

TRANSMITTAL TO CITY COUNCIL

Case No.(s) VTT-72147-CN-1A RELATED CASE: CPC-2013-226-SPE-CU-ZAA-CCMP-SPP	Planning Staff Name(s) and Contact No. CHRISTINA TOY LEE 213-473-9723	C.D. No. 1		
Items Appealable to Council: VTT	Last Day to Appeal: JULY 8, 2013	Appealed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Location of Project (Include project titles, if any.) 119 N. AVENUE 56, 5712 E. MARMION WAY, 123, 125 N. AVENUE 57, 5706, 5708, 5712 E. MARMION WAY, 124 N. AVENUE 59, 124, 128, 132 N. AVENUE 59				
Name(s), Applicant / Representative, Address, and Phone Number.				
<table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> DANIEL FALCON JR. HPTV APARTMENTS 801 S. GRAND AVE. 780 LOS ANGELES, CA 90017 213-236-2680 </td> <td style="width: 50%; vertical-align: top;"> REPRESENTATIVE: ANDIE ADAME CRAIG LAWSON & CO. 8758 VENICE BLVD. LOS ANGELES, CA 90034 310-838-2400 </td> </tr> </table>			DANIEL FALCON JR. HPTV APARTMENTS 801 S. GRAND AVE. 780 LOS ANGELES, CA 90017 213-236-2680	REPRESENTATIVE: ANDIE ADAME CRAIG LAWSON & CO. 8758 VENICE BLVD. LOS ANGELES, CA 90034 310-838-2400
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Name(s), Appellant / Representative, Address, and Phone Number.				
<table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> LISA DUARDO <i>HIGHLAND</i> FRIENDS OF HIGHLAND PARK 5615 N. FIGUEROA ST. LOS ANGELES, CA 90042 323-255-9764 <i>friendsofhighlandpark@gmail.com</i> </td> <td style="width: 50%; vertical-align: top;"> REPRESENTATIVE: DEAN WALLRAFF ADVOCATES FOR THE ENVIRONMENT PO BOX 4242 SUNLAND, CA 91401 818-353-4268 <i>dw@aenv.org</i> </td> </tr> </table>			LISA DUARDO <i>HIGHLAND</i> FRIENDS OF HIGHLAND PARK 5615 N. FIGUEROA ST. LOS ANGELES, CA 90042 323-255-9764 <i>friendsofhighlandpark@gmail.com</i>	REPRESENTATIVE: DEAN WALLRAFF ADVOCATES FOR THE ENVIRONMENT PO BOX 4242 SUNLAND, CA 91401 818-353-4268 <i>dw@aenv.org</i>
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Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)				
<p>Vesting Tentative Tract Map No. VTT-72147-CN to permit the merger and re-subdivision of four lots into one master lot and two airspace lots on a 34,920 net square-foot site. Master Lot 1 includes 20 residential condominium units, Airspace Lot 2 includes 116 public parking spaces, and Airspace Lot 3 includes 45 residential parking spaces.</p>				
Fiscal Impact Statement <small>*Determination states administrative costs are recovered through fees.</small>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Environmental No. ENV-2013-221-MND		
		Commission Vote: 8-0		
JAMES K. WILLIAMS, <i>[Signature]</i> Commission Executive Assistant II		Date: July 10, 2013		

BY _____ DEPUTY

CITY CLERK

2013 JUL 12 PM 4:02

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LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
<http://planning.lacity.org/>

JUN 21 2013

Determination Mailing Date: _____

Case: VTT-72147-CN-1A
CEQA: ENV-2013-221-MND
Related Cases:
AA-2013-222-PMLA-1A, AA-2013-223-PMLA-1A
CPC-2013-226-SPE-CU-ZAA-CCMP-SPP

Location: Site 1: 119 N. Avenue 56
Council District: 1 – Reyes
Plan Area: Northeast Los Angeles
Zone: PF-2D-HPOZ

Applicant: Daniel Falcon, Jr., HPTV Apartments, LP
Representative: Andie Adame, Craig Lawson & Co., LLC
Appellants: J. Joseph Teresa; Howard Lee, Highland Properties; Lisa Durado, Friends of Highland Park

At its meeting on June 13, 2013, the following action was taken by the City Planning Commission:

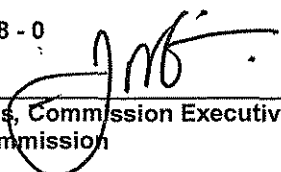
1. Denied the appeals.
2. Sustained the Deputy Advisory Agency's approval of Vesting Tentative Tract Map No. VTT-72147-CN to permit the merger and re-subdivision of four lots into one master lot and two airspace lots on a 34,920 net square-foot site (dated May 7, 2013).
3. Adopted Mitigated Negative Declaration No. ENV-2013-221-MND.
4. Adopted the attached Conditions of Approval.
5. Adopted the attached Findings.
6. Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
7. Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Perlman
Seconded: Cardoso
Ayes: Eng, Freer, Hovaguimian, Lessin, Romero, Roschen
Absent: Burton

Vote: 8 - 0



James K. Williams, Commission Executive Assistant II
City Planning Commission

Appeals: This action of the City Planning Commission will be final within 15 days from the mailing date on this determination unless an appeal is filed within that time to the City Council.

Final appeal date: JUL 08 2013

All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 North Figueroa Street, 4th Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys. Forms are also available on-line at <http://planning.lacity.org/>

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: Advisory Agency's Determination Letter dated May 7, 2013
Hearing Officer: Christina Toy Lee

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

CITY PLANNING COMMISSION
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VICE-PRESIDENT
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CAMILLA M. ENG
GEORGE HOVAGUIMIAN
ROBERT LESSIN
DANA M. PERLMAN
BARBARA ROMERO
JAMES WILLIAMS
COMMISSION EXECUTIVE ASSISTANT II
(213) 978-1300

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CALIFORNIA



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FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

Decision Date: May 7, 2013

Appeal Period Ends: May 17, 2013

Daniel Falcon (A)
HPTV Apartments, L.P.
801 South Grand Avenue, Suite 780
Los Angeles, CA 90017

City of Los Angeles (O)
Department of Transportation
100 S. Main Street, 10th Floor
Los Angeles, CA 90012

Thomas D. Iacobellis (E)
Iacobellis & Associates Inc.
11145 Tampa Avenue, Suite 15-B
Northridge, CA 91326

RE: Vesting Tract Map No.: 72147-CN
Address: 119 N. Avenue
Community Plan: Northeast Los Angeles
Zone: PF-2D-HPOZ
Council District: 1
CEQA No.: ENV-2013-221-MND

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency approved Vesting Tentative Tract Map No. 72147-CN, located at 119 N. Avenue 56 for one master lot and two airspace lots, Master Lot 1 includes 20 residential condominium units, Airspace Lot 2 includes 116 public parking spaces, and Airspace Lot 3 includes 45 residential parking spaces, as shown on map stamp-dated January 25, 2013 in the Northeast Los Angeles Community Plan. This unit density is based on the most restrictive adjoining zone of RD2-1-HPOZ Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Public Counter call (213) 482-7077. The Advisory Agency's approval is subject to the following conditions:

NOTE on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
2. That a set of drawings for airspace lots be submitted to the City Engineer showing the followings:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
3. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
4. That any fee deficit under Work Order No. EXT00486 expediting this project be paid.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

5. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

6. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Provide a copy of CPC case CPC-2013-226-SPE-CU-ZAA-CCMP-SPP. Show compliance with all the conditions/requirements of the CPC case as applicable.
 - b. Provide a copy of Condition Use Approval indicating the allowable density or allowable number of residential condominium units.
 - c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

- d. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

Each Air Space lot shall have access to a street by one or more easements or other entitlements to use in a form satisfactory to the Advisory Agency and the City Engineer.

Any proposed structures or uses on the site have not been checked for and shall comply with Building and Zoning Code requirements. Plan check will be required before any construction, occupancy or change of use.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

-
7. ~~Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:~~
 - a. A 20-foot reservoir space be provided between any security gate(s) and the property line.
 - b. A parking area and driveway plan shall be submitted to the Citywide Planning Coordination Section of Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3. (MM)

FIRE DEPARTMENT

8. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
 - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - b. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

- c. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- d. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- e. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.
- f. Submit plot plans indicating access road and turning area for Fire Department approval.
- g. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- h. **Policy Exception:**

L.A.M.C. 57.09.03.B Exception:

- When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
 - It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - This policy does not apply to single-family dwellings or to non-residential buildings.
- i. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; but, in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.
 - j. Entrance to the main lobby shall be located off the address side of the building.

- k. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- l. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- m. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.
- n. Adequate public and private fire hydrants shall be required.
- o. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- p. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- q. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- r. Site plans shall include all overhead utility lines adjacent to the site.
- s. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

BUREAU OF STREET LIGHTING

- 9. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY AGENCY

11. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

DEPARTMENT OF RECREATION AND PARKS

12. That the Quimby fee be based on the RD2-1 Zone. (MM)

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

13. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

All significant (8-inch or greater trunk diameter) or cumulative trunk diameter if multi-trunked, as measured 54 inches about the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parking of the adjacent public right right(s)-of-way, may be counted toward replacement tree requirements. (MM)

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) 487-3077. All trees in the public right-of-way requires approval of the Board of Public Works. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

14. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
 - a. Limit the proposed development to a maximum of 20 dwelling units.
 - b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus 1/4 guest parking spaces per dwelling unit. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

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

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. Provide a minimum of 116 City of Los Angeles public parking spaces, or allow the redistribution of the parking spaces to Sites 2 and/or 3, if necessary, in order to maintain the total 221 public parking spaces across the three sites.

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

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- d. Prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
- e. The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better in order to reduce the effects of diminished air quality on the occupants of the project. (MM)
- f. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- g. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- h. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. (MM)
- i. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.

15. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

Note to City Zoning Engineer and Plan Check. The Advisory Agency has approved the following variations from the LAMC as it applies to this subdivision and the proposed development on the site.

Approved Variations as follows:

1. Designate Avenue 56 and Avenue 57 as the front yards for the subject site.
16. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2013-226-SPE-CU-ZAA-CCMP-SPP shall be submitted to the satisfaction of the Advisory Agency. In the event that CPC-2013-226-SPE-CU-ZAA-CCMP-SPP is not approved, the subdivider shall submit a tract modification.
17. Prior to the issuance of a building permit, grading permit and the recordation of the final tract map, the subdivider shall record and execute a Covenant and Agreement to comply with the Avenue 57 Transit Oriented District Specific Plan, except as otherwise approved through LAMC Section 11.5.7.
18. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider of exporting of approximately Site 1: 28,300 cubic yards of soil, Site 2: 18,300 cubic yards of soil, Site 3: 6,200 cubic yards of soil; a total of 72 trips per day for a duration of 30 days for Site 1, a total of 72 trips per day for a duration of 20 days for Site 2, and a total of 72 trips per day for a duration of 10 days for Site 3, in addition to the following haul route conditions: (MM)
- a. Streets to be used are limited to Marmion Way to N Avenue 57, right onto North Avenue 57, left onto Figueroa Street, right onto State Highway 134 East, Interstate 210 East, exit 38 for Irwindale Avenue, right onto N. Irwindale Avenue, and left onto Gladstone Street.
 - b. Hauling hours of operation shall be from 7:00 a.m. to 4:30 p.m. Monday through Saturday. Trucks shall not arrive at the construction site before the prescribed start time.
 - c. Trucks shall be restricted to 18-wheel dump trucks or smaller.
 - d. All staging shall be on-site. Alternatively, an off-site location shall be selected and trucks radioed into site.
 - e. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).

- f. Streets shall be cleaned of spilled materials at the termination of each work day.
- g. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
- h. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- i. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- j. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- k. All trucks are to be watered at the job site to prevent excessive blowing dirt.
- l. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
- m. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.
- n. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
- o. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
- p. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."
- q. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.
- r. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.

- s. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.
 - t. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213. 977.6039.
19. **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.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

20. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 7b, 8, 12, 13, 14e, 14h, 18, 21, and 22 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
21. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- MM-1. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
 - MM-2. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
 - MM-3. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

- MM-4. Concrete, not metal, shall be used for construction of parking ramps.
- MM-5. The interior parking ramps shall be textured to prevent tire squeal at turning areas.
- MM-6. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
- MM-7. Wall and roof-ceiling as Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. Alternatively, the applicant may verify, through an acoustical engineer, that installed sound insulation is sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
- MM-8. 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). In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
- Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - Use of landscape contouring to minimize precipitation runoff
 - A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.
- MM-9. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- MM-10. Install 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.
- MM-11. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.

- MM-12. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- MM-13. 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.)
- MM-14. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- MM-15. 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.
- MM-16. 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.
- MM-17. 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.
- MM-18. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.
- MM-19. The project shall comply with the Highland Park-Garvanza Preservation Plan.
- MM-20. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

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

- CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**
- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
 - b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
 - c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.
- CM-2. 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.
- CM-3. 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.
- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-6. 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.

- CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-8. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-12. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-13. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.
- CM-14. Stockpiles, excavated soil, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.
- CM-15. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- CM-16. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-17. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

- CM-18. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-19. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-20. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.
- CM-21. Trucks having no current activity shall not idle but be turned off.
- CM-22. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- CM-23. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
- CM-24. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- CM-25. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- CM-26. Movement and removal of approved fencing shall not occur without prior approval by LADBS.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

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

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
 2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.
- C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.
- C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

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

- C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceeds 15%.

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

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

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
- (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

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

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
 - a. Construct new street light: one on Avenue 56. If street widening per BOE improvement conditions; relocate and upgrade street light; one on Avenue 57.

NOTES:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations, equipment selection, LADOT and LABOE conditions.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. ~~However the existing or proposed zoning may not permit this number of units.~~

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

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

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

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

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2013-221-MND on April 10, 2013. The Department found that potential negative impact could occur from the project's implementation due to:

- Aesthetics (light);
- Air Quality (construction);
- Biological Resources (tree removal);
- Cultural Resources (historic);
- Geology and Soils (construction, seismic);
- Greenhouse Gas Emissions;
- Land Use and Planning;
- Noise (construction, operational);
- Public Services (fire, schools, street improvements);
- Recreation (parks);
- Transportation; and
- Utilities (solid waste).

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2013-221-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition Nos. 7b, 8, 12, 13, 14e, 14h, 18, 21, and 22 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 21.

The custodian of the documents or other material which constitute the record of proceedings upon which the Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 72147-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The adopted Northeast Los Angeles Plan designates the subject property for Public Facilities land use with the corresponding zone of PF. The site is located in the Avenue 57 Transit Oriented District Specific Plan Area (primarily within the Major Activity Center Subarea of the Specific plan. The property contains approximately 0.80 net and is presently zoned PF-2D-HPOZ.

The applicant is proposing to construct and maintain a new joint public and private development with residential housing and public parking, known as the Highland Park Transit Village. The project is considered as one development, but includes three sites, referred to as Sites 1, 2, and 3. The sites are located north of Figueroa Street and south of the Avenue 57 Metro Gold Line Station. Each site is located in a separate block, traversed by Avenues 57 and 58. The three project sites are owned by the Department of Transportation and are improved with public surface parking lots. The project includes the demolition of the surface parking lots and the construction of a 20-unit residential condominium building (Site 1), a 50-unit multi-family residential building with 49 affordable dwelling units and 1 non-restricted manager's unit (Site 2), and a 10-unit affordable multi-family residential building (Site 3). Each site will have a public parking component. The project will be built in two phases. Phase I will include Sites 2 and 3 and Phase II will include Site 1.

The subject site is referenced as Site 1 and is located at 119 N. Avenue 56. The subject request is for the merger and re-subdivision of four lots into one master lot and two airspace lots on a 34,920 net square-foot site. Master Lot 1 includes 20 residential condominium units, Airspace Lot 2 includes 116 public parking spaces, and Airspace Lot 3 includes 40 residential parking spaces and 5 guest spaces. Haul route approval is requested.

The applicant is also requesting an incidental CPC-2013-226-SPE-CU-ZAA-CCMP-SPP to allow: 1.) a Conditional Use to permit the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone with the following residential densities: a.) Site 1: 20 units in lieu of the maximum 17 units permitted in the most restrictive adjoining zone of RD2-1-HPOZ, b.) Site 2: 50 units in lieu of the maximum 27 units permitted in the most restrictive adjoining zone of [Q]C4-2D-HPOZ, and c.) Site 3: 10 units in lieu of the maximum 10 units permitted in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ; 2.)

a Conditional Use to permit the construction of a joint public and private development that is more intensive than those uses permitted in the most restrictive adjoining zone with the approval of the following yard setbacks: a.) Site 1: a zero-foot to 20-foot 6-inch front yard setback along Avenues 56 and 57 in lieu of the required 15 feet in the most restrictive adjoining zone of RD2-1-HPOZ, b.) Site 1: a zero-foot to 22-foot side yard setback in lieu of the required 5 feet along the northern property line and 6 feet along the southern property line as required in the most restrictive adjoining zone of RD2-1-HPOZ, c.) Site 2: a zero-foot to 21-foot side yard setbacks along Marmion Way, the abutting alley and the adjoining property in lieu of the required 6 and 7 feet as required in the most restrictive adjoining zone of [Q]C4-2D-HPOZ Zone, d.) Site 3: a zero-foot to 10-foot side yard setback along Avenue 59 and the western property line in lieu of the required 6 feet as required in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ, and e.) Site 3: a 10-foot to 15-foot rear yard setback in lieu of the required 15 feet as required in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ; 3.) a Conditional Use to permit a building height of 47 feet 6 inches on Site 2 in lieu of the maximum permitted height of 45 feet per "D" Limitation in Ordinance 175,088; 4.) a Zoning Administrator's Adjustment to allow reduced passageways to the street in lieu of the required passageways: a.) Site 1: a 9-foot passageway in lieu of the required 10 feet for a two-story building, b.) Site 2: a 9-foot 8-inch passageway between a stair and a wall in lieu of the required 12 feet for a three-story building, c.) Site 2: a 11-foot 3-inch passageway between a stair and a wall and a 12-foot 7-inch passageway in lieu of the required 14 feet adjacent to a four-story building, and d.) Site 3: a 9-foot 8-inch passageway between a stair and a wall and a 11-foot 6 inch passageway in lieu of the required 12-foot passageway required for a three-story building; 5.) a Project Permit Compliance approval of the Avenue 57 Transit Oriented Specific Plan; 6.) a Specific Plan Exception of the Avenue 57 Transit Oriented District Specific Plan to allow the lot assembly of the following in lieu of a maximum of two lots with a combined area equal to or less than 10,000 square feet for a residential development: a.) Site 1: four existing lots combined to one master lot and two airspace lots for a combined area of 34,920 square feet, b.) Site 2: six existing lots combined to one master parcel and two airspace parcels for a combined area of 38,595 square feet (after street dedication), and c.) Site 3: four existing lots combined to one master parcel and three airspace parcels for a combined area of 13,160 square feet (after street dedication); and 7.) recommendations of the Certificate of Compatibility in order to build the project in a manner that is compatible with the Highland Park – Garvanza Historic Preservation Overlay Zone. With the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the proposed development of 20 dwellings is allowable. The project will provide much needed new home ownership opportunities for the Community Plan area.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). The project conforms with both the specific provisions and the intent of the Specific Plan for the Management of Flood Hazards (Section

5 of Ordinance No. 172,081). Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

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

Avenues 56 and 57 are Local Streets, each dedicated with a 60-foot width. The Bureau of Engineering is not requiring any street dedications. The project is subject to Avenue 57 Transit Oriented District Specific Plan requirements. As part of incidental Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the applicant is requesting a Project Permit Compliance approval of the Avenue 57 Transit Oriented Specific Plan and a Specific Plan Exception of the Avenue 57 Transit Oriented District Specific Plan to allow the lot assembly of four existing lots combined to one master lot and two airspace lots for a combined area of 34,920 square feet for Site 1. The proposed project will provide 45 residential parking spaces in conformance with the LAMC and the Deputy Advisory Agency's parking policy for condominium projects in non-parking congested areas. The proposed project will also provide 116 City of Los Angeles public parking spaces. As conditioned, and with the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the design and improvements of the proposed project are consistent with the applicable General and Specific Plans.

