ADJACENT TO THE PROJECT SITE.
VIII. HYDROLOGY AND WATER QUALITY		
a.	LESS THAN SIGNIFICANT IMPACT	THE PROPOSED RESIDENTIAL PROJECT IS NOT ANTICIPATED TO VIOLATE ANY WATER QUALITY OR WASTE DISCHARGE REQUIREMENTS.
b.	NO IMPACT	THE PROPOSED PROJECT SHOULD NOT CAUSE THE DEPLETION OF GROUNDWATER SUPPLIES OR THE INTERFERENCE OF GROUNDWATER RECHARGE. THE PROJECT WILL CONTINUE TO BE SUPPLIED WITH WATER BY THE LA DWP.
c.	NO IMPACT	THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (CRWQCB) HAS IMPOSED WASTE DISCHARGE REQUIREMENTS UPON THE CITY OF LOS ANGELES RESULTING IN THE RECOMMENDATION THAT APPLICANTS CONTACT AND COORDINATE WITH THE DEPARTMENT OF PUBLIC WORKS, BUREAU OF SANITATION, WATERSHED DIVISION, SUSMP PLAN REVIEW SECTION AT (213) 482-7066 OR (213) 485-0576, PRIOR TO SUBMITTING AN APPLICATION TO THE CITY PLANNING DEPARTMENT. THE DESIGN OF A PROJECT MAY REQUIRE ALTERATIONS IN ORDER TO INCORPORATE SUSMP REQUIREMENTS.
d.	LESS THAN SIGNIFICANT IMPACT	THE PROJECT WILL BE REQUIRED TO CONTROL STORMWATER RUNOFF USING BEST MANAGEMENT PRACTICES AND A RETENTION BASIN. AFTER IMPLEMENTATION OF THE MITIGATION MEASURES, THE IMPACT WILL BE LESS THAN

Impact?	Explanation	Mitigation Measures
	SIGNIFICANT.	
e.	LESS THAN SIGNIFICANT IMPACT	THE DEVELOPMENT WILL ADD IMPERVIOUS SURFACES; PER SUSMP, THE REFERENCED MITIGATION MEASURE SHALL APPLY TO REDUCE POTENTIAL IMPACTS TO A LESS THAN SIGNIFICANT LEVEL.
f.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	IN ORDER TO REDUCE POTENTIAL IMPACTS TO WATER QUALITY RESULTING FROM THIS PROJECT AND PER SUSMP, THE REFERENCED MITIGATION MEASURES SHALL APPLY TO REDUCE POTENTIAL IMPACTS TO A LESS THAN SIGNIFICANT LEVEL.
VIII c2, VIII c8		
g.	NO IMPACT	THE PROJECT IS NOT LOCATED IN A 100-YEAR FLOOD ZONE.
h.	NO IMPACT	THE PROJECT SITE IS NOT LOCATED IN A 100-YEAR FLOOD ZONE.
i.	NO IMPACT	THE PROPERTY IS NOT LOCATED IN A POTENTIAL DAM INUNDATION ZONE. NO IMPACT WOULD RESULT.
j.	NO IMPACT	THE SUBJECT PROPERTY IS NOT LOCATED WITHIN AN INUNDATION ZONE FOR SEICHES, TSUNAMIS, OR MUDFLOW. NO IMPACT WOULD RESULT.
IX. LAND USE AND PLANNING		
a.	NO IMPACT	THE PROJECT WILL NOT DIVIDE THE COMMUNITY AS THE RESIDENTIAL BUILDING WILL BE SIMILAR TO OTHER BUILDINGS IN AN AREA.
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	DENSITY AND INCENTIVES ALLOWED UNDER SB1818. NO ZONE CHANGE REQUESTED. SHADE AND SHADOW IS NOT EVALUATED UNDER 60 FEET. SITE IS CURRENTLY DEVELOPED. REQUIRED PARKING IS PROVIDED. MEASURES HAVE BEEN INCORPORATED TO REDUCE IMPACTS TO A LESS THAN SIGNIFICANT LEVEL.
IX b		
c.	NO IMPACT	THE PROJECT SITE IS NOT LOCATED IN ANY SUCH PLAN.
X. MINERAL RESOURCES		
a.	NO IMPACT	NO IMPACTS ARE ANTICIPATED, AS THE SITE IS NOT LOCATED IN A KNOWN AREA OF MINERAL RESOURCES.
b.	NO IMPACT	NO IMPACTS ARE ANTICIPATED, AS THE SITE IS NOT LOCATED IN A KNOWN AREA OF MINERAL RESOURCES.

Impact?	Explanation	Mitigation Measures
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XI. NOISE

a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	DURING CONSTRUCTION OF THE PROJECT, THE APPLICANT WILL BE REQUIRED TO COMPLY WITH THE CITY'S NOISE ORDINANCE AND THE ATTACHED CONSTRUCTION NOISE MITIGATION MEASURES TO REDUCE THE IMPACT TO A LESS THAN SIGNIFICANT LEVEL.	PLEASE SEE VI b2
b.	NO IMPACT	EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS ARE NOT ANTICIPATED.	
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT PROPOSED TO CONSTRUCT SUBTERRANEAN PARKING AS PART OF THE PROPOSED DEVELOPMENT. PARKING RAMPS ARE REQUIRED TO BE CONSTRUCTED FROM CONCRETE TO REDUCE THE NOISE IMPACTS TO A LESS THAN SIGNIFICANT LEVEL. ALTHOUGH THE SITE IS NOT WITHIN THE 65 CNEL BOUNDARIES THE PROJECT IS LOCATED CLOSE TO A FLIGHT TAKEOFF PATH. MITIGATION MEASURES HAVE BEEN IMPOSED TO REDUCE IMPACT TO A LESS THAN SIGNIFICANT LEVEL.	XI a1, XI a2, XI e1
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	NOISE IMPACTS RELATED TO THIS MATTER ARE TEMPORARY AND CAUSED BY THE CONSTRUCTION PERIOD OF THE PROJECT. APPLYING THE REFERENCED MITIGATION MEASURE WILL MINIMIZE THE IMPACTS TO LESS THAN SIGNIFICANT.	PLEASE SEE MM VI b2
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	ALTHOUGH THE SITE IS NOT WITHIN THE 65 CNEL BOUNDARIES THE PROJECT IS LOCATED CLOSE TO A FLIGHT TAKEOFF PATH. MITIGATION MEASURES HAVE BEEN IMPOSED TO REDUCE IMPACT TO A LESS THAN SIGNIFICANT LEVEL.	XI e1
f.	NO IMPACT	THE PROJECT SITE IS NOT LOCATED WITHIN THE VICINITY OF A PRIVATE AIRSTRIP.	

XII. POPULATION AND HOUSING

a.	LESS THAN SIGNIFICANT IMPACT	THE PROJECT WILL NOT INTRODUCE SUBSTANTIAL POPULATION GROWTH. IT WILL SERVE THE EXISTING POPULATION.	
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Impact?	Explanation	Mitigation Measures
b. LESS THAN SIGNIFICANT IMPACT	THE PROJECT INCLUDES THE REMOVAL OF 51 UNIT APARTMENT. A LESS THAN SIGNIFICANT IMPACT IS ANTICIPATED.	
c. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE NET GAIN IN HOUSING WILL BE 95 ADDITIONAL UNITS – THE IMPACT IS LESS THAN SIGNIFICANT.	XII d
XIII. PUBLIC SERVICES		
a. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT WILL BE REVIEWED BY THE LA FIRE DEPARTMENT AND THE FIRE PROTECTION IMPACTS WILL BE LOWERED TO A LESS THAN SIGNIFICANT LEVEL.	XIII a
b. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	MITIGATION MEASURES HAVE BEEN INCORPORATED TO ADDRESS SECURITY AND CRIME IMPACTS TO A LESS THAN SIGNIFICANT LEVEL.	XIII b1
c. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE CONSTRUCTION OF NEW HOUSING UNITS ON THIS SITE WILL PLACE A DEMAND ON EXISTING SCHOOLS IN THE AREA. HOWEVER IMPLEMENTATION OF THE MITIGATION MEASURES WILL REDUCE THE IMPACT TO LESS THAN SIGNIFICANT LEVEL.	XIII c1, XIII c2
d. LESS THAN SIGNIFICANT IMPACT	THE PROPOSED PROJECT IS APARTMENTS. APARTMENTS DO NOT PAY QUIMBY FEES. LESS THAN SIGNIFICANT IMPACT.	
e. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	PROJECT MAY BE REQUIRED TO DEDICATE PORTION OF PROPERTY FOR FUTURE STREET WIDENING AND/OR MAKE IMPROVEMENTS TO THE PUBLIC RIGHT-OF-WAY.	XIII e
XIV. RECREATION		
a. LESS THAN SIGNIFICANT IMPACT	THE PROPOSED PROJECT IS APARTMENTS. APARTMENTS DO NOT PAY QUIMBY FEES. LESS THAN SIGNIFICANT IMPACT.	
b. NO IMPACT	THE PROJECT WILL NOT RESULT IN THE CONSTRUCTION OR EXPANSION OF RECREATIONAL FACILITIES.	
XV. TRANSPORTATION/CIRCULATION		
a. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	MITIGATION MEASURES FROM A REVISED CUMULATIVE TRAFFIC ASSESSMENT TO PLANNING DEPARTMENT DATED JANUARY 12, 2009, IS INCORPORATED HEREIN BY REFERENCE TO REDUCE IMPACTS TO A LESS THAN SIGNIFICANT LEVEL.	XV a1

Impact?	Explanation	Mitigation Measures
LESS THAN SIGNIFICANT IMPACT	THE PROJECT WOULD NOT SUBSTANTIALLY INCREASE THE LEVEL OF SERVICE IN THE PROJECT AREA. THE SITE MAY ALSO BE REQUIRED TO DEDICATE LAND TO COMPLY WITH THE CURRENT STREET STANDARDS. THE ISAF FROM DOT DATED SEPT. 1, 2008, DETERMINED A LESS THAN SIGNIFICANT IMPACT.	
NO IMPACT	NO CHANGE IN AIR TRAFFIC PATTERNS WILL RESULT FROM THE PROPOSED PROJECT.	
LESS THAN SIGNIFICANT IMPACT	THE PROJECT SITE IS LOCATED IN A DEVELOPED NEIGHBORHOOD. SUBSTANTIAL INCREASE IN HAZARD IS NOT ANTICIPATED BY THE IMPLEMENTATION OF THIS RESIDENTIAL PROJECT. THE PROJECT WILL BE REQUIRED TO MEET THE SAFETY FEATURES OF THE CODE. THE ISAF FROM DOT DATED SEPT. 1, 2008, DETERMINED A LESS THAN SIGNIFICANT IMPACT.	
POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT'S EMERGENCY ACCESS WILL BE REVIEWED BY THE FIRE DEPARTMENT AND LADOT PRIOR TO RECORDATION OF THE FINAL MAP WITH MITIGATION, THERE WILL BE A LESS THAN SIGNIFICANT EMERGENCY ACCESS IMPACT.	XV e
NO IMPACT	REQUIRED PARKING IS PROVIDED.	
LESS THAN SIGNIFICANT IMPACT	THE PROJECT SHOULD NOT CONFLICT WITH ANY ALTERNATIVE TRANSPORTATION POLICIES. THE ISAF FROM DOT DATED SEPT. 1, 2008, DETERMINED A LESS THAN SIGNIFICANT IMPACT.	
UTILITIES		
NO IMPACT	THE PROJECT SHOULD NOT EXCEED THE WASTEWATER TREATMENT REQUIREMENTS OF THE LA REGIONAL WATER QUALITY CONTROL BOARD.	
NO IMPACT	THE CONSTRUCTION OF NEW WASTEWATER TREATMENT FACILITIES IS NOT ANTICIPATED FOR THE PROPOSED PROJECT.	
NO IMPACT	THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES IS NOT ANTICIPATED FOR THE PROPOSED PROJECT.	

Impact?	Explanation	Mitigation Measures
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d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	WITH THE PROPOSED MITIGATION MEASURE THE INCREASE OF WATER USAGE WOULD BE LESS THAN SIGNIFICANT.	XVI d
e.	NO IMPACT	THE INCREASE IN WASTEWATER CAN BE ACCOMMODATED BY THE HYPERION WASTEWATER TREATMENT PROVIDER, WHICH WOULD BE LESS THAN SIGNIFICANT.	
f.	NO IMPACT	NO IMPACTS IN RELATED TO THIS CATEGORY ARE ANTICIPATED.	
g.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT WILL BE REQUIRED TO PROVIDE ON-SITE RECYCLING TO REDUCE THE AMOUNT OF TRASH GOING TO LANDFILLS. THIS WILL REDUCE THE SOLID WASTE IMPACT TO A LESS THAN SIGNIFICANT LEVEL.	XVI f

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

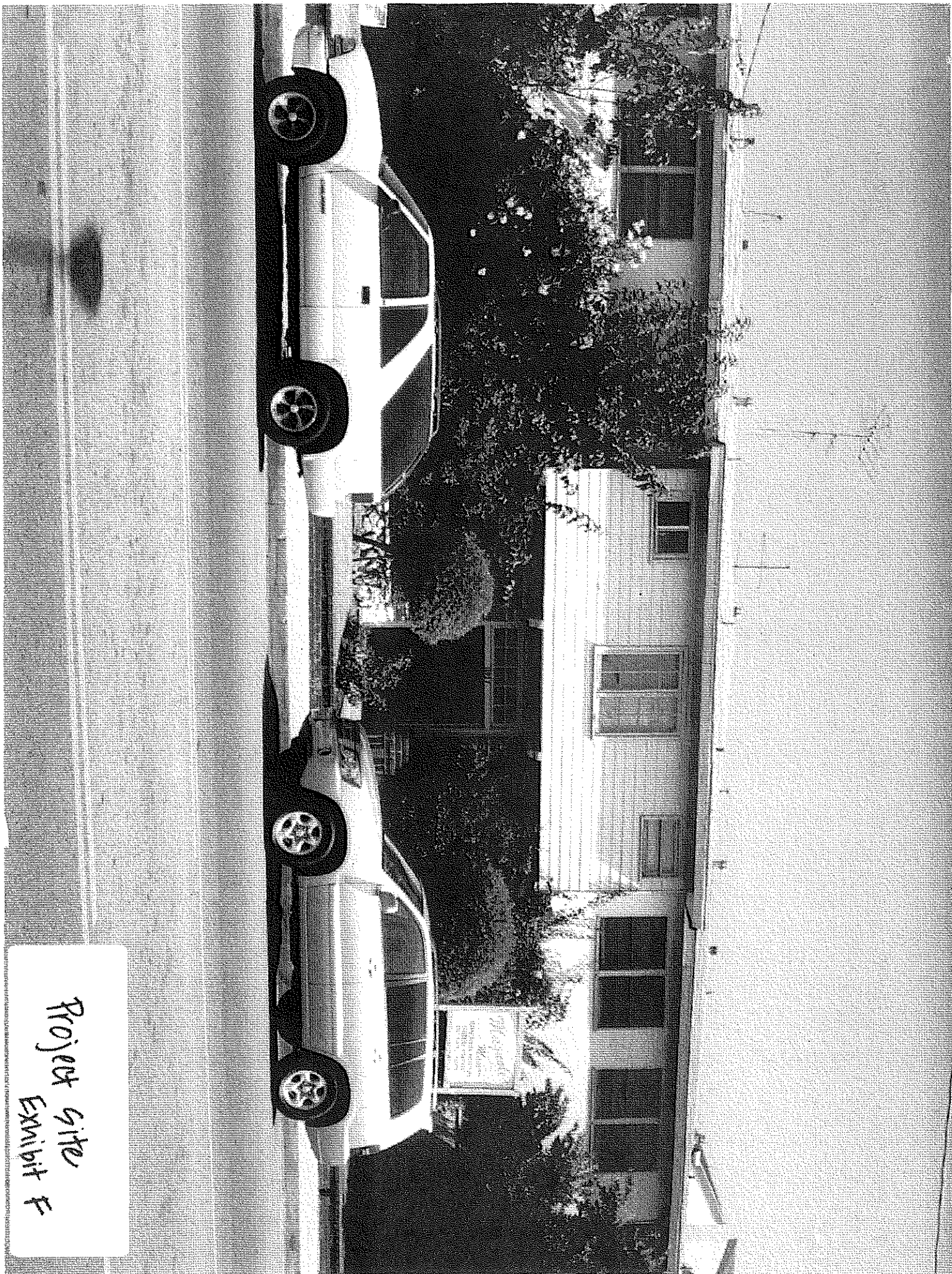
a.	LESS THAN SIGNIFICANT IMPACT	THE PROJECT WILL NOT HAVE POTENTIAL TO NEGATIVELY AFFECT THESE CATEGORIES WITH APPLICATION OF THE ABOVE-REFERENCED MITIGATION MEASURES.	
b.	LESS THAN SIGNIFICANT IMPACT	THE CUMULATIVE IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT WILL RESULT IN A LESS THAN SIGNIFICANT IMPACT WITH THE INCORPORATION OF THE ATTACHED MITIGATION MEASURES.	
c.	LESS THAN SIGNIFICANT IMPACT	AFTER IMPLEMENTATION OF ATTACHED MITIGATION MEASURES, THE PROJECT DOES NOT HAVE ANY SIGNIFICANT, DIRECT, OR INDIRECT IMPACTS ON HUMAN BEINGS.	

②

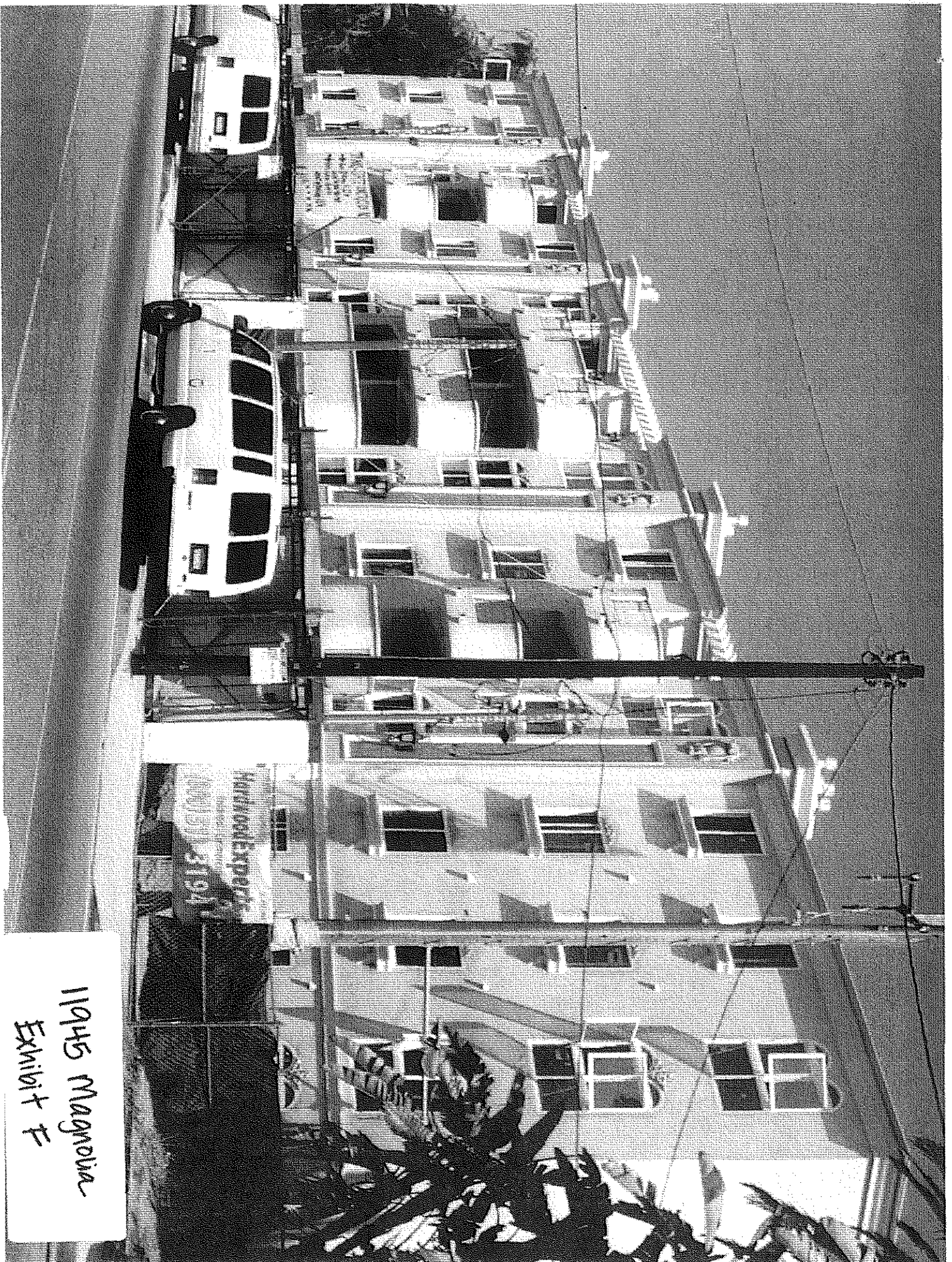
③



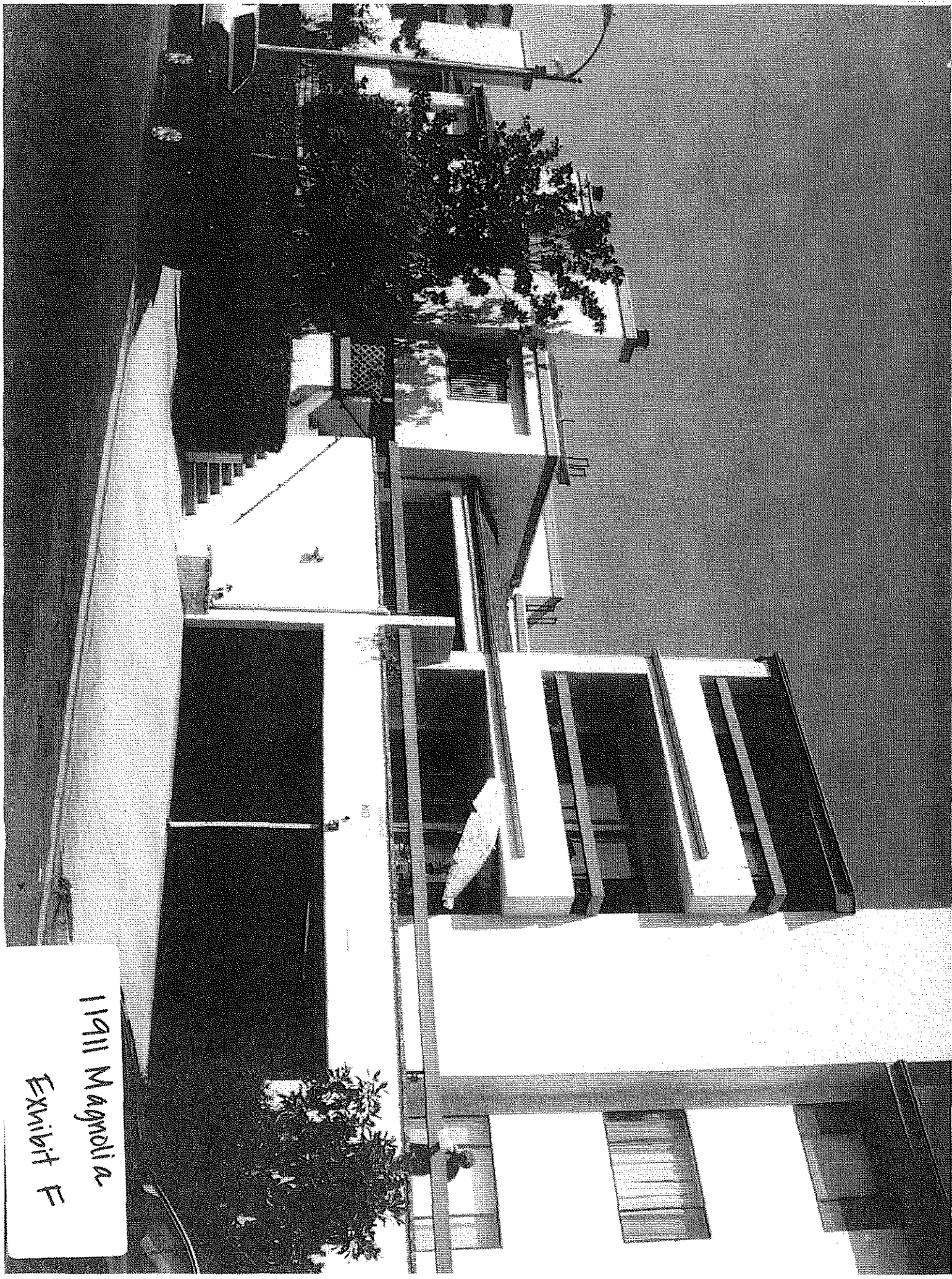
Project Site
Exhibit F



Project site
Exhibit F

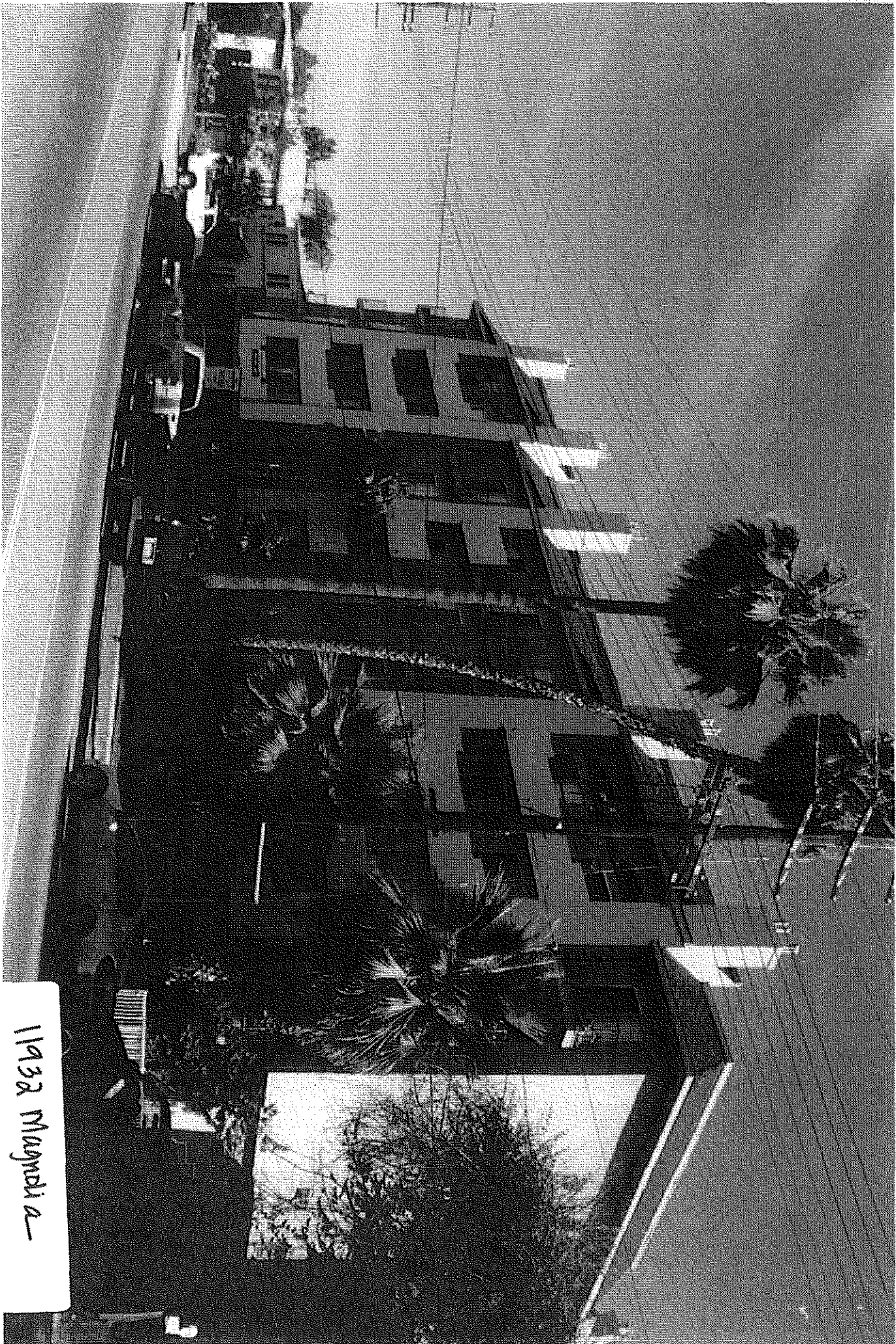


11945 Magnolia
Exhibit F



11911 Magnolia
Exhibit F

11932 Magnolia
Exhibit F



SHADE AND SHADOW STUDY

PREPARED BY:

Solargy, Inc.
22028 Ventura Boulevard, Suite 207
Woodland Hills, CA 91364
(818) 347-6096 www.solargy.com
October 17, 2008 Job# 8100602



PROJECT ADDRESS:

11933 Magnolia Boulevard
Valley Village, CA 91607

OWNER:

11933 Magnolia Ventures, LLC
15235 Burbank Boulevard, Suite C
Van Nuys, CA 91411
(818) 787-2771

CIVIL ENGINEER:

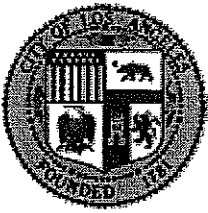
Yale Partners, Ltd.
1150 Yale Street, Suite 11
Santa Monica, CA 90403
(310) 828-2000

SUMMARY OF SHADING DIAGRAMS:

The attached shading diagrams show the shading effects of the proposed 48.5 feet high project (shown green in the shading diagrams) on the adjacent properties and on the roofs of adjacent buildings (shown in beige). In addition, shadow diagrams for a 39.5 feet high project (shown purple in the shading diagrams) are included.