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

The site is currently improved with a public surface parking lot that will be demolished. It's one of the few under-improved properties in the vicinity. The development of this tract is an infill of an otherwise mix-density neighborhood. The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone. The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits.

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

Adjacent land uses consist of multi-family residential uses to the north in the RD2-1-HPOZ and [Q]C4-2D-HPOZ Zones, multi-family and commercial uses to the south in the [Q]C4-2D-HPOZ Zones, multi-family and commercial uses across Avenue 56 to the west in the RD2-1-HPOZ and C2-2D-HPOZ Zones, and proposed Site 2 and commercial uses to the west across Avenue 57 in the PF-1-HPOZ and [Q]C4-2D-HPOZ Zones. The proposed project would provide an appropriate transitional development between the multi-family residential uses to the north, south, and west. The site is currently improved with public surface parking lot, and the proposed project would provide 20 condominium units and public parking. The applicant is also requesting a concurrent City Planning

Commission request (CPC-2013-226-SPE-CU-ZAA-CCMP-SPP) to allow the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone, yard deviations, reduced passageways, compliance of the Avenue 57 Transit Oriented Specific Plan, allow the lot assembly of lots combined to one, and to build the project that is compatible with the Highland Park-Garvanza Historic Preservation Overlay Zone. The proposed project is required to obtain the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, prior to the issuance of any building permits. As conditioned and with the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the proposed tract map is physically suitable for the proposed density of the development.

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

The Initial Study prepared for the project identifies potential adverse impact on fish or wildlife resources as far as earth, air, water, and risk of upset are concerned. However measures are required as part of this approval, which will mitigate the above, mentioned impacts to a less than significant level. Furthermore, the project site, as well as the surrounding area are presently developed with residential and commercial structures and do not provide a natural habitat for either fish or wildlife.

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

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

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

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

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

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

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

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

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

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

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

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 72147-CN.

Michael J. LoGrande
Advisory Agency



JIM TOKUNAGA
Deputy Advisory Agency

JT:TI:CL:jq

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
213 482-7077

Marvin Braude San Fernando Valley
Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
818 374-5050

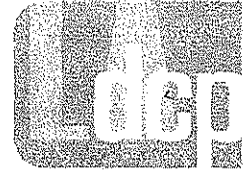
Forms are also available on-line at <http://cityplanning.lacity.org/>.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call the Public Counter staff at (213) 482-7077.



ITEM 5 ITEM 6 ITEM 7
DEPARTMENT OF CITY PLANNING
APPEAL RECOMMENDATION REPORT



City Planning Commission

Date: June 13, 2013
Time: After 8:30 A.M.*
Place: Los Angeles City Hall
Board of Public Works Hearing Room
200 North Spring Street, Room 350
Los Angeles, CA 90012

Public Hearing: April 24, 2013
Appeal Status: Pursuant to LAMC Section 17.03, the Tract Map is appealable to City Council, pursuant to LAMC Section 17.53, the Parcel Maps are not further appealable

Expiration Date: June 13, 2013

Case No.: VTT-72147-CN-1A
AA-2013-222-PMLA-1A
AA-2013-223-PMLA-1A
CEQA No.: ENV-2013-221-MND
Incidental Cases: CPC-2013-226-SPE-CU-ZAA-CCMP-SPP
Related Cases: None
Council No.: 1
Plan Area: Northeast Los Angeles
Specific Plan: Avenue 57 Transit Oriented District
Certified NC: Historic Highland Park
GPLU: Public Facilities
Zone: PF-2D-HPOZ
Applicant: Daniel Falcon, Jr. – HPTV Apartments, L.P.
Appellant: Lisa Durado (Friends of Highland Park), Howard Lee (Highland Properties), and J. Joseph Teresa,

PROJECT LOCATION: Site 1: 119 N. Avenue 56; Site 2: 5712 E. Marmion Way (123 & 125 N. Avenue 57 and 5706, 5708, & 5712 E. Marmion Way); Site 3: 124 N. Avenue 59 (124, 128, and 132 N. Avenue 59)

PROPOSED PROJECT: Site 1: Vesting Tentative Tract Map No. VTT-72147-CN to permit the merger and re-subdivision of four lots into one master lot and two airspace lots on a 34,920 net square-foot site. Master Lot 1 includes 20 residential condominium units, Airspace Lot 2 includes 116 public parking spaces, and Airspace Lot 3 includes 45 residential parking spaces.

Site 2: Parcel Map No. AA-2013-222-PMLA to permit merger and re-subdivision of six lots into one master parcel and two airspace parcels on a 38,595 net square-foot site (after street dedication). Master Parcel A includes a 50 apartment units (49 affordable units and 1 non-restricted manager's unit), Airspace Parcel B includes 81 public parking spaces, and Airspace Parcel C includes 51 residential parking spaces.

Site 2: Parcel Map No. AA-2013-223-PMLA to permit the merger and re-subdivision of four lots into one master parcel and three airspace parcels on a 13,160 net square-foot site (after street dedication). Master Parcel A includes 10 affordable residential units, Parcel B and C includes 24 public parking spaces, and Parcel D includes 10 residential parking spaces.

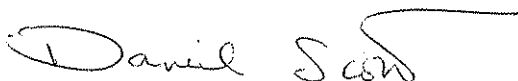
Construction and maintenance of the Highland Park Transit Village, a new joint public and private development with residential housing and public parking. The three project sites are owned by the Department of Transportation and are improved with public surface parking lots. The project includes the demolition of the surface parking lots and the construction of a 20-unit residential condominium building, a 50-unit multi-family residential building with 49 affordable dwelling units and 1 non-restricted manager's unit, and a 10-unit affordable multi-family residential building with a maximum height of 39 feet 6 inches. Each site will have a public parking component. The project will be built in two phases. Phase I will include Sites 2 and 3 and Phase II will include Site 1.

- REQUESTED ACTION:**
1. **Appeal** of the Deputy Advisory Agency's approval of Vesting Tentative Tract No. VTT-72147-CN, pursuant to Section 17.03 of the Los Angeles Municipal Code.
 2. **Appeal** of the Deputy Advisory Agency's approval of Parcel Map No. AA-2013-222-PMLA, pursuant to LAMC Section 17.53.
 3. **Appeal** of the Deputy Advisory Agency's approval of Parcel Map No. AA-2013-223-PMLA, pursuant to LAMC Section 17.53.

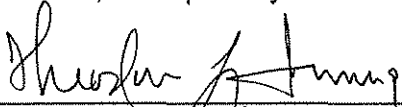
RECOMMENDED ACTIONS:

1. **Sustain** the decision of the Deputy Advisory Agency for Vesting Tentative Tract Map No. VTT-72147-CN and **Deny** the appeals.
2. **Sustain** the decision of the Deputy Advisory Agency for Parcel Map No. AA-2013-222-PMLA and **Deny** the appeal.
3. **Sustain** the decision of the Deputy Advisory Agency for Parcel Map No. AA-2013-223-PMLA and **Deny** the appeal.
4. **Adopt** Mitigated Negative Declaration No. ENV-2013-221-MND.
5. **Adopt** the attached Findings.
6. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
7. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

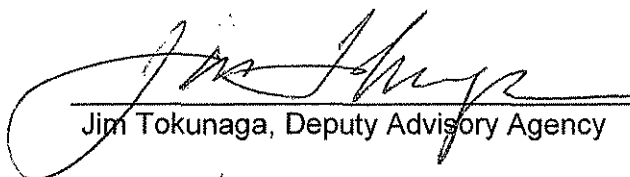
MICHAEL J. LOGRANDE
Director of Planning



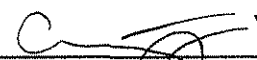
Daniel Scott, Principal City Planner



Theodore Irving, City Planner



Jim Tokunaga, Deputy Advisory Agency



Christina Toy Lee, Hearing Officer
Telephone: (213) 473-9723

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 272, 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 to 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 these 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) 978-1295.

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PROJECT ANALYSIS

Project Summary

The subject requests are appeals of the decision of the Deputy Advisory Agency approval of:

- Site 1: Vesting Tentative Tract Map No. VTT-72147-CN, the merger and re-subdivision of four lots into one master lot and two airspace lots on a 34,920 net square-foot site. Master Lot 1 includes 20 residential condominium units, Airspace Lot 2 includes 116 public parking spaces, and Airspace Lot 3 includes 45 residential parking spaces.
- Site 2: Parcel Map No. AA-2013-222-PMLA to permit merger and re-subdivision of six lots into one master parcel and two airspace parcels on a 38,595 net square-foot site (after street dedication). Master Parcel A includes a 50 apartment units (49 affordable units and 1 non-restricted manager's unit), Airspace Parcel B includes 81 public parking spaces, and Airspace Parcel C includes 51 residential parking spaces.
- Site 3: Parcel Map No. AA-2013-223-PMLA to permit the merger and re-subdivision of four lots into one master parcel and three airspace parcels on a 13,160 net square-foot site (after street dedication). Master Parcel A includes 10 affordable residential units, Parcel B and C includes 24 public parking spaces, and Parcel D includes 10 residential parking spaces.

The project involves the construction and maintenance of a new joint public and private development with residential housing and public parking, known as the Highland Park Transit Village. The project is considered as one development, but includes three sites, referred to as Sites 1, 2, and 3. The sites are located north of Figueroa Street and south of the Avenue 57 Metro Gold Line Station. Each site is located in a separate block, traversed by Avenues 57 and 58. The three project sites are owned by the Department of Transportation and are improved with public surface parking lots. The project includes the demolition of the surface parking lots and the construction of a 20-unit residential condominium building (Site 1), a 50-unit multi-family residential building with 49 affordable dwelling units and 1 non-restricted manager's unit (Site 2), and a 10-unit affordable multi-family residential building (Site 3). Each site will have a public parking component that is anticipated to operate 24-hours a day, with an automated payment component. The project will be built in two phases. Phase I will include Sites 2 and 3 and Phase II will include Site 1. The project will be built to achieve LEED Silver.

The City Council approved a motion directing the Department of Transportation (LADOT) and the Los Angeles Housing Department (LAHD) to explore the concept of developing a transit oriented project including residential, mixed-use retail and public parking on underutilized City owned parking lots located in the immediate vicinity of the Avenue 57 Gold Line Station. A Request for Qualifications (RFQ) for interested groups was issued in September 2005. Three developers were selected as part of the RFQ process, including the applicant McCormack Baron Salazar. All three groups were invited to respond to a formal Request for Proposals (RFP) that was issued by the City in November 2006. RFPs were due in February 2007. Proposals were reviewed by LADOT and LAHD based on established evaluation criteria, a recommendation was made to the City Council that McCormack Baron Salazar should be selected as the developer for the three sites. The City Council voted and approved McCormack Baron Salazar as the selected developer, approved an Exclusive Right to Negotiate Agreement, and subsequently approved a Joint Development Agreement with McCormack Baron Salazar for a specific term based on achieving certain milestones, including obtaining entitlements and securing necessary financing for the developments. The City will continue to own the Highland Park Transit Village project site.

Background

Site 1. The subject site is a 0.80 net acre, consisting of four lots. The site is irregular in shape and fronts on Avenues 56 and 57. The site is zoned PF-2D-HPOZ and has a Public Facilities land use designation in the Northeast Los Angeles Community Plan. The site is improved with a public surface parking lot that will be demolished.

The 24,290 square-foot residential development includes 20 residential condominium units and two levels of subterranean parking. The project will consist of five separate buildings over the subterranean parking. Two of the buildings located towards Avenue 56 (as shown on the plans as Buildings A-1 and B-1), and each will be two-stories and have a maximum height of 32 feet and will consist of four townhouse-type condominium units. The building located in the center of the development (Building C-1) will be two-stories and have a maximum height of 32 feet and will consist of two townhouse-type condominium units. The two buildings located towards Avenue 57 (Buildings D-1 and E-1) will each be three-stories and have a maximum height of 45 feet with 5 units each and will consist of two flat-type condominium units on the ground floor and three town-house type condominium units above. The buildings will include a total of 4 two-bedroom units and 16 three bedroom units. The project site will provide 600 square feet of open space in the porches and balconies, and 27,000 square feet in two courtyard areas, for a total of 3,300 square feet of open space is provided.

Vehicular egress and ingress to the two-level subterranean parking will be accessed from the south portion of the project off of Avenue 57. The public parking will be located on Parking Levels 1 and 2 and the residential and residential guest parking will be located on Parking Level 2.

Site 2. The subject site is a 0.89 net acre lot (after street dedication), consisting of six lots. The site is irregular in shape and fronts on Avenues 57 and 58, bounded by Marmion Way to the north and an alley to the south. The site is zoned PF-2D-HPOZ and has a Public Facilities land use designation in the Northeast Los Angeles Community Plan. The site is improved with a public surface parking lot that will be demolished.

The 55,115 square-foot residential development includes 50 affordable multi-family apartment units (49 affordable units and 1 on-site market rate manager's unit). The project will consist of four separate buildings over the underground parking. The building located at the southwest corner of the site fronting Avenue 57 (as shown on the plans as Building A-2), will be three-stories and have a maximum height of 41 feet 4 inches and will consist of five apartment units and will comprise of two flat-type apartment units on the ground floor and three townhouse-type apartment units above. The building located at the north portion of the site that fronts on Marmion Way (Building B-2), is one contiguous building that has been designed to appear as three separate buildings. The first portion of the building, located at the northwest corner of the site, will be three-stories and have a maximum height of 41 feet and four inches. The first portion of the building will consist of five apartment units and comprising of two flat-type apartments units on the ground floor and three townhouse-type apartment units above.

The two other portions of the building will be three-stories and have a maximum height of 44 feet four inches and will consist of five units each comprising of two flat-type apartments units on the ground floor and three townhouse-type apartment units above. The building located at the northeast corner of the site at the corner of Marion Way and Avenue 58 (Building C-2) will be three-stories and have a maximum height of 44 feet 4 inches will consist of five apartment units and will comprise of two flat-type apartment units on the ground floor and three townhouse-type apartment units above. The proposed building located at the center of the site near the alley (Building D-2) will be four-stories and have a maximum height of 47 feet 6 inches comprising of 25 flat-style apartment units. The project will include a total of 5 one-bedroom

units, 30 two-bedroom units, and 15 three bedroom units. The project site will provide 500 square feet of open space in the private porches and balconies, 4,795 square feet in three courtyard areas, and 1,705 square feet in two community rooms, for a total of 7,000 square feet of open space is provided.

Vehicular egress and ingress to the one-level subterranean parking will be accessed from the southeast corner of the project site off of Avenue 58. Public parking will be located in the subterranean parking. Nine public parking spaces are provided directly off the alley and additional interior public parking spaces will be located on the ground floor with ingress and egress off the alley.

Site 3.

The subject site is a 0.30 net acre lot (after street dedication), consisting of four lots. The site is rectangular in shape, bounded by Marmion Way to the north, an alley to the south, and Avenue 59 to the east. The site is zoned PF-2D-HPOZ and has a Public Facilities land use designation in the Northeast Los Angeles Community Plan. The site is improved with a public surface parking lot that will be demolished.

The 11,169 square-foot residential development includes 10 affordable multi-family apartment units. The project will consist of two separate buildings over the underground parking. The buildings will be three stories and have a maximum height of 39 feet 6 inches. The building located at the east portion of the site fronting Avenue 59 (as shown on the plans as Building A-3), will consist of five apartment units comprising of two flat-type apartment units on the ground floor and three townhouse-type apartment units above. The building located at the north portion of the site that fronts on Marmion Way (Building B-3), will consist of five apartment units comprising of two flat-type apartments units on the ground floor and three townhouse-type apartment units above. The buildings will include a total of 7 two-bedroom units and 3 three-bedroom units. The project site will provide 200 square feet of open space in the private porches and balconies and a 1,200 square-foot courtyard, for a total of 1,400 square feet of open space is provided.

Vehicular egress and ingress to the one-level subterranean parking will be accessed from the southwest corner of the project site off of the Alley. The residential and public parking will be located in the subterranean parking. Five surface public parking spaces are provided directly off the alley.

Sites 1, 2, and 3 are located within the Avenue 57 Transit Oriented District Specific Plan Area, Highland Park-Garvanza Historic Preservation Overlay Zone, Special Grading Area (BOE Basic Grid Map A-13372), Highland Park Business Improvement District, and in the East Los Angeles State Enterprise Zone.

Surrounding Properties:

Site 1. Adjacent land uses consist of multi-family residential uses to the north in the RD2-1-HPOZ and [Q]C4-2D-HPOZ Zones, multi-family and commercial uses to the south in the [Q]C4-2D-HPOZ Zones, multi-family and commercial uses across Avenue 56 to the west in the RD2-1-HPOZ and C2-2D-HPOZ Zones, and proposed Site 2 and commercial uses to the west across Avenue 57 in the PF-1-HPOZ and [Q]C4-2D-HPOZ Zones.

Site 2. Adjacent land uses consist of the MTA Gold Line to the north across Marmion Way in the PF-1-HPOZ Zone, retail uses to the south across an alley in the [Q]C4-2D-HPOZ Zone, single and multi-family residential uses and a DOT public surface parking lot (proposed Site 1) to the west across Avenue 57 in the [Q]C4-2D-HPOZ and PF-2D-HPOZ Zones, and a multi-family residential uses to the east across Avenue 58 in the [Q]C4-2D-HPOZ Zone.

Site 3. Adjacent land uses consist of the MTA Gold Line to the north across Marmion Way in the PF-1-HPOZ Zone, retail and office uses to the south across an alley in the [Q]C4-2D-HPOZ Zone, multi-family residential use to the west in the [Q]C4-2D-HPOZ Zone, and single and multi-family residential uses and commercial uses to the east across Avenue 59 in the [Q]C4-1VL-HPOZ and [Q]C4-2D-HPOZ and PF-2D-HPOZ Zones.

Streets and Circulation:

Avenues 56 is a Local Streets dedicated to a 60-foot width.

Avenues 57 is a Local Streets dedicated to a 60-foot width.

Avenue 58 is Local Streets dedicated to a 60-foot width.

Avenue 59 is a Collector Street dedicated to a 60-foot width.

Marmion Way is a Local Street with a variable width of approximately 68 feet

The Alley is dedicated with a 20-foot width.

Site Related Cases and Permits:

Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP: This is a concurrent request, as a part of the Highland Park Transit Village, that will be considered by the City Planning Commission that includes a joint public and private development in the PF Zone, reduction in yard setbacks, height increase for Site 2, reduced passageways, and compliance with the Specific Plan and the Highland Park – Garvanza Historic Preservation Plan:

1. Pursuant to LAMC Section 12.24-U,21, a Conditional Use to permit the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone with the following residential densities:
 - a. Site 1: 20 units in lieu of the maximum 17 units permitted in the most restrictive adjoining zone of RD2-1-HPOZ,
 - b. Site 2: 50 units in lieu of the maximum 27 units permitted in the most restrictive adjoining zone of [Q]C4-2D-HPOZ, and
 - c. Site 3: 10 units permitted in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ.
2. Pursuant to LAMC Section 12.24-U,21, a Conditional Use to permit the construction of a joint public and private development that is more intensive than those uses permitted in the most restrictive adjoining zone with the approval of the following yard setbacks:
 - a. Site 1: a zero-foot to 20-foot 6-inch front yard setback along Avenues 56 and 57 in lieu of the required 15 feet in the most restrictive adjoining zone of RD2-1-HPOZ,

- b. Site 1: a zero-foot to 22-foot side yard setback in lieu of the required 5 feet along the northern property line and 6 feet along the southern property line as required in the most restrictive adjoining zone of RD2-1-HPOZ,
 - c. Site 2: a zero-foot to 21-foot side yard setbacks along Marmion Way, the abutting alley and the adjoining property in lieu of the required 6 and 7 feet as required in the most restrictive adjoining zone of [Q]C4-2D-HPOZ Zone,
 - d. Site 3: a zero-foot to 10-foot side yard setback along Avenue 59 and the western property line in lieu of the required 6 feet as required in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ, and
 - e. Site 3: a 10-foot to 15-foot rear yard setback in lieu of the required 15 feet as required in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ.
3. Pursuant to LAMC Section 12.24-F, a Conditional Use to permit a building height of 47 feet 6 inches on Site 2 in lieu of the maximum permitted height of 45 feet per "D" Limitation in Ordinance 175,088.
 4. Pursuant to LAMC Section 12.28, a Zoning Administrator's Adjustment to allow reduced passageways to the street in lieu of the required passageways as required in LAMC Section 12.21-C,2:
 - a. Site 1: a 9-foot passageway in lieu of the required 10 feet for a two-story building,
 - b. Site 2: a 9-foot 8-inch passageway between a stair and a wall in lieu of the required 12 feet for a three-story building,
 - c. Site 2: a 11-foot 3-inch passageway between a stair and a wall and a 12-foot 7-inch passageway in lieu of the required 14 feet adjacent to a four-story building, and
 - d. Site 3: a 9-foot 8-inch passageway between a stair and a wall and an 11-foot 6 inch passageway in lieu of the required 12 feet passageway required for a three-story building.
 5. Pursuant to LAMC Section 11.5.7-C, a Project Permit Compliance approval of the Avenue 57 Transit Oriented Specific Plan.
 6. Pursuant to LAMC Section 11.5.7-F, a Specific Plan Exception of the Avenue 57 Transit Oriented District Specific Plan to allow the lot assembly of the following in lieu of a maximum of two lots with a combined area equal to or less than 10,000 square feet for a residential development:
 - a. Site 1: four existing lots combined to one master lot and two airspace lots for a combined area of 34,920 square feet,
 - b. Site 2: six existing lots combined to one master parcel and two airspace parcels for a combined area of 38,595 square feet (after street dedication), and
 - c. Site 3: four existing lots combined to one master parcel and three airspace parcels for a combined area of 13,160 square feet (after street dedication).

7. Pursuant to LAMC 12.20.3, recommendations of the Certificate of Compatibility in order to build the project in a manner that is compatible with the Highland Park – Garvanza Historic Preservation Overlay Zone.

Ordinance No. 182,318: Effective November 29, 2012. A Zone Change Correction and Plan Amendment Correction Resolution to correct the zone from PF-1-HPOZ and [Q]C4-2D-HPOZ to PF-2D-HPOZ and to correct the underlying General Plan Land Use Designation from Community Commercial to Public Facilities for Highland Park Transit Village.

Ordinance No. 175,088: Effective April 1, 2003. Height District Change to permit floor area ratios of up to 3:1 for specific mixed use, commercial, and public facility projects. A Height District Change from 1 and 1-VL to 2D Height District. A "D" limitation is included to the C4 Zone. (Map shows Sites 1, 2, and 3 in the [Q]C4-2D-HPOZ Zone).

Ordinance No. 174,663: Effective August 18, 2002. The Avenue 57 Transit Oriented District Specific Plan was established.

Ordinance No. 174,665: Effective August 18, 2002. Zone and Height District Change as set forth on the map entitled "Northeast Los Angeles Community." According to the maps and text in this Ordinance, Subarea 4076 is designated as a PF-1-HPOZ Zone.

Ordinance No. 167,776: Effective June 7, 1994. Amended LAMC Section 12.04 to establish the Highland Park Historic Preservation Overlay Zone for property generally bounded by York Boulevard, the Pasadena Freeway, Marmion Way and Avenue 50.

Public Hearing:

A joint public hearing on this matter with the Subdivision Committee and Hearing Officer was held at City Hall on Wednesday, April 24, 2013 (see Public Hearing and Communications, Page P-1).

Conclusion

In consideration of the request, the Deputy Advisory Agency acted reasonably in approving Vesting Tentative Tract Map No. VTT-72147-CN, Parcel Map No. AA-2013-222-PMLA, and Parcel Map No. AA-2013-223-PMLA. The tract map and parcel maps are consistent with the intent and purpose of the General and Specific Plans. With the approval of incidental Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the proposed tract map and parcel maps are suitable for the proposed density of the development. The project will provide much needed housing in the Northeast Los Angeles area. The project as a whole will provide both for-sale and rental residential units, some of which will be for affordable housing. The project will develop underutilized surface parking lots and create a residential transit village adjacent to the MTA Avenue 57 Gold Line station. The site is located between downtown Los Angeles and downtown Pasadena, in close proximity to employment. Therefore, staff recommends that the decisions of the Deputy Advisory Agency be sustained and the appeals be denied.

APPEAL ANALYSIS

The Appellants' statements have been summarized in the following categories (see attached Exhibits for the appellants' entire letters).

Appellants Statements – Specific Plan:

- The project is not compatible with the Specific Plan and does not meet the definition of a mixed-use project.

Staff's Response:

The applicant has filed a related Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP that will be heard concurrently at the City Planning Commission hearing. The entitlement request includes a Project Permit Compliance approval of the Avenue 57 Transit Oriented Specific Plan. Findings for compatibility with the Specific Plan and the definition of a mixed-use project will be addressed in the Recommendation Report for Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP. Further, the decision letters for the tract and parcel maps each include a condition that states "Prior to the issuance of the building permit or the recordation of the final map, the subdivider shall record and execute a Covenant and Agreement to comply with the Avenue 57 Transit Oriented Specific Plan.

Appellants Statements – Specific Plan:

- The MND does not address the true significant negative effects.
- One of the parcels in the above action is the Highland Park Masonic Temple is listed on the National Historic Register 389002268.

Staff's Response:

Planning staff prepared the Mitigated Negative Declaration, considered the surrounding project sites in its analysis and found no significant impacts. Parker Environmental Consultants was retained by the project applicant to review the City's Mitigated Negative Declaration for the proposed Highland Park Transit Village project and the public comment letters submitted during the MND's public review period and to provide written responses to the comment letters. Parker Environmental Consultants is an experienced environmental consulting firm specializing in environmental compliance pursuant to the California Environmental Quality Act and the National Environmental Policy Act. In a letter dated April 22, 2013, Parker Environmental Consultants stated that the project's environmental analysis has complied with Sections 15070 to 15073 of the State CEQA Guidelines which outline the steps and decision to prepare an MND, the contents of the MND, the noticing of the MND, and the public review of the MND. The letter further states, the MND is consistent with Section 15064 of the State CEQA Guidelines, and that the comment letters submitted on the MND have not introduced substantial evidence that the project may have a significant effect on the environment. The letter confirms that the MND prepared was adequate as prescribed in Section 15074 of the State CEQA Guidelines and the preparation of an Environmental Impact Report is not warranted.

The project does not contain any known historic resources. The project would not physically affect the off-site Highland Park Masonic Temple nor would the project jeopardize the historic designation of the resource.

Appellants Statements – Air Space:

- Disagrees with the City's assumption that it can assemble land and air space for the developer using public funds and the original intent and subsequent asset of the Ad Coelum Rule of shared commons of sunshine, wind and vistas.
- Contest that airspace lots can be used as underground parking and that the definition of air space is the area from the surface of the earth to the stratosphere.

Staff's Response:

The appellant references the Ad Coelum Rule. Ad Coelum is Latin *ad* ("to") *coelum* ("the sky"). This is abbreviated from the Latin *Cuius est solum eius est usque ad coelum (et ad inferos)* meaning "for whoever owns the soil, it is theirs up to Heaven (and down to Hell)." This was referenced to state that the subdivision cannot be approved with the creation of air space lots.

Pursuant to LAMC Section 12.03, an air space lot is defined as:

"A division of the space above or below a lot as defined in this section with a finite width, length, and upper and lower elevation occupied or to be occupied by a use, building or portion thereof, unit group of buildings or portions thereof, and accessory buildings or portions thereof, and accessory buildings or portions thereof or accessory uses. An air space lot shall be identified on a final map or a parcel map recorded in the office of the County Recorder with a separate and district number or letter."

LAMC Section 17.01 further states that the subdivision of air space is a division of the space above or below a lot with a definite width, length, and upper and lower elevation occupied or to be occupied by a use, group of buildings or portions thereof, and accessory buildings. The Subdivision Map Act allows the subdivision of lots above grade, as well as below grade. "Airspace lots" are defined as a division of the space above or below a lot, or partially above and below a lot, having finite width, length, and upper and lower elevations, occupied by a building or portion thereof. Airspace subdivision is the ability to create separate legal parcels within the same building or project. Further, Section 66424 of the Subdivision Map Act specifically includes a condominium project, as defined in Section 1351 of the Civic Code, in its definition of a "subdivision," and subsection (f) of that Civil code provision describes air space lots. The Advisory Agency has the authority to approve or disapprove air space lots and acted accordingly when it approved the subdivision maps.

Appellants Statements – Court Order:

- Decision is a direct violation of the State Superior Courts order pertaining to the prescribed use of the lots. The decision in the case on April 13, 1962 of The City of Los Angeles vs. Kileen Gertrude Bates, Case No. 5392, states "...and of the use of the public for public off-street parking purposes."
- The property was originally granted to the City by building owners on the block facing Figueroa. The agreement was that the City would maintain the lot, and in turn, the building and business owners would receive unlimited access to the parking lot in perpetuity, thus making them stake holders in those lots.
- The City of Los Angeles is planning to lease the parking lots for \$1.00 and is planning to provide a variety of tax credits, incentives and special building variances to the Transit Village Developers, which is a for-profit enterprise.

Staff's Response:

The City Council approved a motion directing the Department of Transportation (LADOT) and the Los Angeles Housing Department (LAHD) to explore the concept of developing a transit oriented project including residential, mixed-use retail and public parking on underutilized City owned parking lots located in the immediate vicinity of the Avenue 57 Gold Line Station. A Request for Qualifications (RFQ) for interested groups was issued in September 2005. Three developers were selected as part of the RFQ process, including the applicant McCormack Baron Salazar. All three groups were invited to respond to a formal Request for Proposals (RFP) that was issued by the City in November 2006. RFPs were due in February 2007. Proposals were reviewed by LADOT and LAHD based on established evaluation criteria and a recommendation was made to the City Council that McCormack Baron Salazar should be selected as the developer for the three sites. The City Council voted and approved McCormack Baron Salazar as the selected developer, approved an Exclusive Right to Negotiate Agreement, and subsequently approved a Joint Development Agreement with McCormack Baron Salazar for a specific term based on achieving certain milestones, including obtaining entitlements and securing necessary financing for the developments.

The 1962 Superior Court's Order states that the "condemned in fee simple for the use of the City of Los Angeles and for the use of the public for public off-street parking purposes..." The property is owned by the City of Los Angeles and will continue to have ownership for parking purposes following development of the joint public/private Highland Park Transit Village project. The site will still provide public off-street parking and will include affordable and market rate housing. The project will fully replace the existing 221 public parking spaces currently existing on the site.

Appellants Statements – Parking:

- The City Council is planning to build this housing project and eliminate the surface parking lot and easy access to parking. Underground public parking in the midst of private parking for condominium owners is potentially both unsafe for residents and visitors. This type of underground parking with few exits will deter people from parking and shopping in our district, which has depended upon easy access to "plenty of free parking."
- There may be locked gates to the public parking, which is totally unacceptable.
- There would need to be parking lot attendants and security personnel stationed at this potentially hazardous, parking structure on a 24 hour basis.
- The tract decision letter states that there is a possibility of distributing the 116 public parking spaces to the other lots, taking away our parking from our clients and shoppers who would have to walk over three blocks to come to my building.

Staff's Response:

The existing three sites are improved with public surface parking lots, with a total of 221 parking spaces. The public surface parking lots currently are metered parking. The project includes the demolition of the surface parking lots and the construction of a 20-unit residential condominium building (Site 1), a 50-unit multi-family residential building with 49 affordable dwelling units and 1 non-restricted manager's unit (Site 2), and a 10-unit affordable multi-family residential building (Site 3). Each site will have a public parking component. The proposed parking meets the required number of parking spaces per the LAMC and is not requesting a reduction in parking. Further, the existing 221 public parking spaces will be 100% replaced on the three sites. The decision letters do state that the public parking spaces could be redistributed, however the existing 221 public parking spaces will be maintained. The applicant requested the ability to reallocate public parking spaces among the three sites if necessary due to design constraints.

The public parking spaces are not required by the LAMC. The existing public parking spaces will be maintained due to the agreement between the applicant and the City. The three sites will continue to serve the neighboring commercial uses and the adjacent Metro Gold Line Highland Park station.

Many projects in the City around transit stations are designed with underground public parking. The presence of residents using other portions of the parking will help deter the potential for criminal activity.

Appellants Statements – Outreach:

- The City officials have been planning this project without any regard to the business repercussions, the safety and convenience of patrons, residents and shoppers who use this parking lot every day.

Staff's Response:

A joint public hearing on this matter with the Subdivision Committee and Hearing Officer was held at City Hall on Wednesday, April 24, 2013. At the hearing Rebecca Torres, a representative from Council District 1, stated that Councilmember Reyes started this process and looked at underutilized City owned lots for public benefit. Councilmember Reyes put out a proposal that initially included a commercial component and asked the applicant to do public outreach. At the hearing, the developer stated that they had done outreach to the following:

- 2007-2008 Community outreach of original design concept
- 2008-2009 Community outreach – 1st design revision
- 2012-2013 Community outreach – 2nd design revision
- Historic Highland Park Neighborhood Council
 - Monthly Board Meeting January 17, 2013
 - Monthly Board Meeting March 21, 2013
- Highland Park Historic Overlay Zone Board
 - 1st Consultation – July 10, 2012
 - 2nd Consultation – January 22, 2013
 - 1st Hearing – March 12, 2013
 - 2nd Hearing – April 9, 2013
- North Figueroa Association
 - Meeting with Executive Director – March 14, 2013
 - Board meeting presentation – March 19, 2013
- Academia Avance
 - Meeting with Executive Director – March 28, 2013
 - Parents meeting – April 9, 20123
- Highland Park Heritage Trust – Board Presentation Meeting – April 8, 2013
- The Wall Las Memorias Community Meeting – Community Forum – April 16, 2013
- Outreach to local churches
 - All Saints Episcopal Church – April 18, 2013
 - Sycamore Park Foursquare Church – April 12, 2013
 - Catedral de Milagros Church – April 12, 2013

Appellants Statements – Density:

- Density of these condominium dwellings is too intense and the project would impede any future use of my building.

Staff's Response:

The development for each site has been designed within the allowable floor area ratio. The sites are zoned PF-2D-HPOZ and are limited to a 1.5:1 under the "D" limitation. Site 1 proposes a maximum floor area of 24,290 square feet (0.87:1 FAR), Site 2 proposes a maximum floor area of 55,115 square feet (1.43:1 FAR), and Site 3 proposes a maximum floor area of 11,169 square feet (0.85:1 FAR).

The sites are zoned PF-2D-HPOZ and with the approval of a Conditional Use, a joint public and private development with residential and public parking uses that is more intensive than those permitted, the most restrictive adjoining zone will be allowed. The applicant has filed a related Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP that will be heard concurrently at the City Planning Commission hearing. Conditional Use findings related to the density will be addressed in the Recommendation Report for Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP. The applicant is requesting the following densities: Site 1: 20 units in lieu of the maximum 17 units permitted in the most restrictive adjoining zone of RD2-1-HPOZ, Site 2: 50 units in lieu of the maximum 27 units permitted in the most restrictive adjoining zone of [Q]C4-2D-HPOZ, and Site 3: 10 units permitted in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ.

Appellants Statements – Construction:

- The grading and construction of the site would destroy any business for our shops.

Staff's Response:

Grading and construction throughout the City does temporarily impede existing residences, businesses, offices, and manufacturing uses. The City does recognize the inconvenience of construction, however the project addresses these concerns with mitigation measures. The decision letters for the tract and parcel maps include haul route and construction mitigation measures that will minimize the impacts to the neighborhood. Further, a construction mitigation condition is included that states "That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number." The sign is required to be posted 7 days prior to construction. Although the construction may impact the businesses temporarily, the project's end result will provide a benefit to the community by activating the streetscape and providing a joint public and private use between the Metro Gold Line Highland Park Station and the commercial uses along Figueroa Street. The project will further provide much needed housing in the community with 20 new market-rate for-sale residential units, 59 new affordable residential units, and 1 non-restricted manager's unit

Appellants Statements – Subdivision Committee:

- The proposed condominium project would block fire access to my property.
- The Transit Village is not in keeping with the enhancement or the revitalization of the downtown area of Highland Park, such as the original intended "Paseo Figueroa," where millions were spent on placing overhead wires underground, the planting of trees, the installation of new lighting fixtures on the street and the expansion of sidewalks.

Staff's Response:

The Subdivision Committee includes the departments of Bureau of Engineering, Building and Safety Zoning Division, Department of Transportation, Fire Department, Bureau of Street

Lighting, and the Department of City Planning. The departments have preliminary reviewed the tract and parcel maps and their conditions of approval were included in the decision letters. During the plan check process, the applicant will need to obtain clearance from each department and comply with their conditions of approval. During the plan check process, the Department of Building and Safety and the Fire Department will check the access and require that the project maintain adequate fire and emergency access. A parking area and driveway plan will also be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety.

In reference to the statements regarding improvements, each department has conditioned the project to provide the necessary improvements. These conditions have been incorporated into the decision letters. The Bureau of Street Lighting has conditioned the tract and parcel maps to construct new street lights on Avenue 56, Avenue 58, and on Avenue 59. If street widening is required by the Bureau of Engineering, conditions further state to relocate and upgrade street lights to include two on Avenue 57, five on Marmion Way, and one on Avenue 59. The Bureau of Engineering has conditioned the projects to repair and/or replace any bad order curb, gutter and sidewalk along the subdivision; close any unused driveway with street improvements; construct a 25-foot radius curb return at the intersection of Marmion Way and Avenue 57; construct additional sidewalk with filling in concrete in the corner cuts in Avenue 58 and Avenue 57 with Marmion Way; construct additional sidewalk with filling in concrete in the newly dedicated area and the corner cut in Avenue 59; improve the alley; and construct necessary sewer house connection to serve the subdivision. The project will also provide new street trees on Avenue 57, Avenue 58, Avenue 59, and Marmion Way. The proposed street trees are shown on the landscape plans located in the case file.

PUBLIC HEARING AND COMMUNICATIONS

Hearing

A joint public hearing conducted by the Subdivision Committee and Hearing Officer on this matter was held on the 10th Floor of City Hall on Wednesday, April 24, 2013.