The proposed project does not shade the roofs of any of the main multi-unit buildings to the north at any time during the year. The roofs of the multi-unit buildings to the east and west are not shaded by the proposed project for more than 3 hours on the Winter Solstice (between 9 a.m. to 3 p.m.) nor are they shaded for more than 4 hours on the Vernal Equinox, Autumnal Equinox or Summer Solstice (between 8 a.m. (9 p.d.t) to 4 p.m. (5 p.d.t)) which is less than the significant threshold outlined in the CEQA Shading Guidelines. This is self evident from the fact that the shading of these properties either stops or starts near Noon.

The shading diagrams for a 39.5 feet high building, which can be built on the site without utilizing Density Bonus, are shown so one can compare them with those of the proposed 48.5 feet high building. While the 39.5 feet high building shows somewhat less shading on the adjacent roofs, the east and west facing walls of the adjacent multi-unit buildings receive the same amount of shading as that cast by the 48.5 feet high building during the Winter Solstice.



City of Los Angeles Department of City Planning

09/04/2009

PARCEL PROFILE REPORT

PROPERTY ADDRESSES

11933 W MAGNOLIA BLVD
11935 W MAGNOLIA BLVD

ZIP CODES

91607

RECENT ACTIVITY

VTT-67012-1A
ENV-2006-5007-MND-REC1

CASE NUMBERS

DIR-2007-2685-SPP
VTT-67012
ENV-2006-5007-MND

Address/Legal Information

PIN Number:	171B165 441
Lot Area (Calculated):	29,499.3 (sq ft)
Thomas Brothers Grid:	PAGE 562 - GRID G2
Assessor Parcel No. (APN):	2348009026
Tract:	TR 10891
Map Reference:	M B 191-17
Block:	None
Lot:	FR 4
Arb (Lot Cut Reference):	None
Map Sheet:	171B165

Jurisdictional Information

Community Plan Area:	North Hollywood - Valley Village
Area Planning Commission:	South Valley
Neighborhood Council:	Valley Village
Council District:	CD 2 - Vacant
Census Tract #:	1251.00
LADBS District Office:	Van Nuys

Planning and Zoning Information

Special Notes:	None
Zoning:	R3-1
	R4-1
Zoning Information (ZI):	None
General Plan Land Use:	Medium Residential
	High Medium Residential
Plan Footnote - Site Req.:	See Plan Footnotes
Additional Plan Footnotes:	North Hollywood
Specific Plan Area:	Valley Village
Design Review Board:	No
Historic Preservation Review:	No
Historic Preservation Overlay Zone:	None
Other Historic Designations:	None
Other Historic Survey Information:	None
Mills Act Contract:	None
POD - Pedestrian Oriented Districts:	None
CDO - Community Design Overlay:	None
NSO - Neighborhood Stabilization Overlay:	No
Streetscape:	No
Sign District:	No
Adaptive Reuse Incentive Area:	None
CRA - Community Redevelopment Agency:	None
Central City Parking:	No
Downtown Parking:	No
Building Line:	None
500 Ft School Zone:	Active: North Hollywood Senior High School
500 Ft Park Zone:	No

Assessor Information

Assessor Parcel No. (APN):	None
Ownership (Assessor):	No
Ownership (City Clerk):	DELORES PALMS LLC
	1465 EASTWIND CIR
	WESTLAKE VLG CA 91361
APN Area (Co. Public Works)*:	None
Use Code:	Not Available
Assessed Land Val.:	None
Assessed Improvement Val.:	None

Last Owner Change:	None
Last Sale Amount:	None
Tax Rate Area:	None
Deed Ref No. (City Clerk):	118126
	118125
	1060074-75
Building 1:	
1. Year Built:	1952
1. Building Class:	Not Available
1. Number of Units:	None
1. Number of Bedrooms:	None
1. Number of Bathrooms:	None
1. Building Square Footage:	None
Building 2:	
2. Year Built:	Not Available
2. Building Class:	Not Available
2. Number of Units:	None
2. Number of Bedrooms:	None
2. Number of Bathrooms:	None
2. Building Square Footage:	None
Building 3:	
3. Year Built:	Not Available
3. Building Class:	Not Available
3. Number of Units:	None
3. Number of Bedrooms:	None
3. Number of Bathrooms:	None
3. Building Square Footage:	None
Building 4:	
4. Year Built:	Not Available
4. Building Class:	Not Available
4. Number of Units:	None
4. Number of Bedrooms:	None
4. Number of Bathrooms:	None
4. Building Square Footage:	None
Building 5:	
5. Year Built:	Not Available
5. Building Class:	Not Available
5. Number of Units:	None
5. Number of Bedrooms:	None
5. Number of Bathrooms:	None
5. Building Square Footage:	None

Additional Information

Airport Hazard:	None
Coastal Zone:	None
Farmland:	Area not Mapped
Very High Fire Hazard Severity Zone:	No
Fire District No. 1:	No
Fire District No. 2:	No
Flood Zone:	None
Hazardous Waste / Border Zone Properties:	No
Methane Hazard Site:	None
High Wind Velocity Areas:	No
Hillside Grading:	No
Oil Wells:	None
Alquist-Priolo Fault Zone:	No
Distance to Nearest Fault:	3.92002 (km)
Landslide:	No
Liquefaction:	Yes

Economic Development Areas

Business Improvement District:	None
Federal Empowerment Zone:	None
Renewal Community:	No
Revitalization Zone:	None
State Enterprise Zone:	None
Targeted Neighborhood Initiative:	None

Public Safety

Police Information:

Bureau:

Division / Station:

Report District:

Fire Information:

District / Fire Station:

Battalion:

Division:

Red Flag Restricted Parking:

Valley

North Hollywood

1545

60

14

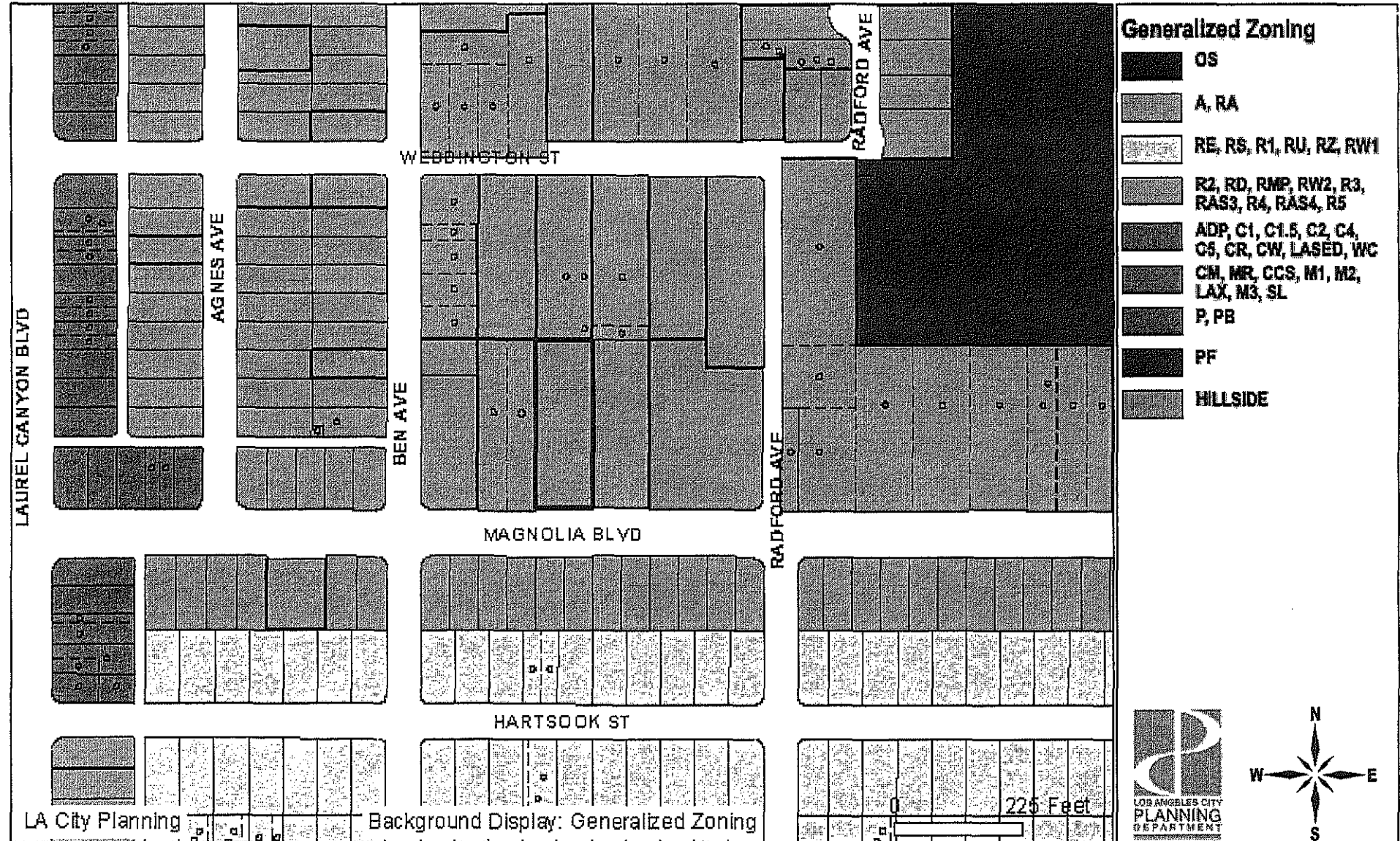
3

No

CASE SUMMARIES

Note: Information for Case Summaries is Retrieved from the Planning Department's Plan Case Tracking System (PCTS) Database.

Case Number:	VTT-67012-1A
Required Action(s):	Data Not Available
Project Description(s):	VESTING TENTATIVE TRACT NO. 67012 FOR THE ONE-LOT SUBDIVISION OF A 62,575 NET SQUARE FOOT SITE FOR THE CONSTRUCTION OF A 3-STORY, 78-UNIT CONDOMINIUM WITH 195 PARKING SPACES IN THE R3-1 AND R4-1 ZONES. A SPECIFIC PLAN EXCEPTION WILL BE FILED TO REQUEST AN INCREASE IN HEIGHT TO 39.5-FEET FOR A PORTI ...
Case Number:	ENV-2006-5007-MND-REC1
Required Action(s):	MND-MITIGATED NEGATIVE DECLARATION
Project Description(s):	VESTING TENTATIVE TRACT NO. 67012 FOR THE ONE-LOT SUBDIVISION OF A 62,575 NET SQUARE FOOT SITE FOR THE CONSTRUCTION OF A 3-STORY, 78-UNIT CONDOMINIUM WITH 195 PARKING SPACES IN THE R3-1 AND R4-1 ZONES. A SPECIFIC PLAN EXCEPTION WILL BE FILED TO REQUEST AN INCREASE IN HEIGHT TO 39.5-FEET FOR A PORTI ...
Case Number:	DIR-2007-2685-SPP
Required Action(s):	SPP-SPECIFIC PLAN PROJECT PERMIT COMPLIANCE
Project Description(s):	PROJECT PERMIT COMPLIANCE TO ALLOW THE CONSTRUCTION OF A NEW THREE-STORY, 78-UNIT CONDOMINIUM WITH 195 PARKING SPACES IN AN R3-1 AND R4-1 ZONED LOTS, PURSUANT TO THE VALLEY VILLAGE SPECIFIC PLAN.
Case Number:	VTT-67012
Required Action(s):	Data Not Available
Project Description(s):	VESTING TENTATIVE TRACT NO. 67012 FOR THE ONE-LOT SUBDIVISION OF A 62,575 NET SQUARE FOOT SITE FOR THE CONSTRUCTION OF A 3-STORY, 78-UNIT CONDOMINIUM WITH 195 PARKING SPACES IN THE R3-1 AND R4-1 ZONES. A SPECIFIC PLAN EXCEPTION WILL BE FILED TO REQUEST AN INCREASE IN HEIGHT TO 39.5-FEET FOR A PORTI ...
Case Number:	ENV-2006-5007-MND
Required Action(s):	MND-MITIGATED NEGATIVE DECLARATION
Project Description(s):	VESTING TENTATIVE TRACT NO. 67012 FOR THE ONE-LOT SUBDIVISION OF A 62,575 NET SQUARE FOOT SITE FOR THE CONSTRUCTION OF A 3-STORY, 78-UNIT CONDOMINIUM WITH 195 PARKING SPACES IN THE R3-1 AND R4-1 ZONES. A SPECIFIC PLAN EXCEPTION WILL BE FILED TO REQUEST AN INCREASE IN HEIGHT TO 39.5-FEET FOR A PORTI ...