1. Attendance:

Present at the hearing were: the Subdivision Committee (Jim Tokunaga - Advisory Agency, Ray Saidi - Bureau of Engineering, and Wing Tam - Bureau of Engineering); the project representative (Andie Adame); the applicant (Daniel Falcon), the applicant's environmental consultant (Shane Parker); the applicant's land use attorney (Michael Woodward), and residents, property owners, and business owners near the project area, as well as residents from Pueblo del Sol (a residential project that the applicant developed/manages)

2. Initial Indication and Testimony:

The applicant, Daniel Falcon of McCormack Baron Salazar, made the following comments:

- McCormack Baron Salazar is a developer of mixed income communities and has developed 16,577 homes with 1,294 homes in California
- The company manages the properties
- Has development experience in mixed-income projects in Los Angeles, such as the 121-unit Metro Hollywood & Carlton Court Apartments located in Hollywood and the 470-unit Pueblo del Sol apartment project
- Typical amenities in the units include in-unit washer/dryer, free wireless internet, refrigerator, stove, microwave, and dishwasher
- Project will be built to LEED
- In 2006, the Los Angeles Housing Department established a Housing Development Central Unit to review City owned underutilized properties for development of affordable and mixed-income development
- City Council directed staff to request proposals from interested developers
- In 2006, a RFP was issued
- In 2007, LAHD issued McCormack Baron Salazar as the Developer
- In 2007-2008, McCormack Baron Salazar did community outreach of the original design concept
- In 2008-2009, McCormack Baron Salazar did community outreach on the 1st design revision
- In 2012-2013, McCormack Baron Salazar did community outreach on the 2nd design revision

Andie Adame, the project representative, introduced the project and made the following comments:

- Site 1 includes 20 units and four separate structures over parking, Site 2 includes 50 rental units and 4 separate structures, and Site 3 includes 10 rental units in two separate structures
- The project site has a maximum height limit of 45 feet
- Site 2 slopes upward from the west to east side of property and there is a six-foot grade difference

- LADBS measures height five feet away from the lowest point of the site
- Massing was broken up with change of colors and materials and the project is well articulated
- The project will activate the street and provide more eyes on the street for security
- Joint public private development may be more intense than most restrictive adjoining zone if approved by CPC and Site 1 will have a difference of 3 units and Site 2 will have a difference of 23 units
- Joint public private development may be more intense than most adjoining zone if approved by CPC
- Yard setbacks differ from the most restrictive adjoining zone yard setbacks due to elevators and stairs from public parking to the sidewalk and for the porches that provide a benefit
- Project will provide Code required parking
- The project will provide 35 bicycle spaces on Site 1, 55 bicycle spaces on Site 2, and bicycle spaces on Site 3
- Community outreach includes meeting with the Historic Highland Park Neighborhood Council on January 17th and March 21 2013, the Highland Park Historic Overlay Board – 1st consultation on January 10, 2012, 2nd consultation on January 22, 2013, 1st hearing on March 12, 2013, and the 2nd hearing on April 9, 2013, the North Figueroa Association on March 14th and the 19th, the Academia Avance, the Highland Park Heritage Trust, The Wall Las Memorias community meeting, and with local churches
- The project provides community benefits that include: for sale market rate housing and affordable rental, density near transit, energy efficient design to achieve LEED Silver, joint use of underutilized land, 100% replacement of existing public parking, community access to community building space for meetings, and a local farmer's market is adjacent to site and will coordinate with them
- The current design and much different than the initial design and Site 1 was reduced from 30 units to 20 units, Site 2 was reduced from 60 units to 50 units, and Site 3 increase the units from 7 units to 10 units to balance the site
- Project design changes were based on HPOZ board's recommendation

The Advisory Agency opened the public hearing to members of the audience.

There were two business owners that spoke in opposition of the project. The business owners made the following comments:

- Parking is a problem and there is not enough,
- Need more in the area for new people,
- Problem of low income housing - people renting out there rooms and safety is a concern
- Site 3 should be a park
- This project can be done on another site
- Project is not in line where situated

There was one business owner that spoke in support of the project. The business owner made the following comments:

- The applicant did outreach to the community
- The original design was too dense and didn't match the historic character but the applicant listened to the concerns and made changes for historical integrity
- The applicant will give metro passes to tenants to utilize transit

- The surface parking lots are currently underutilized
- The applicant is not responsible for problems of parking that occur down the street

There were seven residents/neighbors that spoke in opposition of the project. The residents made the following comments:

- There is an issue of parking
- 90% of the rentals on Site 2 are 2-3 bedroom units and will need more parking
- People park in front of driveways
- Safety concerns of fire trucks driving through the alley and people parking in the alley
- DWP equipment is 60-70 years old and is overburden with electric supply, new transformer will need to be done
- Rentals are 33 year agreements only and people can sell the units
- Project is 25 feet downhill of the Arroyo Seco
- Need full EIR
- HPOZ only addresses aesthetics and not on massing and height
- City has previously passed Ordinance without community outreach
- Project outreach first was in 2008 but it went underground due to the bubble and re-surfaced in 2013 until now
- Figueroa is crowded,
- Would like property to be developed with a community space or garden
- How would the applicant govern groups to use the community rooms
- Would like applicant to have community input
- Concerns with massing
- Impact on environment
- Parking lots were not used once the meters were installed
- Concerned with environmental aspects: views, massing, façade, waterways, vistas, Figueroa State Highway
- Project is out of character with neighborhood
- Violating 1962 court order that parking is to be used for the businesses
- Site 1 is outside the reach of a fire ladder
- Meter parking is not affordable
- Gold Line users do not use the parking lots
- The density is an issue
- Homes on the parking lots were taken by eminent domain and now the City is giving back the lot to developers

There were eight residents/neighbors that spoke in support of the project. The residents made the following comments:

- Nice opportunity for those searching for low income housing
- Project will give more business to the neighborhood
- Highland Park was an up and coming neighborhood
- Project is better than original vision
- Project will bring vibrancy back
- Surface parking lots are not full and they are only ¼ or ½ full
- Applicant has answered all their concerns
- Nice designed project
- Applicant has expertise to manage
- Would want Figueroa to be vibrant
- Would like to find an affordable place to live

- Project is near Metro Station
- No adequate housing in area
- Project will revitalize area

There were four residents of Pueblo del Sol that spoke in support of the project. Pueblo del Sol is a 470-unit affordable apartment project that the applicant is managing. The Residents of Pueblo del Sol made the following comments:

- McCormack Baron Salazar does a great job in managing properties
- During the applicant process, tenants apply and they check criminal record, credit history, does annual inspection and has on-site manager
- Management's main concern is safety
- Crime has dropped since the project was developed
- Benefitted from the community center and the programs offered
- The unit adequately addresses space for seniors
- Close to proximity where residents can walk
- Happy with the rent

Rebecca Torres, a representative from Council District 1, stated that Councilmember Reyes started this process and looked at underutilized City owned lots for public benefit. Councilmember Reyes put out a proposal that initially included a commercial component. The project will give opportunity for affordable units and opportunity for home ownership. Councilmember Reyes asked the applicant to do public outreach. There was a pause for outreach, but now has a project that looks nice. Many speakers had concerns with parking. The number of public parking spaces will be replaced. The Council Office would like more people to use the public parking spaces and would like the project to move forward. The office is open to work with residents and business owners to resolve parking on their street that is not related to the project.

Jim Tokunaga, the Deputy Advisory Agency, stated that the City cannot require more parking than the Code requires; the City allows project that are near rail to have more density, and asked the project representative to respond to questions and statements. Andie Adame, the project representative, responded to statements made:

- Parking - Parking is per Code
- 106 parking spaces for the residents and 221 public parking spaces that will be replaced
- The City can't require more parking spaces
- Height - Only Site 2 is above the required 45-foot height limit and that portion is located away from the residential uses
- Density - Site 2 is compatible with area since it is close to station, buffered by surrounding properties, and has broken up the massing

Shane Parker of Parker Environmental Consultants, stated:

- MND prepared for the project is sufficient and complies adequately to CEQA
- Scenic views are not from private property and not rise to significant level for an EIR

Michael Woodward, land use attorney for the applicant, made the following statements:

- Applicant filed for a Specific Plan Exception to err on caution
- Project is a mixed-use development and the requested Specific Plan Exceptions are not necessary as none of the three sites includes more than six lots or a combined lot area greater than 50,000 square feet

At the conclusion of the hearing, the Advisory Agency announced that he was inclined to approve the maps. Many of the issues raised are regarding the CPC case and will be heard at the subsequent meeting before the City Planning Commission (CPC), where a decision may be rendered, and that those wanting a copy of the recommendation report should sign the mailing list.

Communications Received

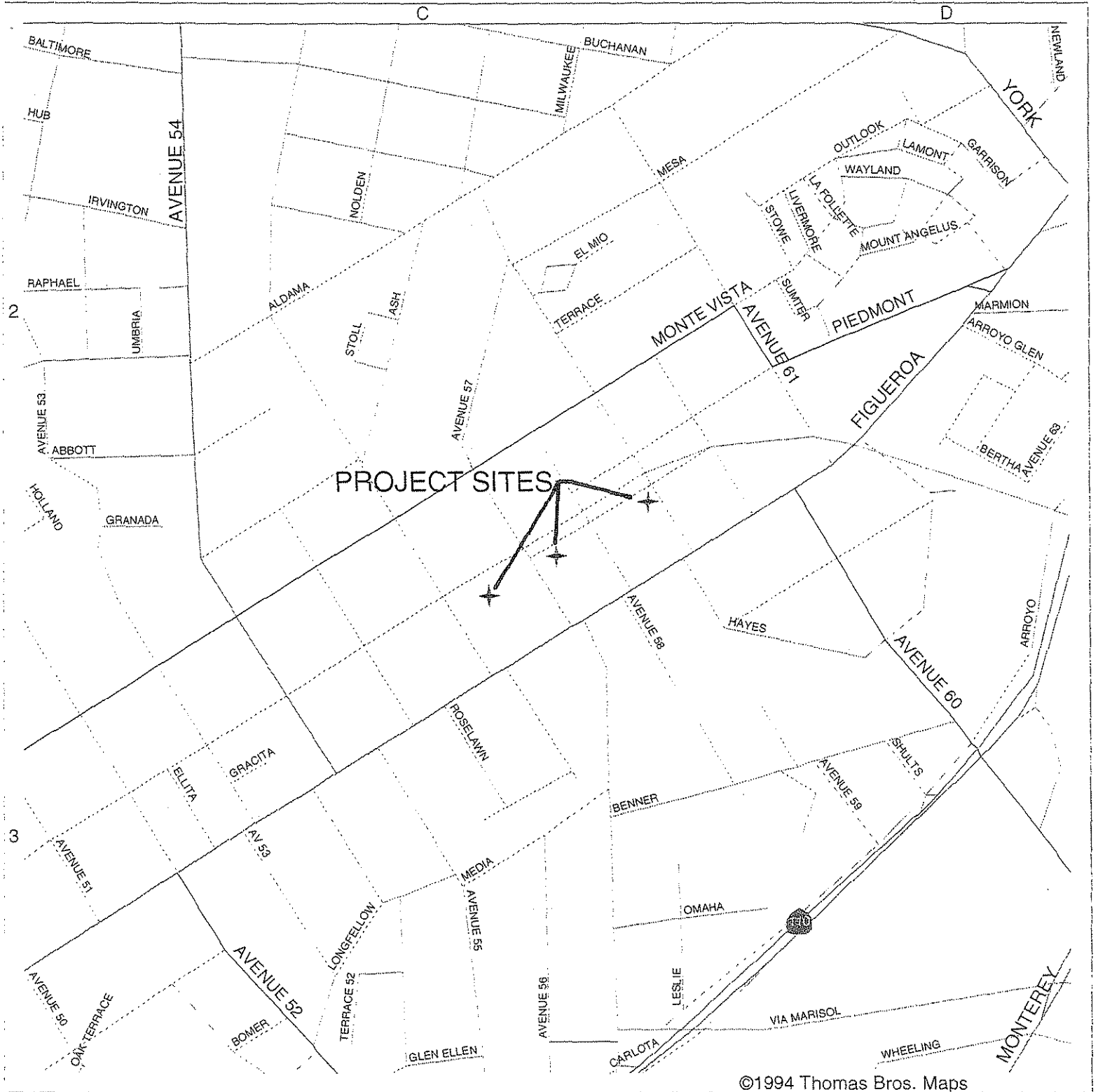
Prior to the hearing six phone calls were received. Four of the callers had general inquiries, one caller had questions on the joint public/private development of the project, and one caller was in favor for the project, but was in opposition of the affordable units and that there are too many in the area.

Five letters in opposition were received. The letters expressed: the project will impact the businesses along Figueroa Street; the applicant is over building and not replacing enough public parking; need more parking; underground parking not safe; Site 2 has been parking for over 60 years and was given by the building owners on that block facing Figueroa Street and an agreement at the time was the City of maintain the lot and the business owners would receive limited access to the parking lot, City is planning to sell parking lot for \$1.00 and is planning to provide tax credits and incentives to the developers; City is eliminating ground parking lot and access to the parking without regards to the businesses, safety and convenience to patrons, residents, shoppers, and people who ride the train; low cost housing will devalue the buildings and businesses; density is too intense; project will impede future development of adjacent sites; construction would impede businesses; the project is in violation of the Superior Court of the State of California findings; in Case #5392 the City of Los Angeles vs. Kileen Gertrude Bates, April 13, 1962 the judgment was as follows: parking lot were owned by businesses along Figueroa corridor, entitlement parking for the parcels for which there were ceded from by right, lots are contained in Highland Parking Overlay Zone, not consistent with the Historic Preservation Ordinance, and one parcel is the Masonic Temple and is listed on the National Historic Register; project does not comply with the Specific Plan, Ordinance No. 174,663, and HPOZ Ordinance; project will impact scenic vistas; needs an EIR; impacts to Arroyo Seco; water run-off and pollutants; the surface parking is acting as open space; and air quality impacts.

A letter was received from the Historic Highland Neighborhood Council. The letter is requesting the preparation of an EIR. There are potentially significant impacts that are not being mitigated that include: Aesthetics – the brick façade building for Site 2 is out of characters of the neighborhood, Air Pollution – increase is exhaust emission during construction, cultural/historic resources – Site 2 is not in scale and may be non-compliance with the Highland Park-Garvanza Historic Plan, Erosion – run-off will contribute to pollution in the Arroyo Seco, Greenhouse Gas Emissions – automobile traffic and greenhouse gasses from the increase in general human consumption, Public Services – public service departments of the City are not adequately prepared for the increase in public demand, Recreation – qwimby fees do not adequately provide a clear plan on how to address the impact of the project, Utilities – wetting construction areas twice daily would deplete local water resources and the Sanitation and Department of Water and Power are not adequately prepared for the increase demand of the project.

The applicant submitted a comment letter regarding the draft MND for the project. The letter stated comments and corrections to the MND and the request to delete non-applicable haul route mitigation measures. A copy of the Planning Guidelines Landform grading manual and the City of Los Angeles Environmental Quality Act Guidelines' Section 2.d of Article III was also submitted.

Prior to the completion of the recommendation report, one letter of opposition was received from a property manager for two centers located on Figueroa Avenue. The letter expressed concerns that the project will eliminate public parking and will negatively impact the existing businesses and surrounding community.



VICINITY MAP CPC 2013-226

SITE : 119 N. AVE 56/5712 E. MARMION WAY/124 N. AVENUE 59

GC MAPPING SERVICE, INC.
 3055 WEST VALLEY BOULEVARD
 ALHAMBRA CA 91803
 (626) 441-1080, FAX (626) 441-8850
GCMAPPING@RADIUSMAPS.COM

EXHIBIT A



C.D. 1
 C.T. 1836.10
 P.A. NORTHEAST LOS ANGELES

CASE NO.
 DATE: 01-07-2013
 SCALE: 1" = 100'
 USES FIELD
 D.M. 151.5 A 228, 153 A 229,
 151.5 A 227
 T.B. PAGE: 595 GRID: C-3

1.96 NET AC.

CONDITIONAL USE PERMIT
 VESTING TENTATIVE TRACT MAP NO. 72147
 PARCEL MAP

SPECIFIC PLAN EXCEPTION (FROM AVE. 57 TOD)
 PROJECT PERMIT COMPLIANCE (FOR AVE 57 TOD SPECIFIC PLAN)
 HPOZ CERTIFICATE OF COMPLIANCE
 ZONING ADMINISTRATOR'S ADJUSTMENT

LEGAL: SEE APPLICATION.

GC MAPPING SERVICE, INC.
 3055 WEST VALLEY BOULEVARD
 ALHAMBRA CA 91803
 (626) 441-1080 FAX (626) 441-8850

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: EAST LOS ANGELES AREA PLANNING COMMISSION
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: Vesting Tract MAP NO.: 72147-CN

PROJECT ADDRESS: 119 N. AVENUE 56

FINAL DATE TO APPEAL: MAY 17, 2013

- TYPE OF APPEAL:
- 1. Appeal by Applicant
 - 2. Appeal by a person, other than the applicant, claiming to be aggrieved
 - 3. Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: J. JOSEPH TERESA

- Are you filing for yourself or on behalf of another party, organization or company?
 Self Other: _____

Address: 5621 1/2
~~5621 1/2~~ N. FIGUEROA Street
HIGHLAND PARK, CA Zip: 90042

Telephone: (626) 627-9078 E-mail: JOHNTERESSI@gmail.com

- Are you filing to support the original applicant's position?
 Yes No

REPRESENTATIVE INFORMATION

Name: _____

Address: _____

Zip: _____

Telephone: _____ E-mail: _____

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

Justification/Reason for Appealing from J. Joseph Teresa

May 16, 2013

To: ~~City Planning, City of Los Angeles~~
East Los Angeles Area Planning Commission

200 North Spring Street, Los Angeles, CA

Fax: 213-978-4656

RE: CEQA No: ENV-2013-221-MND / Vesting Tract Map No.: 72147-CN

Project Address: 119 North Avenue 56

From: J. Joseph Teresa, owner of Mr. T's Bowl/Mr. T's Highland Park Recreation Center, located at 5621½ North Figueroa Street, Highland Park, CA 90042

I am J. Joseph Teresa, owner of Mr. T's Bowl/Mr. T's Highland Park Recreation Center since 1966. I am writing to appeal the proposed approval of the Highland Park Transit Village, especially the condominium structures proposed to be built on the parking lot surrounding and adjacent to the back of my building.

I am appealing the Transit Village project for the following reasons:

1. The land located between Avenue 56 and 57 behind and adjacent to my building has been a public parking lot(s) for over 60 years. This property was originally granted to the city by building owners on that block facing Figueroa. The agreement with the City of Los Angeles was that the City would maintain the parking lot, and in turn, the building and business owners would receive unlimited access to the parking lot in perpetuity, thus making them stake holders in those lots.
2. The City of Los Angeles is planning to lease the parking lot for \$1.00 and is planning to provide a variety of tax credits, incentives and special building variances to the Transit Village Developers, which is a for-profit enterprise.
3. The Los Angeles City Council is planning to build this housing project and eliminate the surface parking lot and easy access to parking. They are planning to build multi-story condominiums that would destroy any access to the sides and back of my building, which extends over 60 feet into the middle of the proposed project. The City and Developer are saying they will provide underground public parking in the midst of private parking for the condominium owners, which is potentially both unsafe for residents and visitors. This type of underground parking with very few exits will deter people from parking and shopping in our business district, which has depended upon easy and unfettered access to "plenty of free parking".
4. People do not willingly park underground, especially in a lot which is under a housing project and/or parking underground at night. According to City Document LOD 72147 on page 7, there is a possibility of distributing the 116 public parking spaces to the other lots, taking away our parking from our clients and shoppers who would have to walk over three blocks to come to my building. In addition the document says that there may be locked gates to the public parking, which is totally unacceptable. There would need to be parking lot attendants and security

Justification/Reason for Appealing from J. Joseph Teresa

- personnel stationed at this potentially hazardous, parking structure on a 24 hour basis. This underground parking structure could become extremely attractive to criminal activity.
5. The City Officials have been planning this project *without any regard to the business repercussions*, the safety and convenience of patrons, residents or shoppers who use this parking lot every day and evening.
 6. The density of these condominium dwellings is intense, and since they would be surrounding, abutting and blocking the back and sides of my building, the project would impede any future use of my building, and thereby create a devaluation of my property and business. This condominium project would completely restrict my ability to add additional exiting, which would be required if I want to increase the occupancy of my building. There would be no access if I wanted to create artists' lofts or for future owners to further develop the property as an event center and restaurant or as a grocery store, bakery, charter school or a community art center, etc. with access from the parking lot directly into the businesses created.
 7. Even if the correct number of spaces were allotted for Mr. T's and the businesses leasing within my building, and the spaces were placed underground, *the structures would impede access to the parking garage, and make it very inconvenient for patrons* who want to patronize our businesses. It would be imperative that the City of Los Angeles would be responsible for the safety of these underground parking lots, providing security to protect patrons. If there is no security, this area would become a gathering place for gangs and criminal activity.
 8. If the project were approved, the digging of the underground parking lot and construction would destroy any business for our shops, restaurants, etc. for at least one to two years and thus eliminate any value or business continuity, ruin sales and reduce taxes to the City and State. It would depreciate the value of the buildings and business, thus lowering the real estate valuation of this property in Highland Park.
 9. In addition to all the negative effects on business, the proposed condominium project would block fire engine access to my property, *creating a huge fire hazard* not only for my building, businesses and patrons, but also for anyone living in the densely populated, housing development that is proposed. It would increase insurance premiums dramatically.

The Transit Village building project should be rejected, since it will add nothing but problems, such as increased traffic congestion and possible criminal activity due to the overcrowding of the multi-story condominium units without any designated play area for children. (These will most likely be purchased by investors and rented out to large families, possibly multi-families.) In addition, it would cause the depreciation of the value of the buildings and businesses, which are adjacent to this proposed, highly dense development.

Instead, there needs to be a new plan created in conjunction with the business and building owners on Figueroa. These business people should have the opportunity to participate in a new plan for Highland Park to help restore the vitality of the business community as was originally intended with the beautification project, designated as "Paseo Figueroa". Millions of dollars were spent on placing overhead wires underground, the planting of trees, the installation of new lighting fixtures on the street and the expanding of sidewalks, etc. It is obvious that the Transit Village is not in keeping with the

Justification/Reason for Appealing from J. Joseph Teresa

enhancement or the revitalization of the downtown area of Highland Park, especially because it is not a village. It is a housing project. There is no retail addition being offered by this developer.

Highland Park is an historic center of Los Angeles and could be turned into a tourist attraction due to the significance of its history as an art center, its architecture and topography set in the midst of rolling hills, and its strategic location just three miles from downtown and three miles from Pasadena. The Gold Line could easily provide access for visitors from downtown and from the San Gabriel Valley to enjoy a revitalized, historic, downtown Highland Park that could be considered "The New Soho of Los Angeles" with galleries, sidewalk cafés and interesting shops.

The City of Los Angeles is neglecting Highland Park. The City should be providing grants and low cost loans to the businesses of Highland Park to turn it into a desirable tourist destination and historic shopping environment as was originally intended by the Paseo Figueroa project.

The fact that the City is planning to lease this valuable land behind my building for \$1 is unconscionable and shocking! It is time that the City of Los Angeles recognizes the value and beauty of Highland Park!

Sincerely yours,



J. Joseph Teresa

Owner

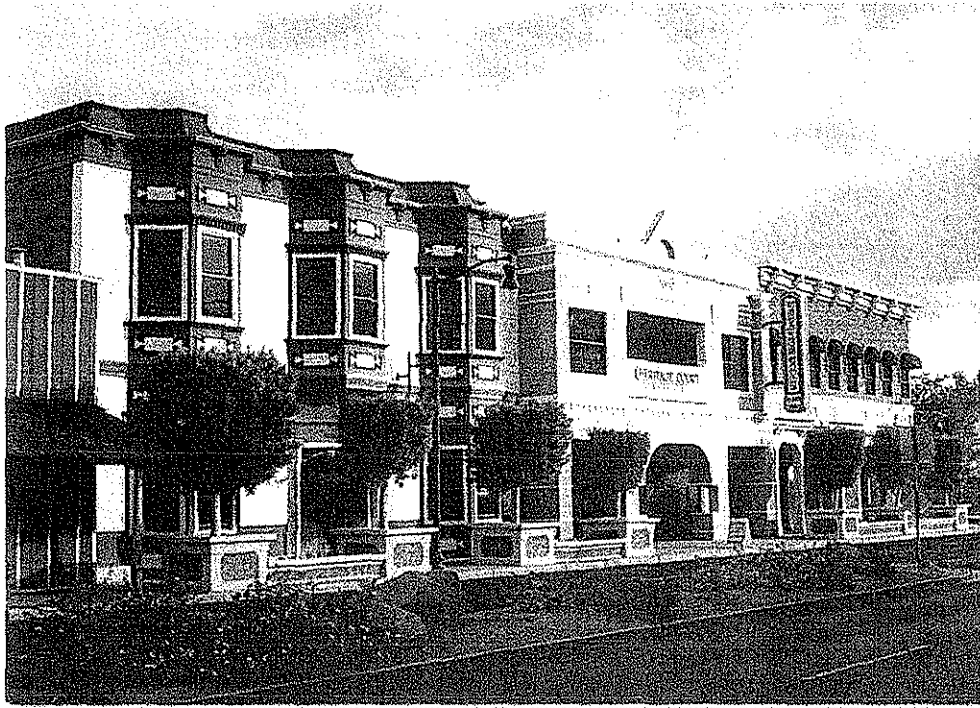
Mr. T's Bowl/Mr. T's Highland Park Recreation Center

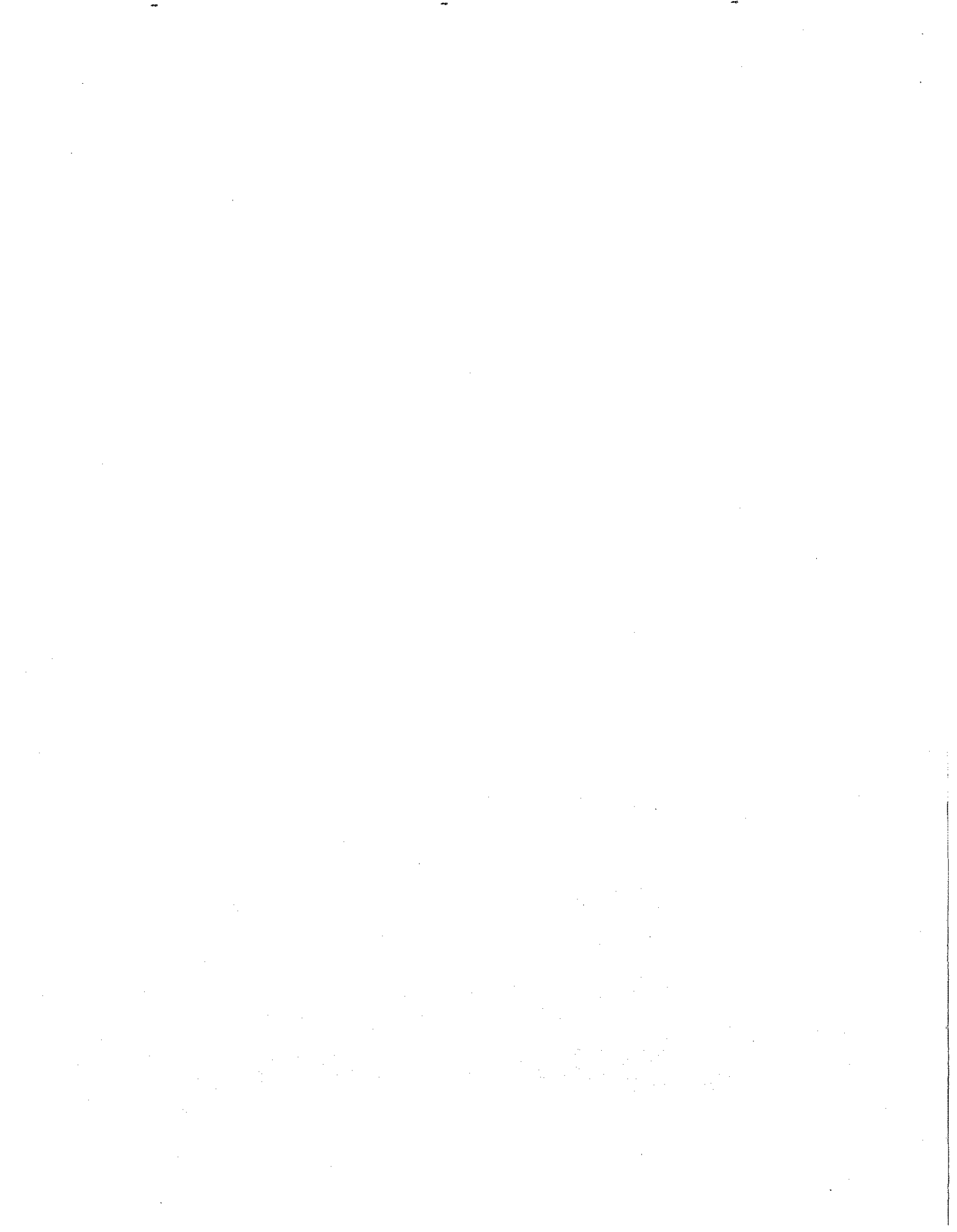
5621 North Figueroa Street

Highland Park, CA 90042

Cell Phone: 626-627-9078

Highland Park Could Look Like Gilbert, Arizona





MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: East Los Angeles Area Planning Commission
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: Vesting Tract Map No.: 72147_CN

PROJECT ADDRESS: 119 North Avenue 56

FINAL DATE TO APPEAL: May 17, 2013

- TYPE OF APPEAL:**
1. Appeal by Applicant
 2. Appeal by a person, other than the applicant, claiming to be aggrieved
 3. Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: Howard Lee

- Are you filing for yourself or on behalf of another party, organization or company?

Self Other: Highland Properties

Address: 711 South Vermont Ave. Suite 200

Los Angeles, CA Zip: 90005

Telephone: (213) 387-7572 E-mail: c21hlee@yahoo.com

- Are you filing to support the original applicant's position?

Yes No

REPRESENTATIVE INFORMATION

Name: Loyd Kattro

Address: 5619 North Figueroa St.

Los Angeles, CA Zip: 90042-4101

Telephone: 323-344-8282 E-mail: loyd.kattro@gmail.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

Appeal of Vesting Tract Map No.: 72147-CN

1. We contest the City Planning Commission decision to subdivide the public off street parking lots located at 119 North Avenue 56, from two surface parking lots into one master lot and two airspace lots.
2. This decision is a direct violation of the State Superior Courts order pertaining to the prescribed use of the lots. The decision in the case of: The City of Los Angeles vs. Bates, et al. Case number 5392 April 13 1962 states; "... and for the use of the public for public off-street parking purposes."
3. We also contest the argumentum ad ignorantiam that airspace lots can be used as underground parking.
4. The definition of air space is the area from the surface of the earth to the stratosphere.
5. This is further defined by the Air Commerce Act of 1926, as amended by the Civil Aeronautics Act of 1938 states; flights below 500 feet are not within the navigable air space which Congress placed within public domain.
6. Generally, "navigable airspace" is any airspace exceeding five hundred feet above ground level.
7. Following the U.S. Supreme Court interpretation of; "cujus est solum, ejus est usque ad coelum et ad inferos.", that refines the stipulative definition of privately and publicly owned airspace to be; from the surface of the earth to an altitude of 500 feet.
8. Therefore it follows that; any airspace lot must exist above ground level. Reference, United States v. Causby – 328 U.S. 256 1946.
9. It is hoped that the East Los Angeles Area Planning Commission will follow the decision of the State Supreme Court and reverse the action.
10. It is also hoped that the East Los Angeles Area Planning Commission will adhere to the U.S. Supreme Court decision within the scope of the definition of airspace.
11. Attachments: Prior appeal Letter & Response to ENV-2013-221-MND

To: City Planning

City Hall

200 North Spring Street

RE: ENV-2013-221-MND

We find the Highland Park Transit Village Project to be in violation of the SUPERIOR COURT of the State of California findings. In Case #5392 The City of Los Angeles vs. Kileen Gertrude Bates, April 13 1962. Entered in Judgment Book 4445, page 15, on March 30, 1962 & Judgment Book 4373, page 106 on December 20, 1961. The judgment is as follows;

“NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That the following described property, which is located in the City of Los Angeles, County of Los Angeles, State of California, be and is condemned in fee simple for the use of the City of Los Angeles and for the use of the public for public off-street parking Purposes.”

HISTORY

All of the parcels involved were unpaved parking areas at the rear of the parcels owned by businesses along the Figueroa corridor. The purpose of the above mentioned action was to allow the city to pave and maintain these areas. They now comprise the public parking lots on both sides of the street. These lots are entitled parking for the parcels from which they were ceded from by right. The property owners all agreed to this condemnation under these conditions.

CURRENT

The parking lots are contained within the Highland Park Overlay Zone. This protected them from development. Now the city is asking for multiple code and zoning changes not consistent with the Historic Preservation Ordinances it has enacted to protect it. One of the parcels in the above action is the Highland Park

Masonic Temple is listed on the National Historic Register #89002268. This historic building is protected by; The Public Resources Code, Division 5, Chapter 1, Article 2, Section 5024.5 and is site adjacent.

In addition to the PRC above the City department of planning failed to follow CEQA Sections, 15060 (c) (1),(2),(3) 15063 (c) (5) 15153, (b) (1) (A), (B),(C) 15183 (b) (3) & (4) 15183 (d) (C) (2) 15183 (g) (1), (2), (6), (7) 15183 (I) 15183.3 (b) (2) 15183.3 (d) (B) 15183.3 (f) (1), (2), (3) .

CONCLUSION

It is hoped that the city will not repeat the error it made with the Hollywood Specific Plan. By requiring this to be taken to the Appeals Court and citing the case of: Committee to Save the Hollywoodland Specific Plan and Hollywood Heritage vs. City of Los Angeles (R.J. Cutler) case number B197018, Court of Appeal 2nd District, Division 7.

Sincerely,

Howard Lee

Highland Properties

5611-5619 North Figueroa St.

213 387-7572

Response to ENV-2013-221-MND

We find that:

The City Planning Department failed to follow;

Title 14. California Code of Regulations

Chapter 3. Guidelines for Implementation of the CEQA.

Article 5. Preliminary Review of Projects and Conducting of Initial Study

Sections:

15060 (c) (1), (2), (3)

15063 (c) (5)

Article 10. Considerations in Preparing EIRs and Negative Declarations

Sections:

15153. (b) (1) (A), (B), (C)

Article 12. Special Situations

Sections:

15183 (b) (3) & (4)

15183 (d) (C) (2)

15183 (g) (1), (2), (6), (7)

15183 (I)

15183.3 (b) (2)

1518.3 (d) (B)

15183.3 (f) (1), (2), (3)

21080.7 (a) (1) (B)

21083. (c)

21083.3 (a)

21084. (b)

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: Area Planning Commission
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: Vesting Tract MAP No. 72147-GN

PROJECT ADDRESS: 119 N. Avenue 56, L.A., CA 90042

FINAL DATE TO APPEAL: May 17, 2013

TYPE OF APPEAL: 1. Appeal by Applicant
2. Appeal by a person, other than the applicant, claiming to be aggrieved
3. Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: Lisa Duardo

Are you filing for yourself or on behalf of another party, organization or company?
 Self Other: Friends of Highland Park

Address: 5615 N. Figueroa st.
L.A. Zip: 90042

Telephone: 323.2559764 E-mail: friendsofhighlandpark@gmail.com

Are you filing to support the original applicant's position?
 Yes No

REPRESENTATIVE INFORMATION

Name: Lisa Duardo

Address: 5556 1/2 Echo st.
L.A. Zip: 90042

Telephone: 323.255.9764 E-mail: Liska-fish@yahoo.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

May 14, 2013

To: City of Los Angeles, 200 N. Spring Street, Room 525, L.A., CA 90012

City Planning Commission

From: Friends of Highland Park, 5615 N. Figueroa Street, L.A., CA 90042

Re: Vesting Tract map No. 72147-CN, 119 Avenue 56, L.A., CA 90042- CPC-2013-226-SPE-CU-ZAA-CCMP-SPP- (Master Appeal Form) Aggrieved Party Justification Letter

On behalf of Friends of Highland Park, I wish to file this appeal as an aggrieved party. Currently the property named is controlled by the City of Los Angeles through an encumbrance that it be maintained as surface level parking for the North Figueroa business district. And in acting as such for over a half century has afforded the community unique vistas of the canyon hillsides of the Arroyo Seco and the Mountain range of the San Gabriel's and Verdugo's which attracted a diverse population mix to Highland Park.

Friends of Highland Park strongly oppose this vesting tract map as a significant negative impact to the character and 'grain' of our community. It is not compatible with our Specific Plan (Section 2.D,E,H,and L) (Section 3, A and B),(Section 7-A1 and 2 and B 1 and 2). Furthermore, it does not meet the definition of Mixed Use Project (Section 4.F). The Friends of Highland Park disagree with the City's assumption that it can assemble land and air space for the developer using public funds and the original intent and subsequent asset of the Ad Coelum Rule of shared commons of sunshine, wind and vistas this real property and air space provide the community of Highland Park and the City as a whole.

The Friends of Highland Park appeal this approval for many significant reasons including the disregard of the requested EIR90-0451-S2 and a new CEQA-EIR for this specific development. The MND- ENV-2013-221-MND does not address the true significant negative effects, and that the development threatens adverse effect on public health and safety and also threatens adverse effect on real property listed in the California Registry of Historical Properties (building on Figueroa and 56). Attached are the CEQA points raised with the MND and have yet to be addressed satisfactorily.

Sadly, the history of economic development in low income communities such as Highland Park the communities voices are often ignored from the decision making process by private industry and its own government. We are left, though, with the significant negative effects that do alter the unique character and charm of our environment.

Friends of Highland Park



C) "A general Plan of the local agency, and

2. "An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan." (We know lead agency did for Community Plan and Zoning)

g) "Examples of uniformly applied development policies or standards include, but are not limited to:

1. "Parking ordinances " (done)

2. "Public access requirements (done and requesting)

6. "Habitat Protection or conservation ordinances. (as it effect Watershed and Runoff)

7. View protection ordinances. (vistas)

i). Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meet the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.

2. For purposes of this section, "consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where zoning ordinance refers to the general plan or community plan for it density standard, the project shall be consistent with the applicable plan. (it does not and is not consistent)

Chapter 3, Article 5., 15060 California Code Preliminary Review c)=Lead Agency must determine is activity (development) is subject to CEQA if:

- 1."...does not involve discretionary powers by a public agency (Does-City of Los Angeles)
- 2."...will not result in direct or indirect physical change in the environment, or(yes it will)
- 3."...not a project as defined..." (it is a project-they are excavating-this is just one criteria)

15063 Initial Study California Code C). "...determine EIR, tiering, or another appropriate process which of a project's effects were adequately examined by an earlier EIR (Not done or referenced in MND)15153

(5)"Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment."