Address: 11933 W MAGNOLIA BLVD

APN: 2348009026

PIN #: 171B165 441

Tract: TR 10891

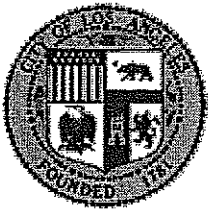
Block: None

Lot: FR 4

Arb: None

Zoning: R3-1, R4-1

General Plan: Medium Residential,
High Medium Residential



City of Los Angeles
Department of City Planning

09/04/2009

PARCEL PROFILE REPORT

PROPERTY ADDRESSES

11927 W MAGNOLIA BLVD

ZIP CODES

91607

RECENT ACTIVITY

Delete CPC-29125 10/29/08

Delete ORD-154645 10/22/08

CASE NUMBERS

DIR-2007-2685-SPP

VTT-67012

AFF-18662

Address/Legal Information

PIN Number:

Lot Area (Calculated):

Thomas Brothers Grid:

Assessor Parcel No. (APN):

Tract:

Map Reference:

Block:

Lot:

Arb (Lot Cut Reference):

Map Sheet:

171B165 440

29,389.0 (sq ft)

PAGE 562 - GRID G2

2348009031

TR 9571

M B 186-8/9

None

FR 1

None

171B165

Jurisdictional Information

Community Plan Area:

Area Planning Commission:

Neighborhood Council:

Council District:

Census Tract #:

LADBS District Office:

North Hollywood - Valley Village

South Valley

Valley Village

CD 2 - Vacant

1251.00

Van Nuys

Planning and Zoning Information

Special Notes:

Zoning:

None

R3-1

R4-1

None

Medium Residential

High Medium Residential

See Plan Footnotes

North Hollywood

Valley Village

No

No

None

Historic Preservation Overlay Zone:

None

Other Historic Designations:

None

Other Historic Survey Information:

None

Mills Act Contract:

None

POD - Pedestrian Oriented Districts:

None

CDO - Community Design Overlay:

None

NSO - Neighborhood Stabilization Overlay:

No

Streetscape:

No

Sign District:

No

Adaptive Reuse Incentive Area:

None

CRA - Community Redevelopment Agency:

None

Central City Parking:

No

Downtown Parking:

No

Building Line:

None

500 Ft School Zone:

Active: North Hollywood Senior

High School

No

500 Ft Park Zone:

Assessor Information

Assessor Parcel No. (APN):

None

Ownership (Assessor):

No

Ownership (City Clerk):

FICHERA, MICHAEL & MARY

(TRS) FICHERA FAM 1990

REVOC I/V TR

5697 COLLINS PLACE

WOODLAND HILLS CA 91367

APN Area (Co. Public Works)*:

None

Use Code:

Not Available

Assessed Land Val.:	None
Assessed Improvement Val.:	None
Last Owner Change:	None
Last Sale Amount:	None
Tax Rate Area:	None
Deed Ref No. (City Clerk):	P715631
	P715631
	373201
	373201
	34931
	34931
	334251-2
	334251-2
	3-10-2
	3-10-12
	3-10-12
	215194-96
	215194-96
	2-870
	2-870
Building 1:	
1. Year Built:	1953
1. Building Class:	Not Available
1. Number of Units:	None
1. Number of Bedrooms:	None
1. Number of Bathrooms:	None
1. Building Square Footage:	None
Building 2:	
2. Year Built:	Not Available
2. Building Class:	Not Available
2. Number of Units:	None
2. Number of Bedrooms:	None
2. Number of Bathrooms:	None
2. Building Square Footage:	None
Building 3:	
3. Year Built:	Not Available
3. Building Class:	Not Available
3. Number of Units:	None
3. Number of Bedrooms:	None
3. Number of Bathrooms:	None
3. Building Square Footage:	None
Building 4:	
4. Year Built:	Not Available
4. Building Class:	Not Available
4. Number of Units:	None
4. Number of Bedrooms:	None
4. Number of Bathrooms:	None
4. Building Square Footage:	None
Building 5:	
5. Year Built:	Not Available
5. Building Class:	Not Available
5. Number of Units:	None
5. Number of Bedrooms:	None
5. Number of Bathrooms:	None
5. Building Square Footage:	None

Additional Information

Airport Hazard:	None
Coastal Zone:	None
Farmland:	Area not Mapped
Very High Fire Hazard Severity Zone:	No
Fire District No. 1:	No
Fire District No. 2:	No
Flood Zone:	None
Hazardous Waste / Border Zone Properties:	No
Methane Hazard Site:	None
High Wind Velocity Areas:	No
Hillside Grading:	No
Oil Wells:	None
Alquist-Priolo Fault Zone:	No

Distance to Nearest Fault:	3.91286 (km)
Landslide:	No
Liquefaction:	Yes

Economic Development Areas

Business Improvement District:	None
Federal Empowerment Zone:	None
Renewal Community:	No
Revitalization Zone:	None
State Enterprise Zone:	None
Targeted Neighborhood Initiative:	None

Public Safety

Police Information:	
Bureau:	Valley
Division / Station:	North Hollywood
Report District:	1545
Fire Information:	
District / Fire Station:	60
Battalion:	14
Division:	3
Red Flag Restricted Parking:	No

CASE SUMMARIES

Note: Information for Case Summaries is Retrieved from the Planning Department's Plan Case Tracking System (PCTS) Database.

Case Number: DIR-2007-2685-SPP
Required Action(s): SPP-SPECIFIC PLAN PROJECT PERMIT COMPLIANCE
Project Description(s): PROJECT PERMIT COMPLIANCE TO ALLOW THE CONSTRUCTION OF A NEW THREE-STORY, 78-UNIT CONDOMINIUM WITH 195 PARKING SPACES IN AN R3-1 AND R4-1 ZONED LOTS, PURSUANT TO THE VALLEY VILLAGE SPECIFIC PLAN.

Case Number: VTT-67012
Required Action(s): Data Not Available
Project Description(s): VESTING TENTATIVE TRACT NO. 67012 FOR THE ONE-LOT SUBDIVISION OF A 62,575 NET SQUARE FOOT SITE FOR THE CONSTRUCTION OF A 3-STORY, 78-UNIT CONDOMINIUM WITH 195 PARKING SPACES IN THE R3-1 AND R4-1 ZONES. A SPECIFIC PLAN EXCEPTION WILL BE FILED TO REQUEST AN INCREASE IN HEIGHT TO 39.5-FEET FOR A PORTI ...

DATA NOT AVAILABLE

Delete CPC-29125 10/29/08
Delete ORD-154645 10/22/08
AFF-18662



Address: 11927 W MAGNOLIA BLVD

APN: 2348009031

PIN #: 171B165 440

Tract: TR 9571

Block: None

Lot: FR 1

Arb: None

Zoning: R3-1, R4-1

General Plan: Medium Residential,
High Medium Residential

A.3. SHADING

1. INITIAL STUDY SCREENING PROCESS

A. Initial Study Checklist Question

- I.c): Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

B. Introduction

Shading refers to the effect of shadows cast upon adjacent areas by proposed structures. Consequences of shadows upon land uses may be positive, including cooling effects during warm weather, or negative, such as the loss of natural light necessary for solar energy purposes or the loss of warming influences during cool weather. Shadow effects are dependent upon several factors, including the local topography, the height and bulk of the project's structural elements, sensitivity of adjacent land uses, season, and duration of shadow projection. Facilities and operations sensitive to the effects of shading include: routinely useable outdoor spaces associated with residential, recreational, or institutional (e.g., schools, convalescent homes) land uses; commercial uses such as pedestrian-oriented outdoor spaces or restaurants with outdoor eating areas; nurseries; and existing solar collectors. These uses are considered sensitive because sunlight is important to function, physical comfort, or commerce.

Shading of existing sensitive uses can occur with the development of new structures located to the south of these uses. The relative effects of shading from structures are site-specific.

C. Screening Criteria

- Would the project include light-blocking structures in excess of 60 feet in height above the ground elevation that would be located within a distance of three times the height of the proposed structure to a shadow-sensitive use on the north, northwest or northeast¹?

¹ Depending upon the position of the sun relative to the earth's rotation, shadows cast by a structure are projected east or west of true north according to the time of day and the season. For an explanation of the variation in shadow bearings specific to the latitude of Los Angeles, see Project Impacts.

A "yes" response to the preceding question indicates further study in an expanded Initial Study, Negative Declaration, Mitigated Negative Declaration or EIR may be required. Refer to the Significance Threshold for Shading, and review the associated Methodology to Determine Significance, as appropriate.

A "no" response to the preceding question indicates that there would normally be no significant impact on Shading from the proposed project.

D. Evaluation of Screening Criteria

Review the description of the proposed project, project site and surrounding area. Locate shadow-sensitive uses in the area, including, but not limited to residential, commercial, institutional or other land use types where sunlight is important to function, physical comfort, or commerce. First, calculate the distance and direction between the project and each shadow-sensitive use and determine whether the project would include light-blocking structures in excess of 60 feet in height or the equivalent. For example, structures or structural elements in excess of 30 feet in height, and located at an elevation 30 feet higher than surrounding land uses, would be equivalent to a structure in excess of 60 feet at the same elevation as the surrounding land uses. Next, determine whether shade-sensitive uses exist to the north, northeast, or northwest within a distance of three times the height of the proposed structure(s). For example, identify shade-sensitive uses located within 270 feet and north of a proposed 90-foot tall structure. Compare this information to the Screening Criteria.

2. DETERMINATION OF SIGNIFICANCE

A. Significance Threshold

A project impact would normally be considered significant if shadow-sensitive uses would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October).

B. Methodology to Determine Significance

Environmental Setting

In a description of the environmental setting, include a description of shade-sensitive uses in the surrounding area located to the north of the project site. Identify the distance from the project to each use and describe any elevation differences between the sensitive use(s) and the project site.

Facilities and operations that are sensitive to the effects of shading generally include, but are not limited to, routinely useable outdoor spaces associated with residential, recreational or institutional land uses; commercial uses such as pedestrian-oriented outdoor spaces or restaurants with outdoor eating areas; nurseries; and existing solar collectors.

Project Impacts

Review the project description and identify any proposed light-blocking structures or structural elements that would exceed 60 feet in height relative to nearby shade-sensitive uses. Determine the number of hours shadow-sensitive uses would be shaded by project-related structures.

As appropriate, diagram the footprint of the proposed structure(s) and nearby shade sensitive uses. Calculate and diagram the length of shadows that would be cast by proposed buildings during extreme conditions, as represented by the Winter Solstice (December 22) and Summer Solstice (June 21). The Spring and Fall Equinox represent intermediate conditions.

Exhibit A.3-1 identifies shadow length values and shadow bearings in the Los Angeles area for the solstices and equinox for morning, noon, and afternoon hours. The shadow length multiplier values represent the length of a shadow proportional to the height of a given building, at specific times of day. Hence, a building of 100 feet in height would cast a shadow 303 feet long at 9:00 a.m. during the Winter Solstice.

Exhibit A.3-2 provides morning and afternoon maximum shadow lengths generated for given structure heights during the Winter Solstice. Exhibit A.3-3 provides the same information calculated for the Summer Solstice. Use these tables, together with the shadow bearings provided in Exhibit A.3-1, to determine shadow patterns from the proposed project.

Exhibit A.3-4 shows how to plot shadows generated by individual buildings for a specific season and time of day. For buildings located on topography elevated above surrounding

shadow-sensitive uses, the differences in ground elevation between the building and a shadow-sensitive use is added to the shadow length to account for the elevation difference.

Based on the shadow patterns, determine the number of hours a project structure would shade an adjacent sensitive use. For programs or long range projects where specific structure design (i.e., building footprints and/or dimensions) have not been determined, use the maximum development envelope (i.e., maximum heights, minimum setbacks, and maximum lot coverage permitted according to the zoning) and determine shadow patterns as described above.

Cumulative Impacts

Review the list of related projects and identify those, which would affect the same shadow-sensitive uses as the proposed project. Calculate the project shadows of the related projects and determine the combined effect of these shadows, along with those of the proposed project, using the methodology described above.

Sample Mitigation Measures

Potential mitigation measures include the following:

- Limit the width/size of structural elements above 60 feet in height; and
- Move proposed structures further from shadow-sensitive uses.

3. DATA, RESOURCES, AND REFERENCES

City of Los Angeles specific plans, particularly West Los Angeles and Warner Center. Available from the City Planning Department's Central Maps and Publications Office at 200 N. Spring Street, 5th Floor, Los Angeles, California 90012; Telephone: (213) 978-1255 or <http://www.lacity.org/PLN/>.

Exhibit A.3-1
SHADOW LENGTH MULTIPLIERS AND BEARINGS
FOR 34° LATITUDE - LOS ANGELES

Time	Shadow Length Multiplier ^a	Shadow Bearing ^{b,c}
Winter Solstice (December 22)		
9 a.m.	3.03	45/West
NOON	1.60	0/North
3 p.m.	3.03	45/East
Spring/Fall Equinox (March 22/September 22)		
8 a.m.	2.18	73/West
NOON	0.72	0/North
4 p.m.	2.18	73/East
Summer Solstice (June 22)		
9 a.m.	2.18	85/West
1 p.m. (solar noon)	0.16	0/North
5 p.m.	2.18	85/East

^a Shadow length is identified per unit of height; the height of the structure is multiplied by the shadow length multiplier. Therefore, a 100-foot building would cast a shadow 303 feet long during the Winter Solstice at 9 a.m. (e.g., 100 x 3.03).

^b Shadow bearing is identified in degrees from north. 45/West means 45 degrees west of north; 73/East means 73 degrees east of north, etc.

^c Shadow sensitive uses located greater than 45° west or east of due north would not be affected by winter shadows, regardless of the distance between the proposed building and the shadow-sensitive use. Similarly, shadow sensitive uses located greater than 85° west or east of due north would not be affected by summer shadows.

Source: Planning Consultants Research, 1995.