Article 10 Considerations in Preparing EIRs and Negative Declarations:

15153 Use of an EIR from an Earlier Project

(b)"...Lead Agency shall...determine whether the (earlier)EIR would adequately describe:

A."brief description (of project)

B.Statement that the agency plans to use a certain EIR prepared for a previous project as the EIR for this project.: (they have not disclosed this information)

C."Listing place where copies of the EIR may be examined.." (they have not done this –And both Loyd and I have requested via phone and email wt Christina Toy-Lee and she with Craig Webber LAPanning Dept.

Article 12 Special Situation

15183 Project consistent with a Community Plan or Zoning

b)"...in approving...public agency shall limit its examination of environmental effects to those ..."

1. "Are peculiar to the project or the parcel on which the project would be located." (not done)

4."...as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in prior EIR" (not done)

d)" this section shall apply only to projects which meet the following conditions:

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: City AREA Planning Commission
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: AA-2013-222-PMLA

PROJECT ADDRESS: 123 & 125 N. AVENUE 57 and 5706, 5708 & 5712 E. marmion Way

FINAL DATE TO APPEAL: May 22, 2013

- TYPE OF APPEAL:
- Appeal by Applicant
 - Appeal by a person, other than the applicant, claiming to be aggrieved
 - Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: Lisa Duardo

- Are you filing for yourself or on behalf of another party, organization or company?
- Self Other: Friends of High Land Park

Address: 5615 N. Figueroa St.
L.A. Zip: 90042

Telephone: 323-255-9764 E-mail: friendsofhighlandpark@gmail.com

- Are you filing to support the original applicant's position?
- Yes No

REPRESENTATIVE INFORMATION

Name: Lisa Duardo

Address: 5556 1/2 Echo St.
L.A. Zip: 90042

Telephone: 323-255-9764 E-mail: Liska.fish@yahoo.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

May 15, 2013

To: City of Los Angeles, 200 N. Spring Street, Room 525, L.A., CA 90012

City Planning Commission

From: Friends of Highland Park, 5615 N. Figueroa Street, L.A., CA 90042

Re: Case# AA-2013-222-PMLA, 123, 125 N. Avenue 57 and 5706, 5708 & 5712 E. Marmion Way L.A., CA 90042- (Master Appeal Form) Aggrieved Party Justification Letter

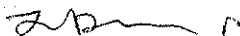
On behalf of Friends of Highland Park, I wish to file this appeal as an aggrieved party. Currently the property named is controlled by the City of Los Angeles through an encumbrance that it be maintained as surface level parking for the North Figueroa business district. And in acting as such for over a half century has afforded the community unique vistas of the canyon hillsides of the Arroyo Seco and the Mountain range of the San Gabriel's and Verdugo's which attracted a diverse population mix to Highland Park.

Friends of Highland Park strongly oppose this vesting tract map as a significant negative impact to the character and 'grain' of our community. It is not compatible with our Specific Plan (Section 2.D, E, H, and L) (Section 3, A and B), (Section 7-A1 and 2 and B 1 and 2). Furthermore, it does not meet the definition of Mixed Use Project (Section 4.F). The Friends of Highland Park disagree with the City's assumption that it can assemble land and air space for the developer using public funds and the original intent and subsequent asset of the Ad Coelum Rule of shared commons of sunshine, wind and vistas this real property and air space provide the community of Highland Park and the City as a whole.

The Friends of Highland Park appeal this approval for many significant reasons including the disregard of the requested EIR90-0451-S2 and a new CEQA-EIR for this specific development. The MND- ENV-2013-221-MND does not address the true significant negative effects, and that the development threatens adverse effect on public health and safety and also threatens adverse effect on real property listed in the California Registry of Historical Properties (building on Figueroa and 56). Attached are the CEQA points raised with the MND and have yet to be addressed satisfactorily.

Sadly, the history of economic development in low income communities such as Highland Park the communities voices are often ignored from the decision making process by private industry and its own government. We are left, though, with the significant negative effects that do alter the unique character and charm of our environment.

Friends of Highland Park



Appeal of Parcel Map No.: AA-2013-222-PMLA

1. We contest the City Planning Commission decision to subdivide the public off street parking lots located at 123 & 125 North Avenue 57 and 5706, 5708, & 5712 E. Marmion Way from multiple surface parking lots into one master parcel and two airspace parcels.
2. This decision is a direct violation of the State Superior Courts order pertaining to the prescribed use of the lots. The decision in the case of: The City of Los Angeles vs. Bates, et al. Case number 5392 April 13 1962 states; "... and for the use of the public for public off-street parking purposes."
3. We also contest the argumentum ad ignorantiam that airspace parcels can be used as underground parking.
4. The definition of air space is the area from the surface of the earth to the stratosphere.
5. This is further defined by the Air Commerce Act of 1926, as amended by the Civil Aeronautics Act of 1938 states; flights below 500 feet are not within the navigable air space which Congress placed within public domain.
6. Generally, "navigable airspace" is any airspace exceeding five hundred feet above ground level.
7. Following the U.S. Supreme Court interpretation of; "cujus est solum, ejus est usque ad coelum et ad inferos.", that refines the stipulative definition of privately and publicly owned airspace to be; from the surface of the earth to an altitude of 500 feet.
8. Therefore it follows that; any airspace lot must exist above ground level. Reference, United States v. Causby – 328 U.S. 256 1946.
9. It is hoped that the East Los Angeles Area Planning Commission will follow the decision of the State Superior Court and reverse the action.
10. It is also hoped that the East Los Angeles Area Planning Commission will adhere to the U.S. Supreme Court decision within the scope of the definition of airspace.
11. Attachments: ~~Prior~~ appeal Letter & Response to ENV-2013-221-MND

Response to ENV-2013-221-MND

We find that:

The City Planning Department failed to follow;

Title 14. California Code of Regulations

Chapter 3. Guidelines for Implementation of the CEQA.

Article 5. Preliminary Review of Projects and Conducting of Initial Study

Sections:

15060 (c) (1), (2), (3)

15063 (c) (5)

Article 10. Considerations in Preparing EIRs and Negative Declarations

Sections:

15153. (b) (1) (A), (B), (C)

Article 12. Special Situations

Sections:

15183 (b) (3) & (4)

15183 (d) (C) (2)

15183 (g) (1), (2), (6), (7)

15183 (l)

15183.3 (b) (2)

1518.3 (d) (B)

15183.3 (f) (1), (2), (3)

21080.7 (a) (1) (B)

21083. (c)

21083.3 (a)

21084. (b)

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: City Area Planning Commission
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: AA-2013-223-PMLA

PROJECT ADDRESS: 124, 128, & 132 N. AVENUE 59

FINAL DATE TO APPEAL: May 22, 2013

- TYPE OF APPEAL:
- Appeal by Applicant
 - Appeal by a person, other than the applicant, claiming to be aggrieved
 - Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: Lisa Duardo

- Are you filing for yourself or on behalf of another party, organization or company?

Self

Other: Friends of Highland Park

Address: 5615 N. Figueroa St.

L.A.

Zip: 90042

Telephone: 323.255.9764 E-mail: friendsofhighlandpark@gmail.com

- Are you filing to support the original applicant's position?

Yes

No

REPRESENTATIVE INFORMATION

Name: Lisa Duardo

Address: 5556 1/2 Echo St.

L.A.

Zip: 90042

Telephone: 323.255.9764 E-mail: Liska-fish@yahoo.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

May 15, 2013

To: City of Los Angeles, 200 N. Spring Street, Room 525, L.A., CA 90012

City Planning Commission

From: Friends of Highland Park, 5615 N. Figueroa Street, L.A., CA 90042

Re: Case# AA-2013-223-PMLA, 124, 128 & 132 N. Avenue 59 L.A., CA 90042- (Master Appeal Form) Aggrieved Party Justification Letter

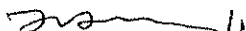
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Friends of Highland Park strongly oppose this vesting tract map as a significant negative impact to the character and 'grain' of our community. It is not compatible with our Specific Plan (Section 2.D, E, H, and L) (Section 3, A and B), (Section 7-A1 and 2 and B 1 and 2). Furthermore, it does not meet the definition of Mixed Use Project (Section 4.F). The Friends of Highland Park disagree with the City's assumption that it can assemble land and air space for the developer using public funds and the original intent and subsequent asset of the Ad Coelum Rule of shared commons of sunshine, wind and vistas this real property and air space provide the community of Highland Park and the City as a whole.

The Friends of Highland Park appeal this approval for many significant reasons including the disregard of the requested EIR90-0451-S2 and a new CEQA-EIR for this specific development. The MND- ENV-2013-221-MND does not address the true significant negative effects, and that the development threatens adverse effect on public health and safety and also threatens adverse effect on real property listed in the California Registry of Historical Properties (building on Figueroa and 56). Attached are the CEQA points raised with the MND and have yet to be addressed satisfactorily.

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Friends of Highland Park



Response to ENV-2013-221-MND

We find that:

The City Planning Department failed to follow;

Title 14. California Code of Regulations

Chapter 3. Guidelines for Implementation of the CEQA.

Article 5. Preliminary Review of Projects and Conducting of Initial Study

Sections:

15060 (c) (1), (2), (3)

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Article 10. Considerations in Preparing EIRs and Negative Declarations

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Sections:

15183 (b) (3) & (4)

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15183.3 (b) (2)

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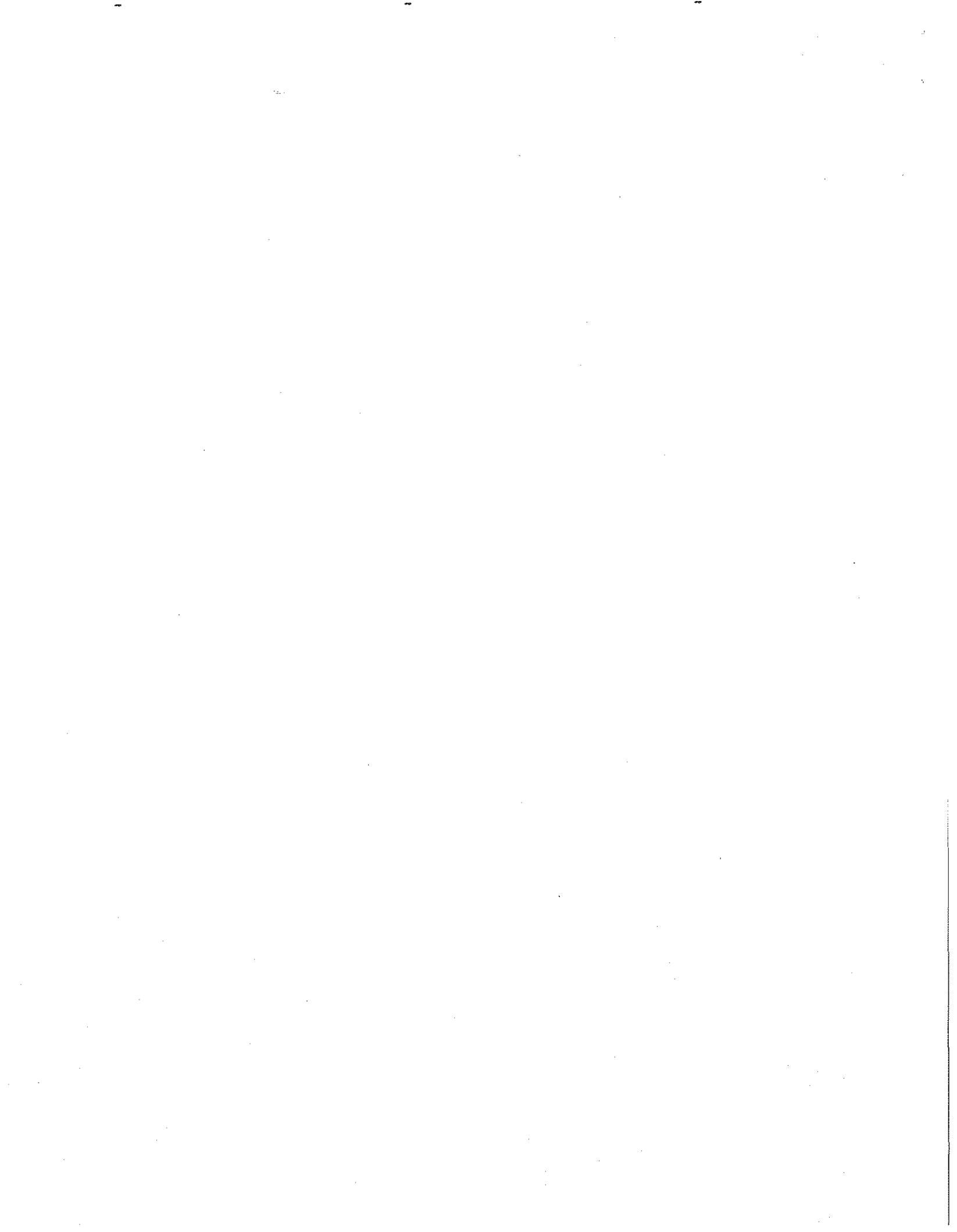
15183.3 (f) (1), (2), (3)

21080.7 (a) (1) (B)

21083. (c)

21083.3 (a)

21084. (b)



DEPARTMENT OF
CITY PLANNING

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

CITY PLANNING COMMISSION

WILLIAM ROSCHEN
PRESIDENT
REGINA M. FREER
VICE-PRESIDENT

SEAN O. BURTON
DIEGO CARDOSO
CAMILLA M. ENG
GEORGE HOVAGUIMIAN
ROBERT LESSIN
DANA M. PERLMAN
BARBARA ROMERO

JAMES WILLIAMS
COMMISSION EXECUTIVE ASSISTANT II
(213) 978-1300

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE OFFICES

MICHAEL J. LOGRANDE
DIRECTOR
(213) 978-1271

ALAN BELL, AICP
DEPUTY DIRECTOR
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273

FAK: (213) 978-1275

INFORMATION
www.planning.lacity.org

Decision Date: May 7, 2013

Appeal Period Ends: May 17, 2013

Daniel Falcon (A)
HPTV Apartments, L.P.
801 South Grand Avenue, Suite 780
Los Angeles, CA 90017

City of Los Angeles (O)
Department of Transportation
100 S. Main Street, 10th Floor
Los Angeles, CA 90012

Thomas D. Iacobellis (E)
Iacobellis & Associates Inc.
11145 Tampa Avenue, Suite 15-B
Northridge, CA 91326

RE: Vesting Tract Map No.: 72147-CN
Address: 119 N. Avenue
Community Plan: Northeast Los Angeles
Zone: PF-2D-HPOZ
Council District: 1
CEQA No.: ENV-2013-221-MND

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency approved Vesting Tentative Tract Map No. 72147-CN, located at 119 N. Avenue 56 for one master lot and two airspace lots, **Master Lot 1 includes 20 residential condominium units, Airspace Lot 2 includes 116 public parking spaces, and Airspace Lot 3 includes 45 residential parking spaces**, as shown on map stamp-dated January 25, 2013 in the Northeast Los Angeles Community Plan. This unit density is based on the most restrictive adjoining zone of RD2-1-HPOZ Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Public Counter call (213) 482-7077. The Advisory Agency's approval is subject to the following conditions:

NOTE on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

EXHIBIT C

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
2. That a set of drawings for airspace lots be submitted to the City Engineer showing the followings:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
3. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
4. That any fee deficit under Work Order No. EXT00486 expediting this project be paid.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

5. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

6. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Provide a copy of CPC case CPC-2013-226-SPE-CU-ZAA-CCMP-SPP. Show compliance with all the conditions/requirements of the CPC case as applicable.
 - b. Provide a copy of Condition Use Approval indicating the allowable density or allowable number of residential condominium units.
 - c. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

- d. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

Each Air Space lot shall have access to a street by one or more easements or other entitlements to use in a form satisfactory to the Advisory Agency and the City Engineer.

Any proposed structures or uses on the site have not been checked for and shall comply with Building and Zoning Code requirements. Plan check will be required before any construction, occupancy or change of use.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

7. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
 - a. A 20-foot reservoir space be provided between any security gate(s) and the property line.
 - b. A parking area and driveway plan shall be submitted to the Citywide Planning Coordination Section of Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3. (MM)

FIRE DEPARTMENT

8. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
 - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - b. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

- c. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- d. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- e. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.
- f. Submit plot plans indicating access road and turning area for Fire Department approval.
- g. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- h. **Policy Exception:**

L.A.M.C. 57.09.03.B Exception:

- When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
 - It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - This policy does not apply to single-family dwellings or to non-residential buildings.
- i. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; but, in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.
 - j. Entrance to the main lobby shall be located off the address side of the building.

- k. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- l. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- m. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.
- n. Adequate public and private fire hydrants shall be required.
- o. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- p. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- q. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- r. Site plans shall include all overhead utility lines adjacent to the site.
- s. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

BUREAU OF STREET LIGHTING

- 9. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY AGENCY

11. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

DEPARTMENT OF RECREATION AND PARKS

12. That the Quimby fee be based on the RD2-1 Zone. (MM)

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

13. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

All significant (8-inch or greater trunk diameter) or cumulative trunk diameter if multi-trunked, as measured 54 inches about the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parking of the adjacent public right right(s)-of-way, may be counted toward replacement tree requirements. (MM)

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) 487-3077. All trees in the public right-of-way requires approval of the Board of Public Works. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

14. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
 - a. Limit the proposed development to a maximum of 20 dwelling units.
 - b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus 1/4 guest parking spaces per dwelling unit. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

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

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. Provide a minimum of 116 City of Los Angeles public parking spaces, or allow the redistribution of the parking spaces to Sites 2 and/or 3, if necessary, in order to maintain the total 221 public parking spaces across the three sites.

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

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- d. Prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
- e. The applicant shall install an air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better in order to reduce the effects of diminished air quality on the occupants of the project. (MM)
- f. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- g. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- h. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. (MM)
- i. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.

15. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

Note to City Zoning Engineer and Plan Check. The Advisory Agency has approved the following variations from the LAMC as it applies to this subdivision and the proposed development on the site.

Approved Variations as follows:

1. Designate Avenue 56 and Avenue 57 as the front yards for the subject site.
16. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2013-226-SPE-CU-ZAA-CCMP-SPP shall be submitted to the satisfaction of the Advisory Agency. In the event that CPC-2013-226-SPE-CU-ZAA-CCMP-SPP is not approved, the subdivider shall submit a tract modification.
17. Prior to the issuance of a building permit, grading permit and the recordation of the final tract map, the subdivider shall record and execute a Covenant and Agreement to comply with the Avenue 57 Transit Oriented District Specific Plan, except as otherwise approved through LAMC Section 11.5.7.
18. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider of exporting of approximately Site 1: 28,300 cubic yards of soil, Site 2: 18,300 cubic yards of soil, Site 3: 6,200 cubic yards of soil; a total of 72 trips per day for a duration of 30 days for Site 1, a total of 72 trips per day for a duration of 20 days for Site 2, and a total of 72 trips per day for a duration of 10 days for Site 3, in addition to the following haul route conditions: (MM)
- a. Streets to be used are limited to Marmion Way to N Avenue 57, right onto North Avenue 57, left onto Figueroa Street, right onto State Highway 134 East, Interstate 210 East, exit 38 for Irwindale Avenue, right onto N. Irwindale Avenue, and left onto Gladstone Street.
 - b. Hauling hours of operation shall be from 7:00 a.m. to 4:30 p.m. Monday through Saturday. Trucks shall not arrive at the construction site before the prescribed start time.
 - c. Trucks shall be restricted to 18-wheel dump trucks or smaller.
 - d. All staging shall be on-site. Alternatively, an off-site location shall be selected and trucks radioed into site.
 - e. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).

- f. Streets shall be cleaned of spilled materials at the termination of each work day.
- g. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
- h. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- i. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- j. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- k. All trucks are to be watered at the job site to prevent excessive blowing dirt.
- l. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
- m. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.
- n. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
- o. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
- p. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."
- q. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.
- r. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.

- s. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.
 - t. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213. 977.6039.
19. **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.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

20. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 7b, 8, 12, 13, 14e, 14h, 18, 21, and 22 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
21. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- MM-1. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
 - MM-2. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
 - MM-3. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

- MM-4. Concrete, not metal, shall be used for construction of parking ramps.
- MM-5. The interior parking ramps shall be textured to prevent tire squeal at turning areas.
- MM-6. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
- MM-7. Wall and roof-ceiling as Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. Alternatively, the applicant may verify, through an acoustical engineer, that installed sound insulation is sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
- MM-8. 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). In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
- Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - Use of landscape contouring to minimize precipitation runoff
 - A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.
- MM-9. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- MM-10. Install 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.
- MM-11. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.

- MM-12. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- MM-13. 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.)
- MM-14. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- MM-15. 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.
- MM-16. 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.
- MM-17. 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.
- MM-18. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.
- MM-19. The project shall comply with the Highland Park-Garvanza Preservation Plan.
- MM-20. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

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

- CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**
- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
 - b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
 - c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.
- CM-2. 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.
- CM-3. 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.
- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-6. 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.

- CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-8. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-12. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-13. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.
- CM-14. Stockpiles, excavated soil, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.
- CM-15. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- CM-16. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-17. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

- CM-18. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-19. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-20. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.
- CM-21. Trucks having no current activity shall not idle but be turned off.
- CM-22. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- CM-23. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
- CM-24. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- CM-25. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- CM-26. Movement and removal of approved fencing shall not occur without prior approval by LADBS.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

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

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
 2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.
- C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.
- C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

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

- C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceeds 15%.

- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
 - (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
 - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
 - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
 - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
 - (b) Construct any necessary drainage facilities.
 - (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
 - a. Construct new street light: one on Avenue 56. If street widening per BOE improvement conditions, relocate and upgrade street light; one on Avenue 57.

NOTES:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations, equipment selection, LADOT and LABOE conditions.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

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

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

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

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2013-221-MND on April 10, 2013. The Department found that potential negative impact could occur from the project's implementation due to:

- Aesthetics (light);
- Air Quality (construction);
- Biological Resources (tree removal);
- Cultural Resources (historic);
- Geology and Soils (construction, seismic);
- Greenhouse Gas Emissions;
- Land Use and Planning;
- Noise (construction, operational);
- Public Services (fire, schools, street improvements);
- Recreation (parks);
- Transportation; and
- Utilities (solid waste).

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2013-221-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition Nos. 7b, 8, 12, 13, 14e, 14h, 18, 21, and 22 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 21.

The custodian of the documents or other material which constitute the record of proceedings upon which the Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 72147-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The adopted Northeast Los Angeles Plan designates the subject property for Public Facilities land use with the corresponding zone of PF. The site is located in the Avenue 57 Transit Oriented District Specific Plan Area (primarily within the Major Activity Center Subarea of the Specific plan. The property contains approximately 0.80 net and is presently zoned PF-2D-HPOZ.

The applicant is proposing to construct and maintain a new joint public and private development with residential housing and public parking, known as the Highland Park Transit Village. The project is considered as one development, but includes three sites, referred to as Sites 1, 2, and 3. The sites are located north of Figueroa Street and south of the Avenue 57 Metro Gold Line Station. Each site is located in a separate block, traversed by Avenues 57 and 58. The three project sites are owned by the Department of Transportation and are improved with public surface parking lots. The project includes the demolition of the surface parking lots and the construction of a 20-unit residential condominium building (Site 1), a 50-unit multi-family residential building with 49 affordable dwelling units and 1 non-restricted manager's unit (Site 2), and a 10-unit affordable multi-family residential building (Site 3). Each site will have a public parking component. The project will be built in two phases. Phase I will include Sites 2 and 3 and Phase II will include Site 1.

The subject site is referenced as Site 1 and is located at 119 N. Avenue 56. The subject request is for the merger and re-subdivision of four lots into one master lot and two airspace lots on a 34,920 net square-foot site. Master Lot 1 includes 20 residential condominium units, Airspace Lot 2 includes 116 public parking spaces, and Airspace Lot 3 includes 40 residential parking spaces and 5 guest spaces. Haul route approval is requested.

The applicant is also requesting an incidental CPC-2013-226-SPE-CU-ZAA-CCMP-SPP to allow: 1.) a Conditional Use to permit the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone with the following residential densities: a.) Site 1: 20 units in lieu of the maximum 17 units permitted in the most restrictive adjoining zone of RD2-1-HPOZ, b.) Site 2: 50 units in lieu of the maximum 27 units permitted in the most restrictive adjoining zone of [Q]C4-2D-HPOZ, and c.) Site 3: 10 units in lieu of the maximum 10 units permitted in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ; 2.)

a Conditional Use to permit the construction of a joint public and private development that is more intensive than those uses permitted in the most restrictive adjoining zone with the approval of the following yard setbacks: a.) Site 1: a zero-foot to 20-foot 6-inch front yard setback along Avenues 56 and 57 in lieu of the required 15 feet in the most restrictive adjoining zone of RD2-1-HPOZ, b.) Site 1: a zero-foot to 22-foot side yard setback in lieu of the required 5 feet along the northern property line and 6 feet along the southern property line as required in the most restrictive adjoining zone of RD2-1-HPOZ, c.) Site 2: a zero-foot to 21-foot side yard setbacks along Marmion Way, the abutting alley and the adjoining property in lieu of the required 6 and 7 feet as required in the most restrictive adjoining zone of [Q]C4-2D-HPOZ Zone, d.) Site 3: a zero-foot to 10-foot side yard setback along Avenue 59 and the western property line in lieu of the required 6 feet as required in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ, and e.) Site 3: a 10-foot to 15-foot rear yard setback in lieu of the required 15 feet as required in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ; 3.) a Conditional Use to permit a building height of 47 feet 6 inches on Site 2 in lieu of the maximum permitted height of 45 feet per "D" Limitation in Ordinance 175,088; 4.) a Zoning Administrator's Adjustment to allow reduced passageways to the street in lieu of the required passageways: a.) Site 1: a 9-foot passageway in lieu of the required 10 feet for a two-story building, b.) Site 2: a 9-foot 8-inch passageway between a stair and a wall in lieu of the required 12 feet for a three-story building, c.) Site 2: a 11-foot 3-inch passageway between a stair and a wall and a 12-foot 7-inch passageway in lieu of the required 14 feet adjacent to a four-story building, and d.) Site 3: a 9-foot 8-inch passageway between a stair and a wall and a 11-foot 6 inch passageway in lieu of the required 12 feet passageway required for a three-story building; 5.) a Project Permit Compliance approval of the Avenue 57 Transit Oriented Specific Plan; 6.) a Specific Plan Exception of the Avenue 57 Transit Oriented District Specific Plan to allow the lot assembly of the following in lieu of a maximum of two lots with a combined area equal to or less than 10,000 square feet for a residential development: a.) Site 1: four existing lots combined to one master lot and two airspace lots for a combined area of 34,920 square feet, b.) Site 2: six existing lots combined to one master parcel and two airspace parcels for a combined area of 38,595 square feet (after street dedication), and c.) Site 3: four existing lots combined to one master parcel and three airspace parcels for a combined area of 13,160 square feet (after street dedication); and 7.) recommendations of the Certificate of Compatibility in order to build the project in a manner that is compatible with the Highland Park – Garvanza Historic Preservation Overlay Zone. With the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the proposed development of 20 dwellings is allowable. The project will provide much needed new home ownership opportunities for the Community Plan area.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). The project conforms with both the specific provisions and the intent of the Specific Plan for the Management of Flood Hazards (Section

5 of Ordinance No. 172,081). Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

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

Avenues 56 and 57 are Local Streets, each dedicated with a 60-foot width. The Bureau of Engineering is not requiring any street dedications. The project is subject to Avenue 57 Transit Oriented District Specific Plan requirements. As part of incidental Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the applicant is requesting a Project Permit Compliance approval of the Avenue 57 Transit Oriented Specific Plan and a Specific Plan Exception of the Avenue 57 Transit Oriented District Specific Plan to allow the lot assembly of four existing lots combined to one master lot and two airspace lots for a combined area of 34,920 square feet for Site 1. The proposed project will provide 45 residential parking spaces in conformance with the LAMC and the Deputy Advisory Agency's parking policy for condominium projects in non-parking congested areas. The proposed project will also provide 116 City of Los Angeles public parking spaces. As conditioned, and with the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the design and improvements of the proposed project are consistent with the applicable General and Specific Plans.

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

The site is currently improved with a public surface parking lot that will be demolished. It's one of the few under-improved properties in the vicinity. The development of this tract is an infill of an otherwise mix-density neighborhood. The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone. The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits.

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

Adjacent land uses consist of multi-family residential uses to the north in the RD2-1-HPOZ and [Q]C4-2D-HPOZ Zones, multi-family and commercial uses to the south in the [Q]C4-2D-HPOZ Zones, multi-family and commercial uses across Avenue 56 to the west in the RD2-1-HPOZ and C2-2D-HPOZ Zones, and proposed Site 2 and commercial uses to the west across Avenue 57 in the PF-1-HPOZ and [Q]C4-2D-HPOZ Zones. The proposed project would provide an appropriate transitional development between the multi-family residential uses to the north, south, and west. The site is currently improved with public surface parking lot, and the proposed project would provide 20 condominium units and public parking. The applicant is also requesting a concurrent City Planning

Commission request (CPC-2013-226-SPE-CU-ZAA-CCMP-SPP) to allow the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone, yard deviations, reduced passageways, compliance of the Avenue 57 Transit Oriented Specific Plan, allow the lot assembly of lots combined to one, and to build the project that is compatible with the Highland Park-Garvanza Historic Preservation Overlay Zone. The proposed project is required to obtain the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, prior to the issuance of any building permits. As conditioned and with the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the proposed tract map is physically suitable for the proposed density of the development.

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

The Initial Study prepared for the project identifies potential adverse impact on fish or wildlife resources as far as earth, air, water, and risk of upset are concerned. However measures are required as part of this approval, which will mitigate the above, mentioned impacts to a less than significant level. Furthermore, the project site, as well as the surrounding area are presently developed with residential and commercial structures and do not provide a natural habitat for either fish or wildlife.

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

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

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

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

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

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

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

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


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

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

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

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 72147-CN.

Michael J. LoGrande
Advisory Agency



JIM TOKUNAGA
Deputy Advisory Agency

JT:TI:CL:jq

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
213 482-7077

Marvin Braude San Fernando Valley
Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
818 374-5050

Forms are also available on-line at <http://cityplanning.lacity.org/>.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call the Public Counter staff at (213) 482-7077.

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

CITY PLANNING COMMISSION
WILLIAM ROSCHEN
PRESIDENT
REGINA M. FREER
VICE-PRESIDENT
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INFORMATION
www.planning.lacity.org

Decision Date: May 7, 2013

Appeal Period Ends: May 22, 2013

Daniel Falcon (A)
HPTV Apartments, L.P.
801 South Grand Avenue, Suite 780
Los Angeles, CA 90017

City of Los Angeles (O)
Department of Transportation
100 S. Main Street, 10th Floor
Los Angeles, CA 90012

Thomas D. Iacobellis (E)
Iacobellis & Associates Inc.
11145 Tampa Avenue, Suite 15-B
Northridge, CA 91326

RE: Parcel Map No.: AA-2013-222-PMLA
Address: 123 & 125 N. Avenue 57 and
5706, 5708, & 5712 E. Marmion Way
Community Plan: Northeast Los Angeles
Zone: PF-2D-HPOZ
Council District: 1
CEQA No.: ENV-2013-221-MND

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.53, the Advisory Agency approved Parcel Map No. AA-2013-222-PMLA, located at 123 & 125 N. Avenue 57 and 5706, 5708, & 5712 E. Marmion Way for one master parcel and two airspace parcels, **Master Parcel A includes 50 apartment units (49 affordable units and 1 non-restricted manager's unit), Airspace Parcel B includes 81 public parking spaces, and Airspace Parcel C includes 51 residential parking**, as shown on map stamp-dated January 25, 2013 in the Northeast Los Angeles Community Plan. This unit density is based on the most restrictive adjoining zone of [Q]C4-2D-HPOZ Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Public Counter call (213) 482-7077. The Advisory Agency's approval is subject to the following conditions:

NOTE on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

EXHIBIT D

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That a 15-foot radius property line return at the intersection of Marmion Way and Avenue 58 and a 15-foot property line cut corner at the intersection of Marmion Way and Avenue 57 be dedicated adjoining the subdivision.
2. That any fee deficit under Work Order No. EXP00078 expediting this project be paid to the Land Development Group of the Bureau of Engineering.
3. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
4. That a complete set of drawings for airspace lots be submitted to the City Engineer showing the followings:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
5. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
6. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a. Repair and/or replace any bad order curb, gutter and sidewalk along the subdivision; close any unused driveway with street improvements; construct a 25-foot radius curb return at the intersection of Marmion Way and Avenue 57; and plan trees where necessary along the subdivision in Marmion Way.
 - b. Construction additional sidewalk with filling in concrete in the corner cuts in avenue 58 and Avenue 57 with Marmion Way.
 - c. Improve the alley adjoining the subdivision by the construction of a 2-foot wide longitudinal gutter, together with any necessary removal and repair of bad order sections and reconstruction of existing improvements.
 - d. Construct the necessary sewer house connection to serve the subdivision, or any other appropriate method acceptable to the City Engineer and evaluate the efficiency of the existing house connections.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

7. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

8. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Provide a copy of CPC case CPC-2013-226-SPE-CU-ZAA-CCMP-SPP. Show compliance with all the conditions/requirements of the CPC case as applicable.
 - b. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
 - c. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

Each Air Space lot shall have access to a street by one or more easements or other entitlements to use in a form satisfactory to the Advisory Agency and the City Engineer.

Any proposed structures or uses on the site have not been checked for and shall comply with Building and Zoning Code requirements. Plan check will be required before any construction, occupancy or change of use.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

9. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
 - a. A 20-foot reservoir space be provided between any security gate(s) and the property line.

- b. A parking area and driveway plan shall be submitted to the Citywide Planning Coordination Section of Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3. (MM)

FIRE DEPARTMENT

10. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
 - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - b. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - c. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 - d. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
 - e. Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.
 - f. Submit plot plans indicating access road and turning area for Fire Department approval.
 - g. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
 - h. **Policy Exception:**
L.A.M.C. 57.09.03.B Exception:
 - When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

- It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - This policy does not apply to single-family dwellings or to non-residential buildings.
- i. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; but, in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.
 - j. Entrance to the main lobby shall be located off the address side of the building.
 - k. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
 - l. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
 - m. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.
 - n. Adequate public and private fire hydrants shall be required.
 - o. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:
 - i. The establishment of a property owners association, which shall cause a yearly inspection to be, made by a registered civil engineer of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.

- ii. The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
- iii. In the event that the property owners association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
- iv. Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
- v. That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map
- p. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- q. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- r. Site plans shall include all overhead utility lines adjacent to the site.
- s. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- t. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.

BUREAU OF STREET LIGHTING

- 11. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

Construct new street light; one on Avenue 58. If street widening per BOE improvement conditions, relocate and upgrade street lights; four on Marmion Way and one on Avenue 57.

NOTES:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations, equipment selection, LADOT and BOE conditions.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY AGENCY

13. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

DEPARTMENT OF RECREATION AND PARKS

14. That the Quimby fee be based on the C4-2D Zone. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of the park and recreation fee based on the latest fee rate schedule applicable. (MM)

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

15. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

All significant (8-inch or greater trunk diameter) or cumulative trunk diameter if multi-trunked, as measured 54 inches about the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parking of the adjacent public right right(s)-of-way, may be counted toward replacement tree requirements. (MM)

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) 487-3077. All trees in the public right-of-way requires approval of the Board of Public Works. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

16. Affordable Unit Language for Non-Density Bonus Projects

Prior to the issuance of a building permit for any rental dwelling unit on the subject property, the applicant shall reserve 49 units and shall execute and record a rental covenant agreement running with the land, to the satisfaction of the Los Angeles Housing Department ("LAHD"). The covenant shall bind the applicant and/or any subsequent property owner to reserve 49 units for occupancy by LOW Income households as restricted affordable rental units. Applicant must provide an affordable unit dispersal proposal to be approved by LAHD to ensure that affordable units are not segregated or otherwise distinguishable from market-rate units.

For a period of thirty (30) years from the issuance of the Certificate of Occupancy, affordable dwelling units may be occupied only by households whose income has been certified by LAHD to fall within the specified LOW Income affordability level, as defined by California Health and Safety Code Section 50079.5, for the duration of the covenant.

A total of 49 parking spaces, at one parking space for each restricted affordable dwelling units.

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

- a. Limit the proposed development to a maximum of 49 dwelling units and one market rate unit.
- b. Provide a minimum of two covered off-street parking spaces per market rate dwelling unit.

- c. Provide a minimum of 81 City of Los Angeles public parking spaces, or allow the redistribution of the parking spaces to Sites 1 and/or 3, if necessary, in order to maintain the total 221 public parking spaces across the three sites.

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

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- d. Prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
 - e. The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better in order to reduce the effects of diminished air quality on the occupants of the project. (MM)
 - f. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - g. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
 - h. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. (MM)
 - i. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
18. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

Note to City Zoning Engineer and Plan Check. The Advisory Agency has approved the following variations from the LAMC as it applies to this subdivision and the proposed development on the site.

Approved Variations as follows:

1. Designate Avenue 57 and Avenue 58 as the front yards for the subject site; and Marmion Way and the south property lines as the side yards as noted on the Parcel Map.
19. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2013-226-SPE-CU-ZAA-CCMP-SPP shall be submitted to the satisfaction of the Advisory Agency. In the event that CPC-2013-226-SPE-CU-ZAA-CCMP-SPP is not approved, the subdivider shall submit a tract modification.
20. Prior to the issuance of a building permit, grading permit and the recordation of the final tract map, the subdivider shall record and execute a Covenant and Agreement to comply with the Avenue 57 Transit Oriented District Specific Plan, except as otherwise approved through LAMC Section 11.5.7.
21. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider of exporting of approximately Site 1: 28,300 cubic yards of soil, Site 2: 18,300 cubic yards of soil, Site 3: 6,200 cubic yards of soil; a total of 72 trips per day for a duration of 30 days for Site 1, a total of 72 trips per day for a duration of 20 days for Site 2, and a total of 72 trips per day for a duration of 10 days for Site 3, in addition to the following haul route conditions: (MM)
 - a. Streets to be used are limited to Marmion Way to N Avenue 58, right onto North Avenue 58, left onto Figueroa Street, right onto State Highway 134 East, Interstate 210 East, exit 38 for Irwindale Avenue, right onto N. Irwindale Avenue, and left onto Gladstone Street.
 - b. Hauling hours of operation shall be from 7:00 a.m. to 4:30 p.m. Monday through Saturday. Trucks shall not arrive at the construction site before the prescribed start time.
 - c. Trucks shall be restricted to 18-wheel dump trucks or smaller.
 - d. All staging shall be on-site. Alternatively, an off-site location shall be selected and trucks radioed into site.
 - e. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).
 - f. Streets shall be cleaned of spilled materials at the termination of each work day.
 - g. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
 - h. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.

- i. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- j. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- k. All trucks are to be watered at the job site to prevent excessive blowing dirt.
- l. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
- m. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.
- n. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
- o. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
- p. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."
- q. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.
- r. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.
- s. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.
- t. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213. 977.6039.