Exhibit A.3-2
MAXIMUM SHADOW LENGTH GENERATED FOR
GIVEN SOURCE HEIGHTS DURING WINTER SOLSTICE

Source Height (in feet) ^a	Maximum Shadow Length (in feet) ^b		Source Height (in feet) ^a	Maximum Shadow Length (in feet) ^b
60	182		310	939
70	212		320	970
80	242		330	1,000
90	273		340	1,030
100	300		350	1,061
110	333		360	1,091
120	364		370	1,121
130	394		380	1,151
140	424		390	1,182
150	455		400	1,212
160	485		410	1,242
170	515		420	1,273
180	545		430	1,303
190	576		440	1,333
200	606		450	1,364
210	636		460	1,394
220	667		470	1,424
230	697		480	1,454
240	727		490	1,485
250	758		500	1,515

^a Height increments could include either of the following: (1) the height of a proposed building; or (2) in cases of varying topography, the height of a proposed building together with the differential in finished ground elevations between the proposed building and an adjacent shadow-sensitive use.

^b Shadow length at 9:00 a.m. or 3:00 p.m. during the Winter Solstice.

Source: Planning Consultants Research, 1995.

Exhibit A.3-3
MAXIMUM SHADOW LENGTH GENERATED FOR
GIVEN SOURCE HEIGHTS DURING SUMMER SOLSTICE

Source Height (in feet) ^a	Maximum Shadow Length (in feet) ^b		Source Height (in feet) ^a	Maximum Shadow Length (in feet) ^b
60	80		310	412
70	93		320	426
80	106		330	439
90	120		340	452
100	133		350	466
110	146		360	479
120	160		370	492
130	173		380	505
140	186		390	519
150	200		400	532
160	213		410	545
170	226		420	559
180	239		430	572
190	253		440	585
200	266		450	599
210	279		460	612
220	293		470	625
230	306		480	638
240	319		490	652
250	333		500	665

^a Height increments could include either of the following: (1) the height of a proposed building; or (2) in cases of varying topography, the height of a proposed building together with the differential in finished ground elevations between the proposed building and an adjacent shadow-sensitive use.

^b Shadow length at 9:00 a.m. or 5:00 p.m. during the Summer Solstice (June 22).

Source: Planning Consultants Research, 1995.

Exhibit A.3-4

SHADOW PLOTTING METHODOLOGY

To plot potential shadows, use the following steps:

- Draw the building footprint. Measure the shadow lengths for the structure along the shadow bearings identified for the Winter Solstice in Exhibit A.3-1. Project the shadows the distance indicated in Exhibit A.3-2, from each corner of the structure. Connect the end points of the shadows cast, at the times of day for which shadow projections were made, by drawing an arc which incorporates the end points of the morning, noon and afternoon shadows, as projected from a single corner of the structure (see Exhibit A.3-5). This represents the coverage of the shadow cast by the structure throughout the day.
- Undertake the above on a separate footprint for each season identified in Exhibit A.3-1.
- At 9:00 a.m. on the Winter Solstice, shadows project at 45° west of true north. As time approaches noon, shadows both move closer to true north (at a rate of 15° per hour) and also shorten in length. After the noon hour, shadows begin to move east and elongate until 3:00 p.m., at which time they project at 45° east of true north. Summer shadows move, shorten and then lengthen in the same way throughout the day, except that they project further southward (i.e., 85° from true north during the Summer Solstice and progressing at a rate of 21.25° per hour) and reach maximum lengths shorter than those of winter shadows.
- Subdivide the shadow into equal sections which represent where the end point of the shadow will be located during each hour of the day (i.e., six equal sections to represent the six hours between 9:00 a.m. and 3:00 p.m. during the winter and eight equal sections to represent the eight hours between 9:00 a.m. and 5:00 p.m. during the summer).
- Place the sun shadow layout generated above onto a base map, which shows adjacent lot lines and the approximate location of shadow-sensitive uses (see Exhibit A.3-6).
- Determine the length of time during the day that a land use receives a shadow cast by the structure. The shadow projected by a structure, moves at a constant rate from west to east, corresponding to the movement of the sun throughout the day, and thus allowing a general determination of shadow movement, onto and away from a shade-sensitive use.

Exhibit A.3-5 Shadow Projection

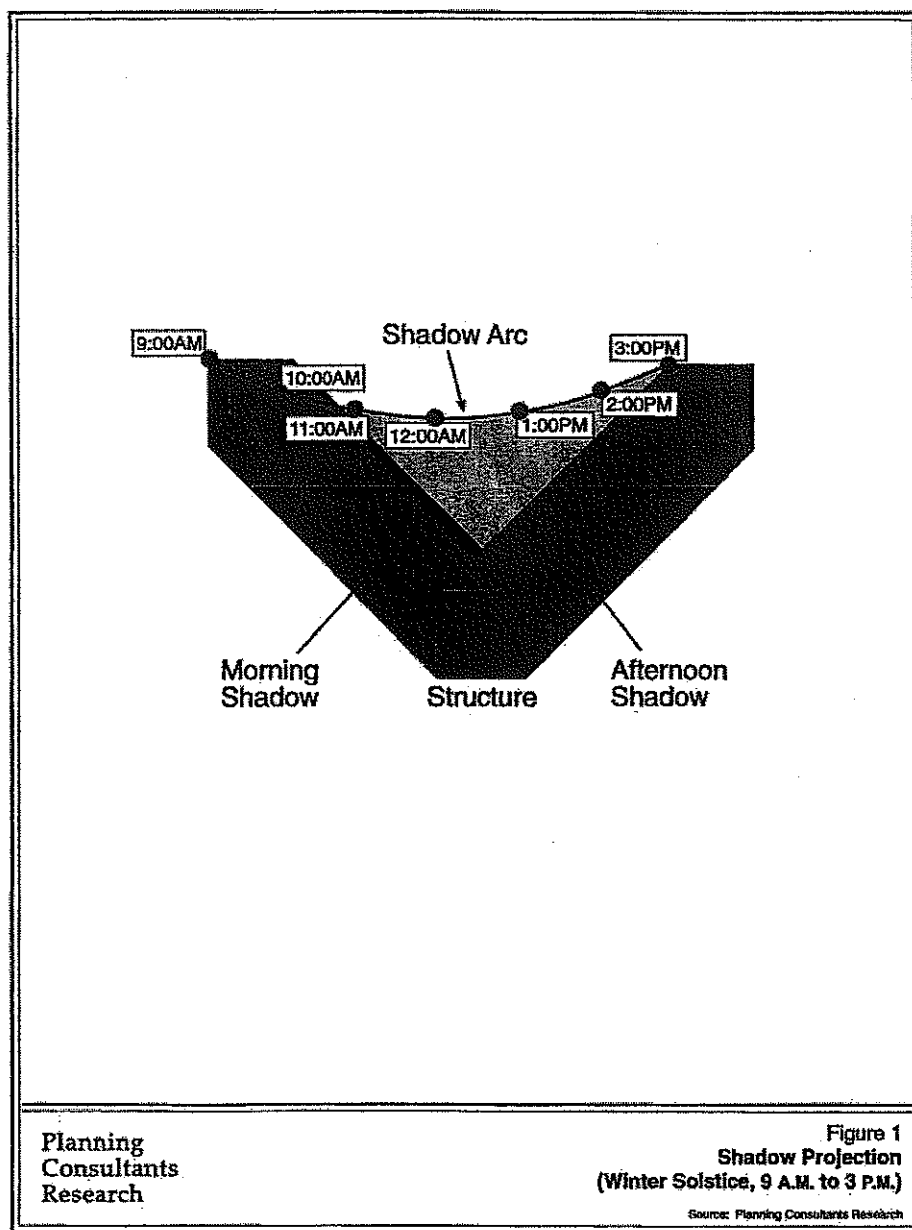
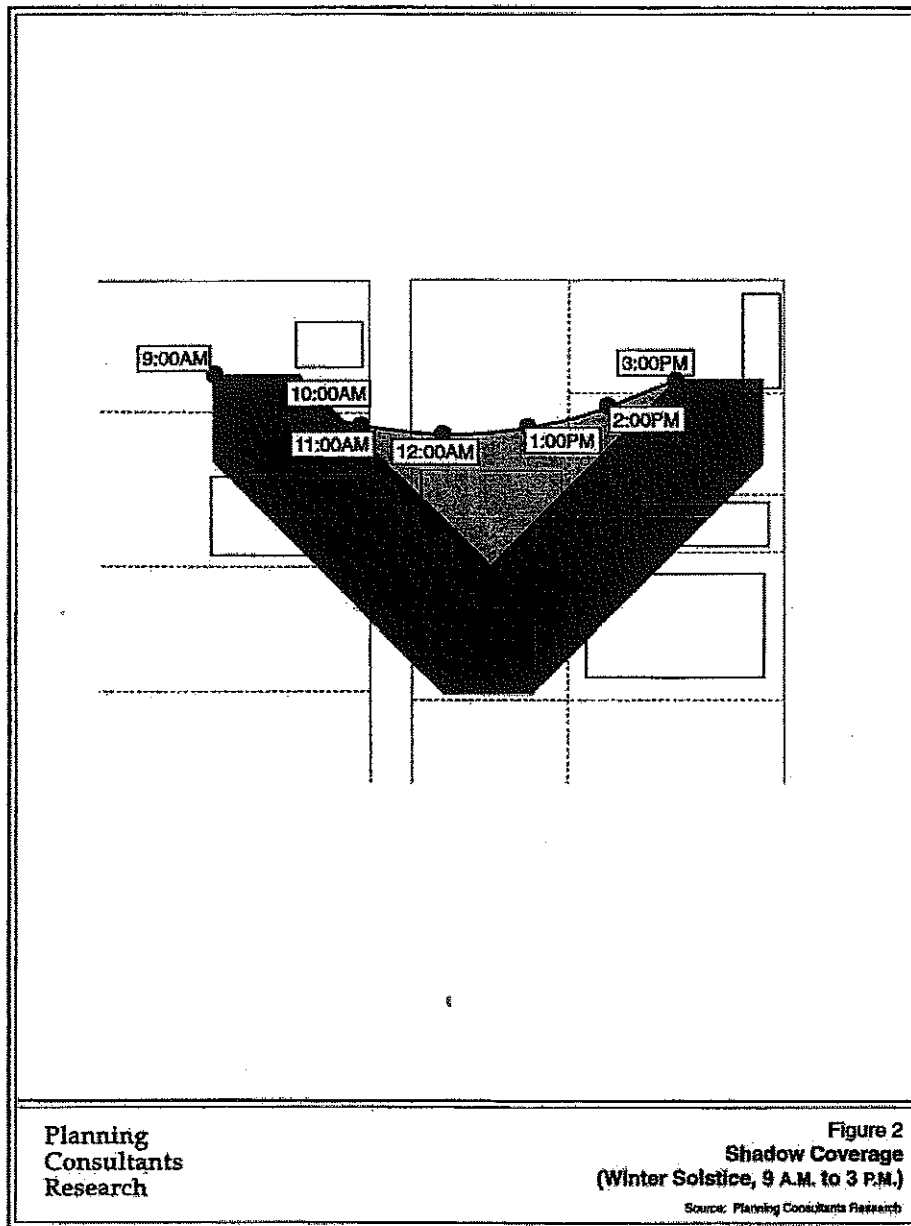
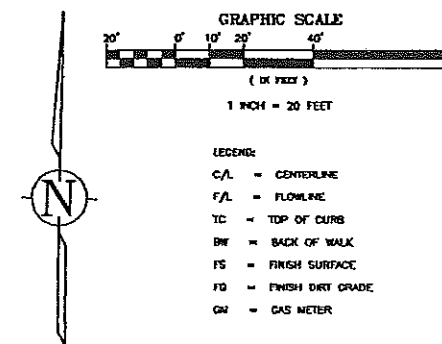



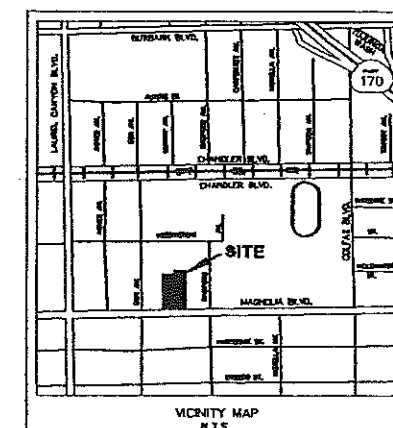
Exhibit A.3-6
Shadow Coverage



LOT 1 AND THE S. 25 FT OF LOT 6,
TRACT NO. 9571,
M.B. 185 - 8/9
AND
LOT 4 AND THE E. 3 FT OF THE S. 25 FT OF LOT 3,
TRACT NO. 10891,
M.B. 191 - 17
IN THE CITY OF LOS ANGELES
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA.



- SURVEYORS NOTES:
1. DATE OF SURVEY: FEBRUARY 2007
 2. BOUNDARY INFORMATION SHOWN HEREON IS PER FIELD MEASUREMENTS.
 3. SURVEY BASED ON STEWART TITLE, TITLE REPORT NO. 330254755 DATED 7-20-06
 4. UTILITY INFORMATION SHOWN HEREON IS PER RECORD DATA AND IS ONLY AS ACCURATE AS SAID DATA.
 5. BENCHMARK: CITY OF LA BLM, NO. 107-17890 ELEV. = 631.419 (1980 ADJ.)
W/ CURVE MAGNITUDE 81.90, 0.511' W OF 5C RET W OF RADPOINT AVE.
 6. SITE AREA: 62826.00 SQ. FT. OR 1.4377 ACRES



I.E.D.
 22222 SHERMAN WAY, SUITE 103
 CANOGA PARK, CA 91303
 (818) 346-9929
 JOB # 6506-154

PREPARED FOR:
SCHAFFEL DEVELOPMENT CO., INC.
15235 BURBANK BLVD., SUITE C
VAN NUYS, CA 91411

REV. NO.	DATE	REVISION	BY	APP
SCALE	CHK'D BY:	APPROVED BY:	DATE:	DWS NO.
1"=20'	B.O.		02-19-07	
				SHEET 1 OF 1

MAGNOLIA APARTMENTS
1933 MAGNOLIA BLVD., LOS ANGELES, CA 91607

Exhibit E

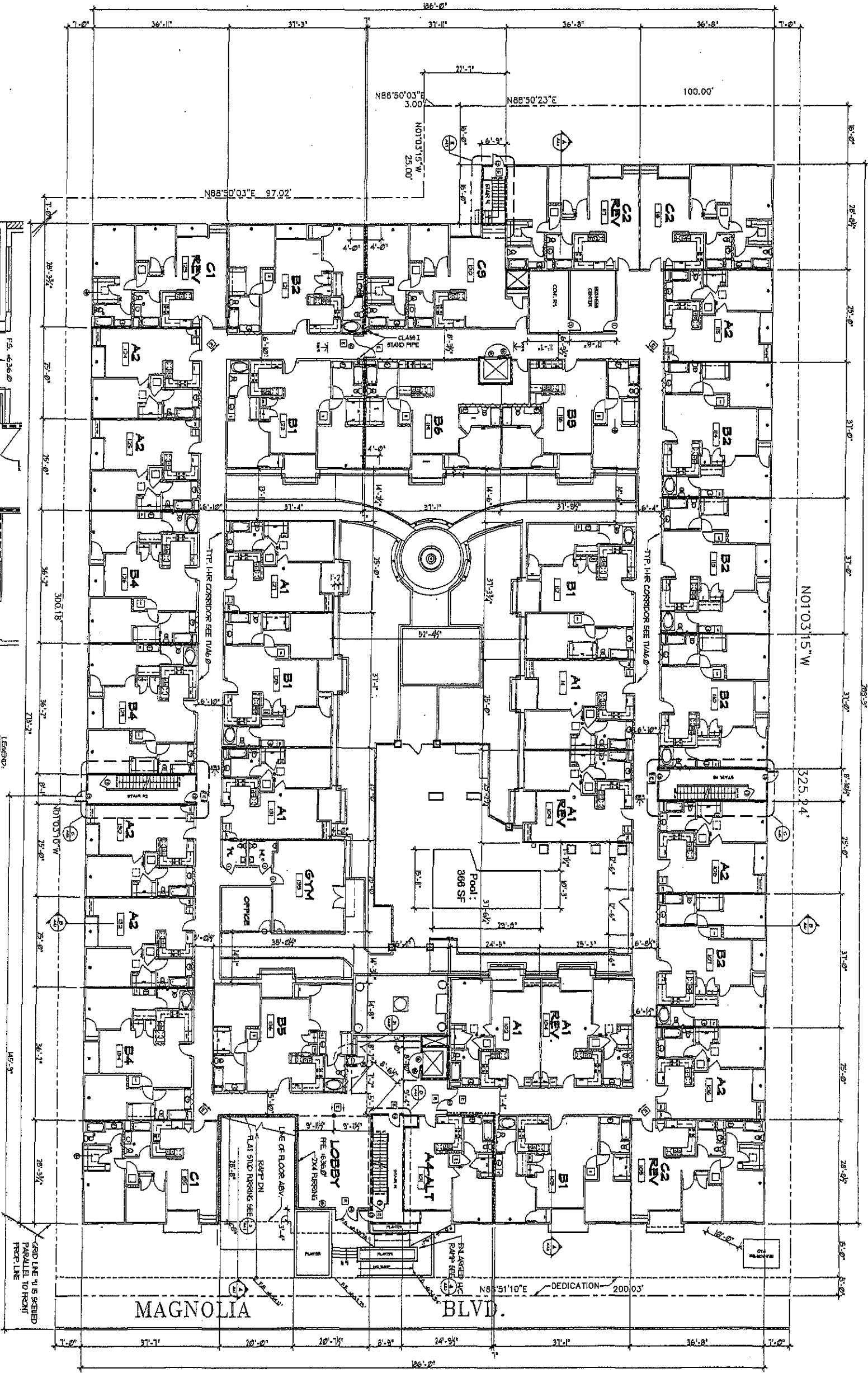
H/C RAMP AND ENTRY STAIRS
SCALE 1/4"=1'-0"

A
A32

LEGEND:
2. RE. BATTED WALL, SEE FINE WALL
2. RE. BATTED WALL, SEE FINE WALL
HYDRONET WALL, OR FLOORED IN PLACE CONCRETE
TYP. 1. HOOK BATTED WALL • WINDOW SEE
• EXTERIOR SEE
• TYP. PARTY WALL SEE
PLANTER ROOM SEE LANDSCAPE DRAWINGS
DECK CRANK
FIRE SPRINKLER HEAD WATER CISTERN • INSIDE OF WINDOW
W. 10' HIGH DRAFT STOP ABOVE
FALL FINCHES FROM TOP OF EXIST. BALCONY
HIGH AND LOW LEVEL, EXIST. SIGN BOTTOM OF SIGN
TO BE (V. AEP) SEE LUMINOUS OR PHOTO-LUMINOUS
NOTES:
1. SEE 1/4" SCALE PLANS FOR ADDITIONAL DOOR SCHEDULES
2. SEE PLUMBING DRAWINGS AND LANDSCAPE FOR
3. FOR PLUMBING, COORDINATE MECHANICAL, AND DEPRESSION SEE DEPRESSION PLAN
4. FOR HWT DRY TREATMENT SEE TYP.
5. THESE STAIRS ARE SHOWN AS EXTERIOR CORRIDOR PROVIDE DECK
LEVEL AND SWING DOOR SCHEDULES.

1ST FLOOR PLAN
SCALE 3/32"=1'-0"
AREA = 35,431 SF.

CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY
DISBURSED ACCESSIBILITY
The City of Los Angeles Department of Building and Safety has reviewed and approved the accessibility of this plan and specifications shall be in accordance with the Americans with Disabilities Act (ADA) and the California Building Code (CBC) and the California Accessibility Code (CAC). The City of Los Angeles Department of Building and Safety has reviewed and approved the accessibility of this plan and specifications shall be in accordance with the Americans with Disabilities Act (ADA) and the California Building Code (CBC) and the California Accessibility Code (CAC). The City of Los Angeles Department of Building and Safety has reviewed and approved the accessibility of this plan and specifications shall be in accordance with the Americans with Disabilities Act (ADA) and the California Building Code (CBC) and the California Accessibility Code (CAC).

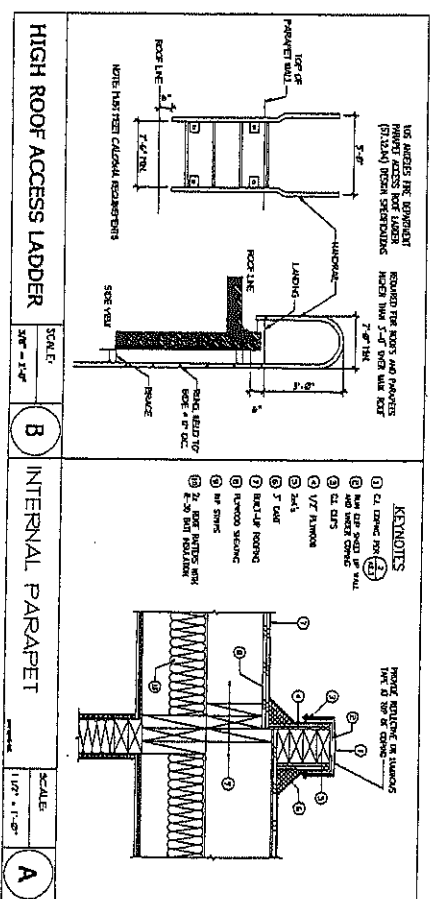
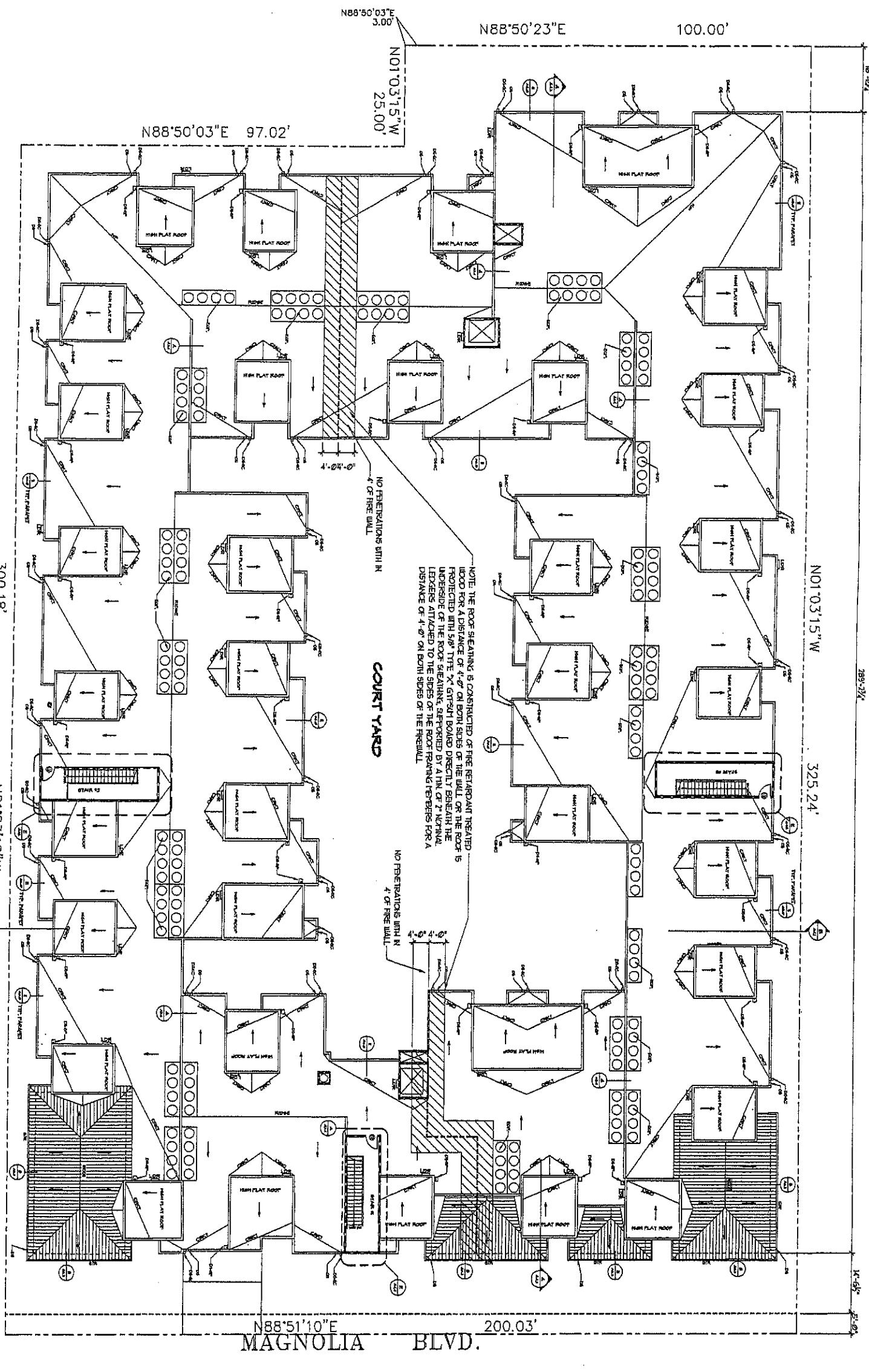


MAGNOLIA APARTMENTS

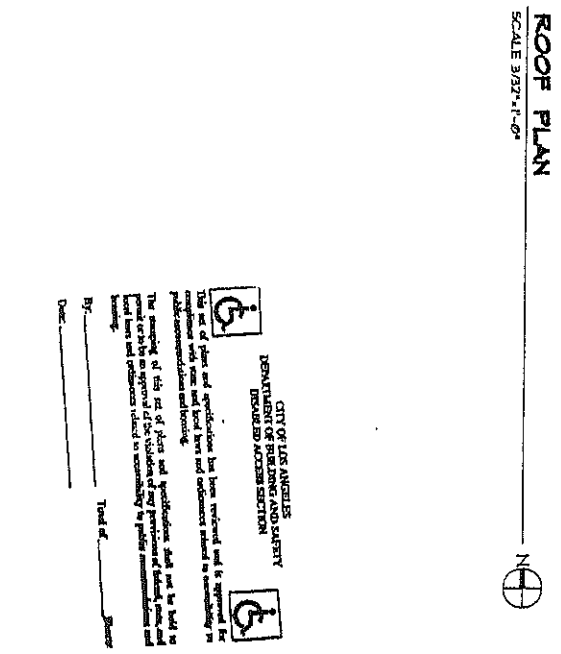
11933 MAGNOLIA BLVD., LOS ANGELES, CA 91607

ALAN S. BOVIN, AIA
Architecture - Planning
21066 Colma Drive
Torrance, Ca., 90230
(310) 455-1834

A32



- KEYNOTES**
- 1. CL. LANDING (SEE 10)
 - 2. CL. LANDING (SEE 10)
 - 3. CL. LANDING (SEE 10)
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 - 100. CL. LANDING (SEE 10)



MAGNOLIA APARTMENTS

11933 MAGNOLIA BLVD., LOS ANGELES, CA 91607

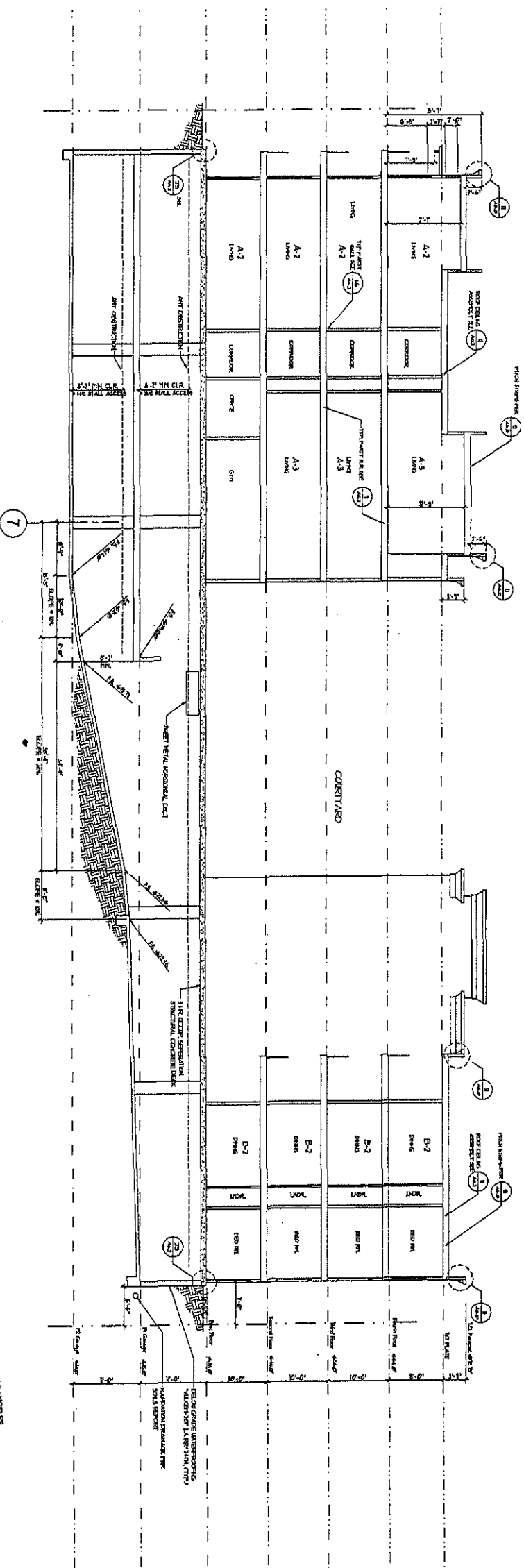
ALAN S. BOIVIN, AIA
Architecture - Planning
21066 Colina Drive
Torrance, CA 90509
(310) 455-1634

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SCALE 1/8"=1'-0"



SCALE 1/8"=1'-0"



SCALE 1/8"=1'-0"

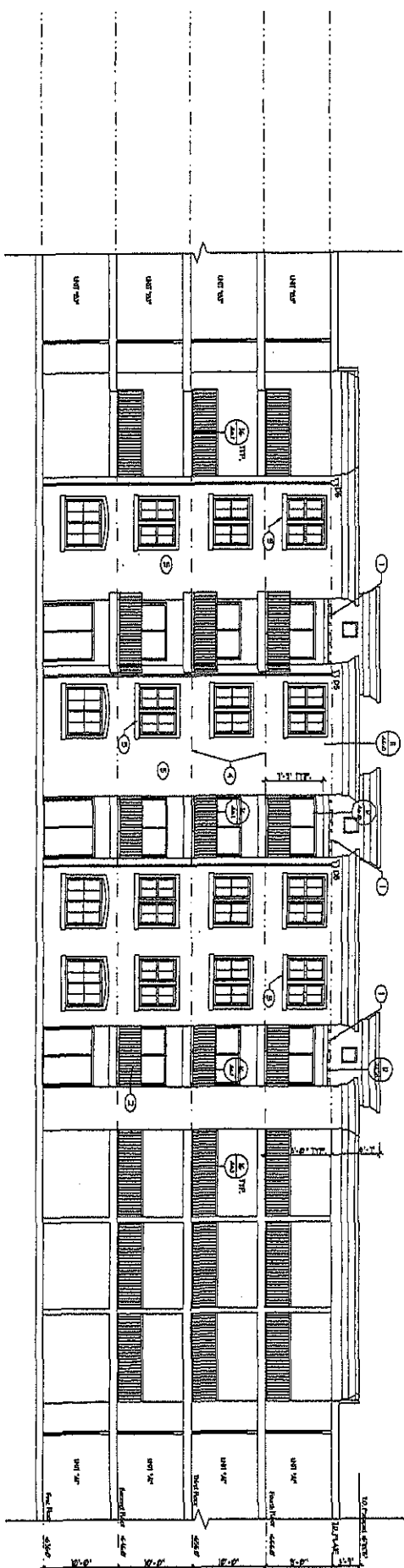


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PLAN CHECK
JULY 25, 2004
BY PLAN CHECK
JULY 11, 2004

MAGNOLIA APARTMENTS
11933 MAGNOLIA BLVD., LOS ANGELES, CA 91607

ALAN S. BOVIN, AIA
Architecture - Planning
21066 Colina Drive
Topanga, Ca., 90290
(310) 455-1834

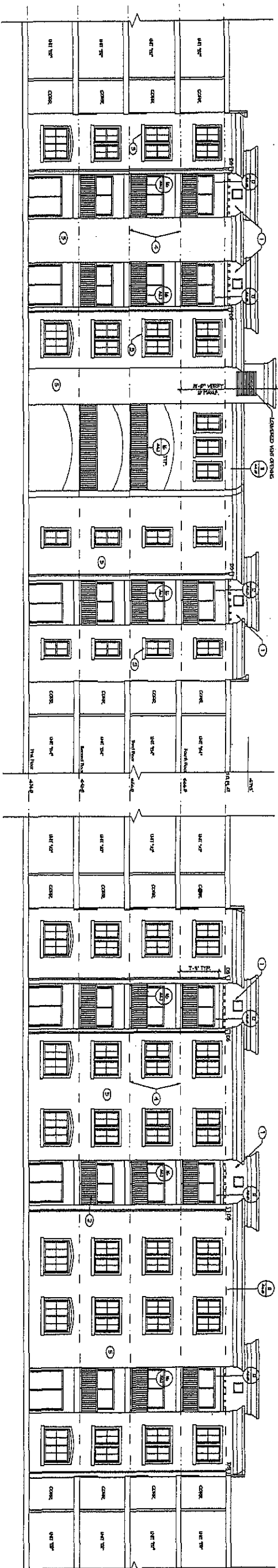


- FENOTIPS
- 1) ICE THINGS SEE $\left(\frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}\right)$
 - 2) TYPICAL BALCONY • SHEET PAVING
PER DRIVE $\left(\frac{1}{2}, \frac{1}{2}\right)$
 - 3) PLANT ON HOLDING AZALEA AND PANDORA
• 4' WIDE BY 10' LONG
• 1' TALL BY 10' LONG
• 1' WIDE BY 10' LONG
• 1' WIDE BY 10' LONG
 $\left(\frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}\right)$
 - 4) TYP. REMOVAL • FLOOR LITE $\left(\frac{1}{2}, \frac{1}{2}\right)$
 - 5) SMOOTH LT. SAND BACKC FINISH IV
BRICKLAY, COLOR
 - 6) CONCRETE THE ROOF WITH FINE
CONCRETE SEE $\left(\frac{1}{2}, \frac{1}{2}\right)$
 - 7) STONE VENEER PER $\left(\frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}\right)$
 - 8) DECORATIVE RAILING AND ENCLOSED
BALCONY PER $\left(\frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}, \frac{1}{2}\right)$

EAST COURTYARD ELEVATION

SCALE 1/8"=1'-0"

24



SOUTH COURTYARD ELEVATION

SCALE VS. 1-2-3-4-5

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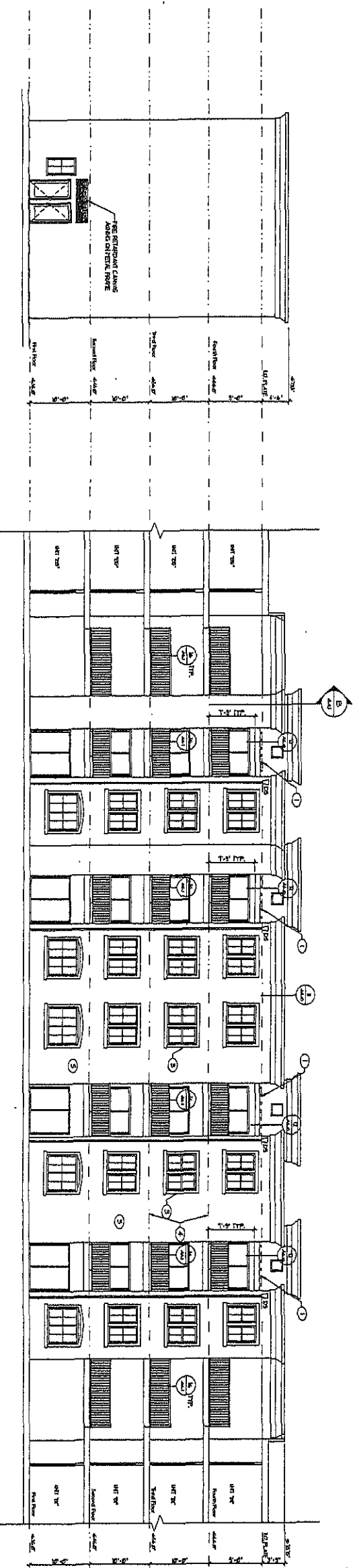
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NORTH COURTYARD ELEVATION

SCALE 1/8"=1'-0"



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SOUTH ELEVATION GYM OFFICE

SCALE 18° ± 1° - 0°



44-2

WEST COURTYARD ELEVATION

SCALE 1/8"=1'-0"

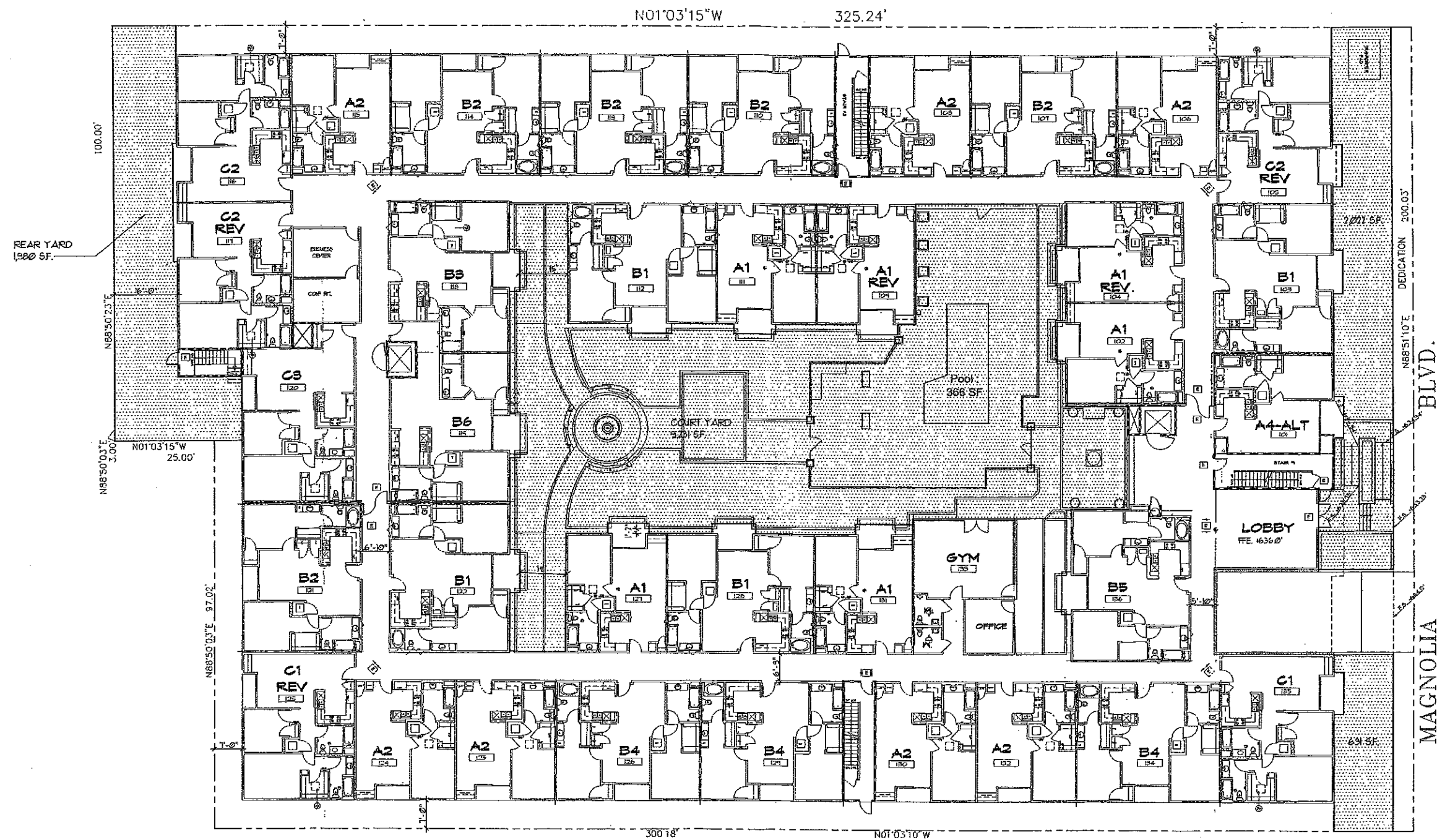
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MAGNOLIA APARTMENTS
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ALAN S. BOIVIN, A.I.A.
Architecture - Planning
21066 Colina Drive
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OPEN SPACE PROVIDED

PRIVATE BALCONIES (19 x 50 SF. EA.)	= 950 SF.
FRONT YARD	= 2,653 SF. (50% MIN. LANDSCAPED-SEE LANDSCAPE PLANS)
REAR YARD	= 1,813 SF. (50% MIN. LANDSCAPED-SEE LANDSCAPE PLANS)
COURT YARD	= 9,231 SF. (50% MIN. LANDSCAPED-SEE LANDSCAPE PLANS)
TOTAL	= 14,101 SF.

OPEN SPACE REQUIRED

146 UNITS x 100 SF. EA.	= 14,600 SF.
-------------------------	--------------

OPEN SPACE CALCULATION PLAN

SCALE 3/32"=1'-0"



MAGNOLIA APARTMENTS

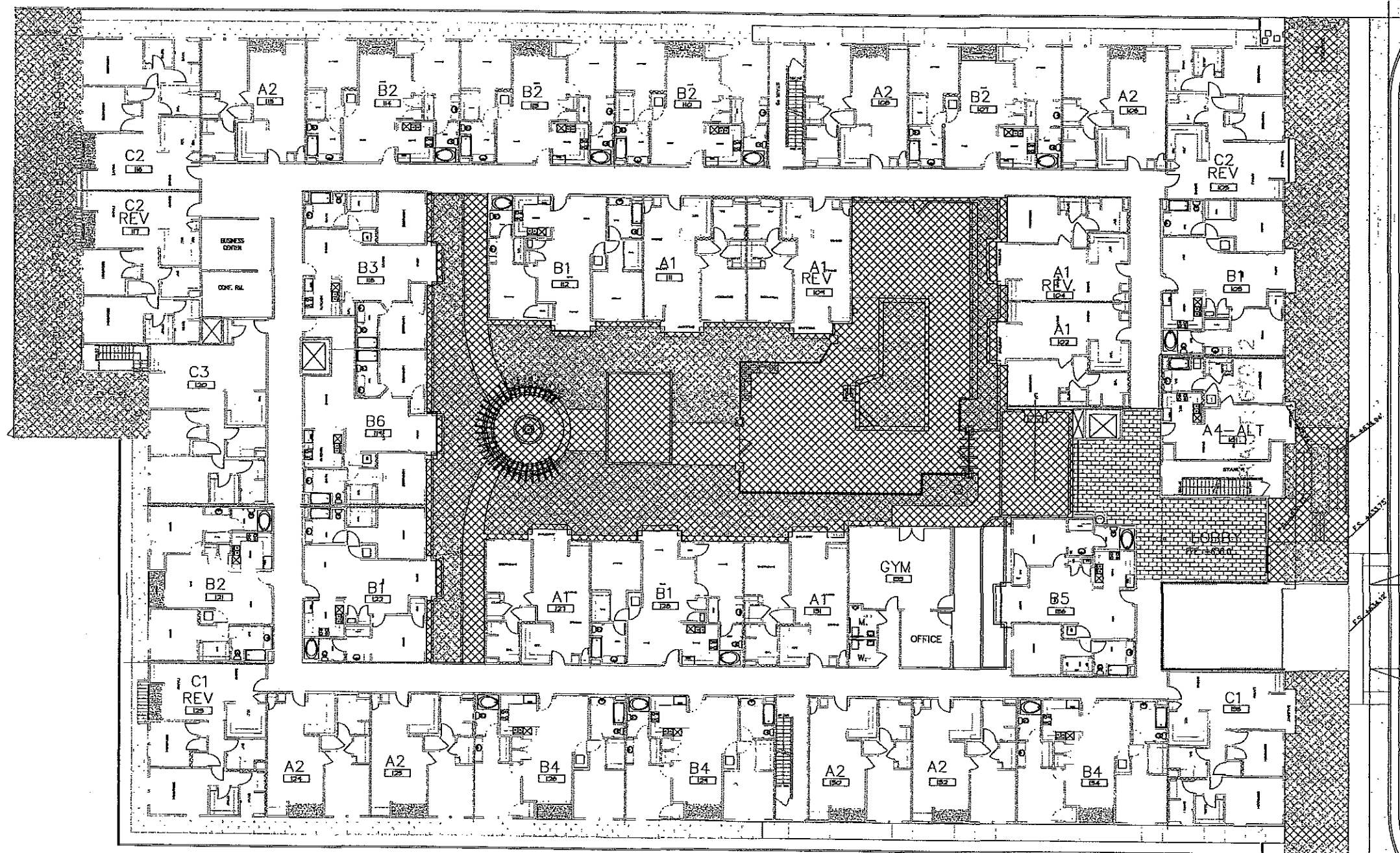
11933 MAGNOLIA BLVD., LOS ANGELES, CA 91607

ALAN S. BOYD, AIA
Architecture - Planning
21666 Collins Drive
Torrance, CA 90509
(310) 455-1834

PLAN CHECK
JULY 25, 2008
H/C PLAN CHECK
JULY 18, 2008

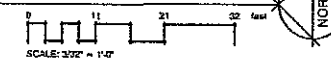
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JUL 23 2008

A15



OPEN SPACE PROVIDED

OPEN SPACE / LANDSCAPE CALCULATION PLAN



OPEN SPACE CALCULATION DATA

OPEN SPACE REQUIRED
146 UNITS x 100 S.F. EA. = 14,600 S.F.

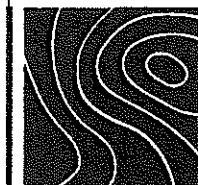
OPEN SPACE PROVIDED

PRIVATE BALCONIES (19 x 50 S.F. EA.)	= 950 S.F.
FRONT YARD	= 2,653 S.F.
REAR YARD	= 1,873 S.F.
COURT YARD	= 9,231 S.F.
TOTAL	= 14,707 S.F.

PLANTING IN OPEN SPACE:

FRONT YARD	2,091 S.F.
REAR YARD	1,884 S.F.
COURT YARD	3,427 S.F.
TOTAL	= 7,402 S.F.

PLANTING IN OPEN SPACE REQUIRED:
50% OF PROVIDED OPEN SPACE = 7,354 SF



L.A. GROUP
LANDSCAPE ARCHITECTURE
22110 Clarendon St. Suite 202,
Woodland Hills, CA 91367
818 251-9718 FAX 818 251-9719
www.lagroupinc.net

MAGNOLIA APARTMENTS

11927 Magnolia Blvd. Los Angeles CA 91607

prepared for:

SCHAFFEL DEVELOPMENT CO.
15205 Burbank Blvd., Suite C, Van Nuys, CA 91411, T: 818. 787-2771

ISSUE	DATE
OPEN SPACE SUBMITTAL	08/28/08
PLAN REVISION	07/25/09

Date

Drawn By

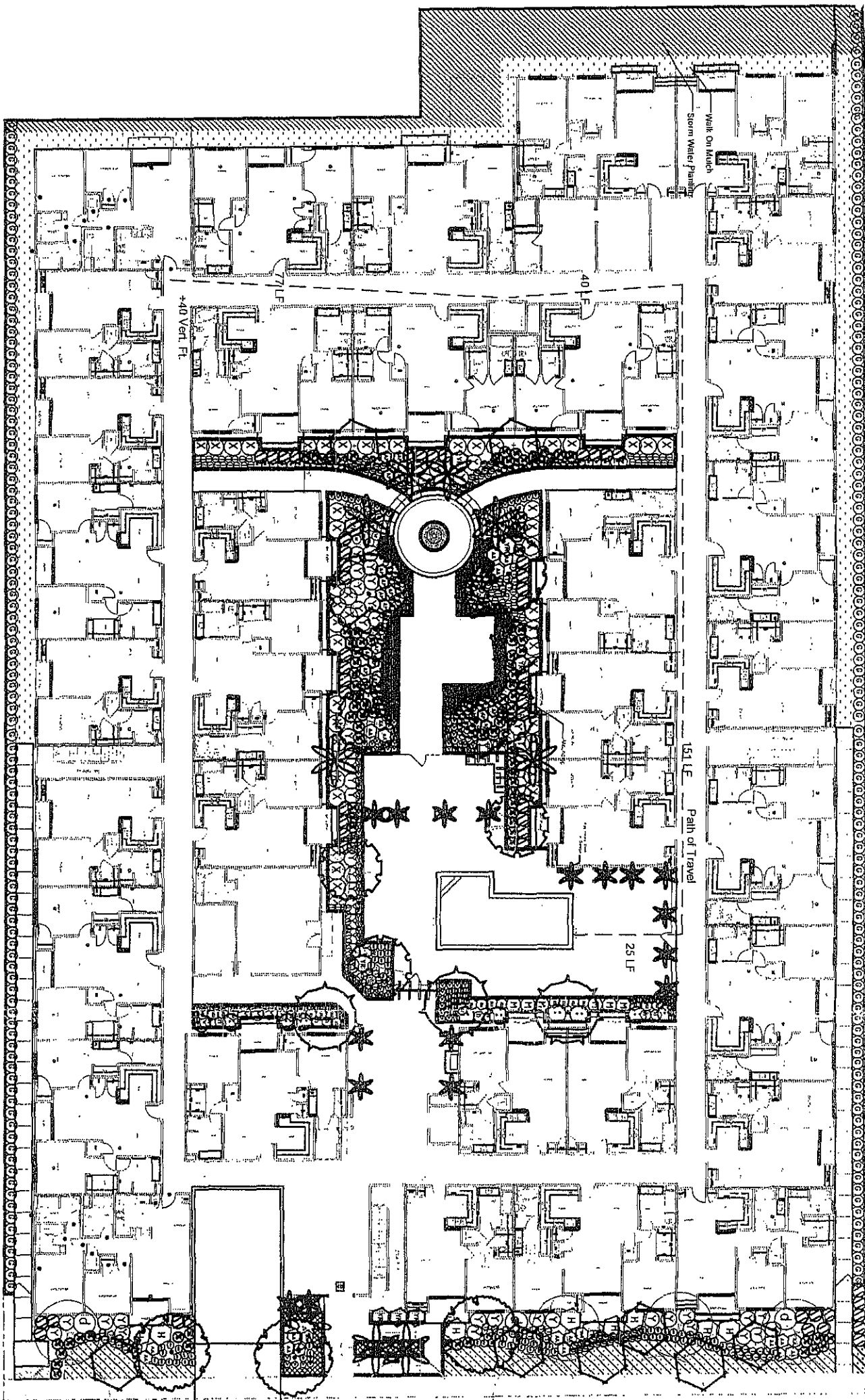
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**OPEN SPACE
LANDSCAPE
EXHIBIT**

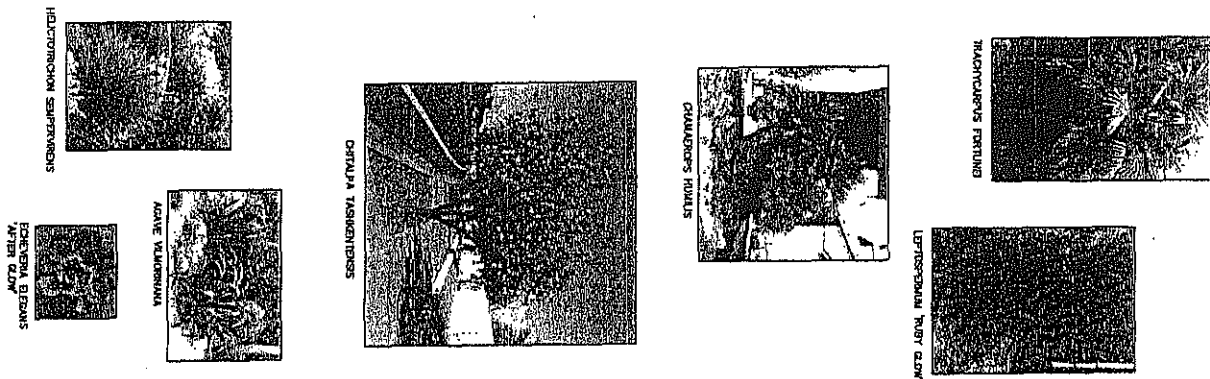
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Sheet No.

L-1



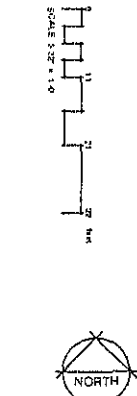
MAGNOLIA BLVD.



SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WATER/ DRAINAGE
①	GRE OLE BREXIA CAFFRA - ESPALIER	LAVENDER STAR FLOWER	15' OAL	1	MD
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WATER/ DRAINAGE
②	INTO PAX	PROSTRATE PROSPER	FLATS	12' OAL	Thompson's Spine
③	FOURNA DEONIS	MEXICAN SNOGALL	FLATS	12' OAL	Thompson's Spine
④	ARTER GLOW				LOW
⑤	ANNUAL COLOR				
⑥	WALK ON MUDCH	WALK ON MUDCH			
⑦	WALK ON MUDCH	WALK ON MUDCH			
⑧	WALK ON MUDCH	WALK ON MUDCH			
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SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WATER/ DRAINAGE
①	AD. PU	AD. PU	15' OAL	1	LOW
②	AD. PU	AD. PU	15' OAL	1	LOW
③	AD. PU	AD. PU	15' OAL	1	LOW
④	AD. PU	AD. PU	15' OAL	1	LOW
⑤	AD. PU	AD. PU	15' OAL	1	LOW
⑥	AD. PU	AD. PU	15' OAL	1	LOW
⑦	AD. PU	AD. PU	15' OAL	1	LOW
⑧	AD. PU	AD. PU	15' OAL	1	LOW
⑨	AD. PU	AD. PU	15' OAL	1	LOW
⑩	AD. PU	AD. PU	15' OAL	1	LOW
⑪	AD. PU	AD. PU	15' OAL	1	LOW
⑫	AD. PU	AD. PU	15' OAL	1	LOW
⑬	AD. PU	AD. PU	15' OAL	1	LOW
⑭	AD. PU	AD. PU	15' OAL	1	LOW
⑮	AD. PU	AD. PU	15' OAL	1	LOW
⑯	AD. PU	AD. PU	15' OAL	1	LOW
⑰	AD. PU	AD. PU	15' OAL	1	LOW
⑱	AD. PU	AD. PU	15' OAL	1	LOW
⑲	AD. PU	AD. PU	15' OAL	1	LOW
⑳	AD. PU	AD. PU	15' OAL	1	LOW
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㊾	AD. PU	AD. PU	15' OAL	1	LOW
㊿	AD. PU	AD. PU	15' OAL	1	LOW



SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WATER/ DRAINAGE
①	AD. PU	AD. PU	15' OAL	1	LOW
②	AD. PU	AD. PU	15' OAL	1	LOW
③	AD. PU	AD. PU	15' OAL	1	LOW
④	AD. PU	AD. PU	15' OAL	1	LOW
⑤	AD. PU	AD. PU	15' OAL	1	LOW
⑥	AD. PU	AD. PU	15' OAL	1	LOW
⑦	AD. PU	AD. PU	15' OAL	1	LOW
⑧	AD. PU	AD. PU	15' OAL	1	LOW
⑨	AD. PU	AD. PU	15' OAL	1	LOW
⑩	AD. PU	AD. PU	15' OAL	1	LOW
⑪	AD. PU	AD. PU	15' OAL	1	LOW
⑫	AD. PU	AD. PU	15' OAL	1	LOW
⑬	AD. PU	AD. PU	15' OAL	1	LOW
⑭	AD. PU	AD. PU	15' OAL	1	LOW
⑮	AD. PU	AD. PU	15' OAL	1	LOW
⑯	AD. PU	AD. PU	15' OAL	1	LOW
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㉑	AD. PU	AD. PU	15' OAL	1	LOW
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㉓	AD. PU	AD. PU	15' OAL	1	LOW
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㉗	AD. PU	AD. PU	15' OAL	1	LOW
㉘	AD. PU	AD. PU	15' OAL	1	LOW
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㊼	AD. PU	AD. PU	15' OAL	1	LOW
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㊾	AD. PU	AD. PU	15' OAL	1	LOW
㊿	AD. PU	AD. PU	15' OAL	1	LOW

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