22. **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.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

23. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 9b, 10, 14, 15, 17d, 17g, 21, 24, and 25 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
24. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- MM-1. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
 - MM-2. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
 - MM-3. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
 - MM-4. Concrete, not metal, shall be used for construction of parking ramps.
 - MM-5. The interior parking ramps shall be textured to prevent tire squeal at turning areas.
 - MM-6. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

- MM-7. Wall and roof-ceiling as Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. Alternatively, the applicant may verify, through an acoustical engineer, that installed sound insulation is sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
- MM-8. 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). In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
- Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials
 - Use of landscape contouring to minimize precipitation runoff
 - A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.
- MM-9. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- MM-10. Install 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.
- MM-11. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- MM-12. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.

- MM-13. 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.)
- MM-14. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- MM-15. 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.
- MM-16. 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.
- MM-17. 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.
- MM-18. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.
- MM-19. The project shall comply with the Highland Park-Garvanza Preservation Plan.
- MM-20. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

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

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

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

CM-2. 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.

CM-3. 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.

CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

CM-6. 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.

- CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-8. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-12. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-13. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.
- CM-14. Stockpiles, excavated soil, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.
- CM-15. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- CM-16. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-17. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

- CM-18. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-19. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-20. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.
- CM-21. Trucks having no current activity shall not idle but be turned off.
- CM-22. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- CM-23. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
- CM-24. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- CM-25. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- CM-26. Movement and removal of approved fencing shall not occur without prior approval by LADBS.

FINDINGS OF FACT (CEQA)

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2013-221-MND on April 10, 2013. The Department found that potential negative impact could occur from the project's implementation due to:

- Aesthetics (light);
- Air Quality (construction);
- Biological Resources (tree removal);
- Cultural Resources (historic);
- Geology and Soils (construction, seismic);
- Greenhouse Gas Emissions;
- Land Use and Planning;

Noise (construction, operational);
Public Services (fire, schools, street improvements);
Recreation (parks);
Transportation; and
Utilities (solid waste).

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2013-221-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition Nos. 9b, 10, 14, 15, 17d, 17g, 21, 24, and 25 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 24.

The custodian of the documents or other material which constitute the record of proceedings upon which the Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Parcel Map AA-2013-222-PMLA, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The adopted Northeast Los Angeles Plan designates the subject property for Public Facilities land use with the corresponding zone of PF. The site is located in the Avenue 57 Transit Oriented District Specific Plan Area (within the Major Activity Center Subarea of the Specific Plan). The property contains approximately 0.89 net (after street dedication) and is presently zoned PF-2D-HPOZ.

The applicant is proposing to construct and maintain a new joint public and private development with residential housing and public parking, known as the Highland Park Transit Village. The project is considered as one development, but includes three sites, referred to as Sites 1, 2, and 3. The sites are located north of Figueroa Street and south of the Avenue 57 Metro Gold Line Station. Each site is located in a separate block, traversed by Avenues 57 and 58. The three project sites are owned by the Department of Transportation and are improved with public surface parking lots. The project includes the demolition of the surface parking lots and the construction of a 20-unit residential condominium building (Site 1), a 50-unit multi-family residential building with 49 affordable dwelling units and 1 non-restricted manager's unit (Site 2), and a 10-unit affordable multi-family residential building (Site 3). Each site will have a public parking component. The project will be built in two phases. Phase I will include Sites 2 and 3 and Phase II will include Site 1.

The subject site is referenced as Site 2 and is located at 5712 E. Marmion Way (123 & 125 N. Avenue 57 and 5706, 5708, & 5712 E. Marmion Way). The subject request is for the merger and re-subdivision of six lots into one master lot and two airspace lots on a 38,595 net square-foot site (after street dedication). Master Parcel A includes a 50 apartment units (49 affordable units and 1 non-restricted manager's unit), Airspace Parcel B includes 81 public parking spaces, and Airspace Parcel C includes 51 residential parking spaces. Haul route approval is requested. The applicant is proposing to extend the curb face at the corner of Avenue 57 and Marmion Way to a standard 25-foot radius through the Parcel Map.

The applicant is also requesting an incidental CPC-2013-226-SPE-CU-ZAA-CCMP-SPP to allow: 1.) a Conditional Use to permit the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone with the following residential densities: a.) Site 1: 20 units in lieu of the maximum 17 units permitted in the most restrictive adjoining zone of RD2-1-HPOZ, b.) Site 2: 50 units in lieu of the maximum 27 units permitted in the most restrictive adjoining zone of [Q]C4-2D-HPOZ, and c.) Site 3: 10 units in lieu of the maximum 10 units permitted in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ; 2.) a Conditional Use to permit the construction of a joint public and private development that is more intensive than those uses permitted in the most restrictive adjoining zone with the approval of the following yard setbacks: a.) Site 1: a zero-foot to 20-foot 6-inch front yard setback along Avenues 56 and 57 in lieu of the required 15 feet in the most restrictive adjoining zone of RD2-1-HPOZ, b.) Site 1: a zero-foot to 22-foot side yard setback in lieu of the required 5 feet along the northern property line and 6 feet along the southern property line as required in the most restrictive adjoining zone of RD2-1-HPOZ, c.) Site 2: a zero-foot to 21-foot side yard setbacks along Marmion Way, the abutting alley and the adjoining property in lieu of the required 6 and 7 feet as required in the most restrictive adjoining zone of [Q]C4-2D-HPOZ Zone, d.) Site 3: a zero-foot to 10-foot side yard setback along Avenue 59 and the western property line in lieu of the required 6 feet as required in the most restrictive adjoining zone of

[Q]C4-1VL-HPOZ, and e.) Site 3: a 10-foot to 15-foot rear yard setback in lieu of the required 15 feet as required in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ; 3.) a Conditional Use to permit a building height of 47 feet 6 inches on Site 2 in lieu of the maximum permitted height of 45 feet per "D" Limitation in Ordinance 175,088; 4.) a Zoning Administrator's Adjustment to allow reduced passageways to the street in lieu of the required passageways: a.) Site 1: a 9-foot passageway in lieu of the required 10 feet for a two-story building, b.) Site 2: a 9-foot 8-inch passageway between a stair and a wall in lieu of the required 12 feet for a three-story building, c.) Site 2: a 11-foot 3-inch passageway between a stair and a wall and a 12-foot 7-inch passageway in lieu of the required 14 feet adjacent to a four-story building, and d.) Site 3: a 9-foot 8-inch passageway between a stair and a wall and a 11-foot 6 inch passageway in lieu of the required 12 feet passageway required for a three-story building; 5.) a Project Permit Compliance approval of the Avenue 57 Transit Oriented Specific Plan; 6.) a Specific Plan Exception of the Avenue 57 Transit Oriented District Specific Plan to allow the lot assembly of the following in lieu of a maximum of two lots with a combined area equal to or less than 10,000 square feet for a residential development: a.) Site 1: four existing lots combined to one master lot and two airspace lots for a combined area of 34,920 square feet, b.) Site 2: six existing lots combined to one master parcel and two airspace parcels for a combined area of 38,595 square feet (after street dedication), and c.) Site 3: four existing lots combined to one master parcel and three airspace parcels for a combined area of 13,160 square feet (after street dedication); and 7.) recommendations of the Certificate of Compatibility in order to build the project in a manner that is compatible with the Highland Park – Garvanza Historic Preservation Overlay Zone. With the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the proposed development of 50 dwellings is allowable. The project will provide much needed affordable rental units for the Community Plan area.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). The project conforms with both the specific provisions and the intent of the Specific Plan for the Management of Flood Hazards (Section 5 of Ordinance No. 172,081). Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

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

Avenues 57 and 58 are Local Streets, each dedicated with a 60-foot width. Marmion Way is a Local Street with a variable width of approximately 68 feet. The Alley has a 20-foot width. The Bureau of Engineering is requiring a 15-foot radius property line return at the intersection of Marmion Way and Avenue 58 and a 15-foot by 15-foot property line cut corner at the intersection of Marmion Way and Avenue 57 for additional right-of-way dedications. The project is subject to Avenue 57 Transit Oriented District Specific Plan requirements. As part of incidental Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the applicant is

requesting a Project Permit Compliance approval of the Avenue 57 Transit Oriented Specific Plan and a Specific Plan Exception of the Avenue 57 Transit Oriented District Specific Plan to allow the lot assembly of six existing lots combined to one master lot and two airspace lots for a combined area of 38,595 square feet (after street dedication) for Site 2. The proposed project will provide 51 residential parking spaces in conformance with the LAMC. The proposed project will also provide 81 City of Los Angeles public parking spaces. As conditioned, and with the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the design and improvements of the proposed project are consistent with the applicable General and Specific Plans.

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

The site is currently improved with a public surface parking lot that will be demolished. It's one of the few under-improved properties in the vicinity. The development of this tract is an infill of an otherwise mix-density neighborhood. The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone. The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits.

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

Adjacent land uses consist of the MTA Gold Line to the north across Marmion Way in the PF-1-HPOZ Zone, retail uses to the south across an alley in the [Q]C4-2D-HPOZ Zone, single and multi-family residential uses and a DOT public surface parking lot (proposed Site 1) to the west across Avenue 57 in the [Q]C4-2D-HPOZ and PF-2D-HPOZ Zones, and a multi-family residential uses to the east across Avenue 58 in the [Q]C4-2D-HPOZ Zone. Avenues 57 and 58 are Local Streets, each dedicated with a 60-foot width. The Alley is dedicated with a 20-foot width. The proposed project would provide an appropriate transitional development between the multi-family residential uses to the east and west. The site is currently improved with public surface parking lot, and the proposed project would provide 49 affordable units, one market rate manager's unit, and public parking. The applicant is also requesting a concurrent City Planning Commission request (CPC-2013-226-SPE-CU-ZAA-CCMP-SPP) to allow the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone, height deviation, yard deviations, reduced passageways, compliance of the Avenue 57 Transit Oriented Specific Plan, allow the lot assembly of lots combined to one, and to build the project that is compatible with the Highland Park-Garvanza Historic Preservation Overlay Zone. The proposed project is required to obtain the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, prior to the issuance of any building permits. As conditioned and with the approval of Case No. CPC-2013-226-SPE-CU-ZAA-

CCMP-SPP, the proposed parcel map is physically suitable for the proposed density of the development:

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

The Initial Study prepared for the project identifies potential adverse impact on fish or wildlife resources as far as earth, air, water, and risk of upset are concerned. However measures are required as part of this approval, which will mitigate the above, mentioned impacts to a less than significant level. Furthermore, the project site, as well as the surrounding area are presently developed with residential and commercial structures and do not provide a natural habitat for either fish or wildlife.

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

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

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

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

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

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

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

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

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

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

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

These findings shall apply to both the preliminary and final maps for Parcel Map No.AA-2013-222-PMLA.

THE FOLLOWING NOTES ARE FOR INFORMATIONAL PURPOSES AND ARE NOT CONDITIONS OF APPROVAL OF THIS PARCEL MAP:

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

As part of the construction of your project, you may wish to make arrangements, with the Telecommunications Bureau regarding the cable television franchise holder for this area at (213) 922-8363.

The above action shall become effective upon the decision date noted at the top of this letter unless an appeal has been submitted to the City Planning Commission within 15 calendar days of the decision date. If you wish to appeal, a Master Appeal Form No. CP-7769, must be submitted, accepted as complete, and appeal fees paid by 5:00 PM on May 22, 2013* at one of the City Planning Department Public Counters, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
213 482-7077

Marvin Braude San Fernando Valley
Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
818 374-5050

*Please note the cashiers at the public counters close at 3:30 PM.

Forms are also available on-line at <http://cityplanning.lacity.org/>.

Pursuant to Ordinance No. 176,321, effective January 15, 2005; Parcel Map determinations are only appealable to the Area Planning Commission. There is no longer a second level of appeal to the City Council for Parcel Map actions of the Advisory Agency.

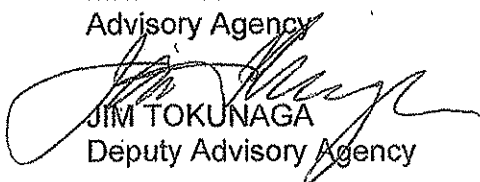
If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call the Public Counter staff at (213) 482-7077.

No sale of separate parcels is permitted prior to recordation of the final parcel map. The owner is advised that the above action must record within 36 months of the date of approval, unless an extension of time has been requested in person before 5:00 p.m. May 22, 2016.

No requests for time extensions or appeals received by mail shall be accepted.

Michael J. LoGrande
Advisory Agency



JIM TOKUNAGA
Deputy Advisory Agency

JT:TI:CL:jq

cc: Bureau of Engineering - 4
Community Planning Bureau
Planning Office & 1 Map
D.M.
Bureau of Street Lighting
Street Tree Division & 1 Map

Dept. of Building & Safety, Zoning & 2 Maps
Department of Building & Safety, Grading
Department of Fire
Department of Recreation & Parks & 1 Map
Department of Transportation, CPC Section
Room 600, 221 N. Figueroa Street

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

CITY PLANNING COMMISSION
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JAMES WILLIAMS
COMMISSION EXECUTIVE ASSISTANT II
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

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FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

Decision Date: May 7, 2013

Appeal Period Ends: May 22, 2013

Daniel Falcon (A)
HPTV Apartments, L.P.
801 South Grand Avenue, Suite 780
Los Angeles, CA 90017

RE: Parcel Map No.: AA-2013-223-PMLA
Address: 124, 128, and 132 N. Avenue 59
Community Plan: Northeast Los Angeles
Zone: PF-2D-HPOZ
Council District: 1
CEQA No.: ENV-2013-221-MND

City of Los Angeles (O)
Department of Transportation
100 S. Main Street, 10th Floor
Los Angeles, CA 90012

Thomas D. Iacobellis (E)
Iacobellis & Associates Inc.
11145 Tampa Avenue, Suite 15-B
Northridge, CA 91326

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.53, the Advisory Agency approved Parcel Map No. AA-2013-223-PMLA, located at 124 N. Avenue 59 (124, 128, and 132 N. Avenue 59) for one master parcel and three airspace parcels, **Master Parcel A includes 10 affordable residential units, Parcel B includes 5 public parking spaces, Parcel C includes 19 public parking spaces, and Parcel D includes 10 residential parking spaces**, as shown on map stamp-dated January 25, 2013 in the Northeast Los Angeles Community Plan. This unit density is based on the most restrictive adjoining zone of [Q]C4-1VL-HPOZ Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Public Counter call (213) 482-7077. The Advisory Agency's approval is subject to the following conditions:

NOTE on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

EXHIBIT E

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That a 2-foot wide strip of land be dedicated along Avenue 59 adjoining the subdivision to complete a 32-foot wide half right-of-way dedication in accordance with Collector Street Standards, including a 15-foot radius property line return at the intersection with Marmion Way.
2. That any fee deficit under Work Order EXP00079 expediting this project be paid to the Land Development Group of the Bureau of Engineering.
3. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
4. That a complete set of drawings for airspace lots be submitted to the City Engineer showing the followings:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
5. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
6. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a. Repair and/or replace any bad order curb, gutter and sidewalk and plant trees with tree wells and covers where necessary along the subdivision in Marmion Way.
 - b. Construct additional sidewalk with filling in concrete in the newly dedicated area and the corner cut in Avenue 59.
 - c. Improve the alley adjoining the subdivision by the construction of a 2-foot wide longitudinal gutter, together with any necessary removal and repair of bad order sections and reconstruction of existing improvements.
 - d. Construct the necessary sewer house connection to serve each parcel, or any other appropriate method acceptable to the City Engineer and evaluate the efficiency of the existing house connections.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

7. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

8. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Provide a copy of CPC case CPC-2013-226-SPE-CU-ZAA-CCMP-SPP. Show compliance with all the conditions/requirements of the CPC case as applicable.
 - b. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
 - c. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

Each Air Space lot shall have access to a street by one or more easements or other entitlements to use in a form satisfactory to the Advisory Agency and the City Engineer.

Any proposed structures or uses on the site have not been checked for and shall comply with Building and Zoning Code requirements. Plan check will be required before any construction, occupancy or change of use.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

9. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
 - a. A 20-foot reservoir space be provided between any security gate(s) and the property line.

- b. A parking area and driveway plan shall be submitted to the Citywide Planning Coordination Section of Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3. (MM)

FIRE DEPARTMENT

10. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)

- a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- b. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- c. **Policy Exception:**

L.A.M.C. 57.09.03.B Exception:

- When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.
 - It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
 - This policy does not apply to single-family dwellings or to non-residential buildings.
- d. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; but, in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.

- e. Entrance to the main lobby shall be located off the address side of the building.
- f. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- g. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- h. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.
- i. Adequate public and private fire hydrants shall be required.
- j. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- k. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- l. Site plans shall include all overhead utility lines adjacent to the site.
- m. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

BUREAU OF STREET LIGHTING

- 11. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

Construct new street light: one on Avenue 59. If street widening per BOE improvement conditions, relocate and upgrade street lights; one on Marmion Way and one on Avenue 59.

NOTES:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations, equipment selection, LADOT and BOE conditions.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY AGENCY

13. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

DEPARTMENT OF RECREATION AND PARKS

14. That the Quimby fee be based on the C4-1VL Zone. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of the park and recreation fee based on the latest fee rate schedule applicable. (MM)

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

15. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

All significant (8-inch or greater trunk diameter) or cumulative trunk diameter if multi-trunked, as measured 54 inches about the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parking of the adjacent public right right(s)-of-way, may be counted toward replacement tree requirements. (MM)

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) 487-3077. All trees in the public right-of-way requires approval of the Board of Public Works. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

16. Affordable Unit Language for Non-Density Bonus Projects

Prior to the issuance of a building permit for any rental dwelling unit on the subject property, the applicant shall reserve 10 units and shall execute and record a rental covenant agreement running with the land, to the satisfaction of the Los Angeles Housing Department ("LAHD"). The covenant shall bind the applicant and/or any subsequent property owner to reserve 10 units for occupancy by LOW Income households as restricted affordable rental units. Applicant must provide an affordable unit dispersal proposal to be approved by LAHD to ensure that affordable units are not segregated or otherwise distinguishable from market-rate units.

For a period of thirty (30) years from the issuance of the Certificate of Occupancy, affordable dwelling units may be occupied only by households whose income has been certified by LAHD to fall within the specified LOW Income affordability level, as defined by California Health and Safety Code Section 50079.5, for the duration of the covenant.

A total of 10 parking spaces, at one parking space for each restricted affordable dwelling units.

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

- a. Limit the proposed development to a maximum of 10 affordable dwelling units.
- b. Provide a minimum of 24 City of Los Angeles public parking spaces, or allow the redistribution of the parking spaces to Sites 1 and/or 2, if necessary, in order to maintain the total 221 public parking spaces across the three sites.

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

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. Prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
 - d. The applicant shall install an air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better in order to reduce the effects of diminished air quality on the occupants of the project. (MM)
 - e. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - f. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
 - g. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. (MM)
 - h. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
18. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

Note to City Zoning Engineer and Plan Check. The Advisory Agency has approved the following variations from the LAMC as it applies to this subdivision and the proposed development on the site.

Approved Variations as follows:

- 1. Designate Marmion Way as the front yard for the subject site; the Alley as the rear yard, and Avenue 59 and the west property line as the side yards as noted on the Parcel Map.
19. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2013-226-SPE-CU-ZAA-CCMP-SPP shall be submitted to the satisfaction of the Advisory Agency. In the event that CPC-2013-226-SPE-CU-ZAA-CCMP-SPP is not approved, the subdivider shall submit a tract modification.

20. Prior to the issuance of a building permit, grading permit and the recordation of the final tract map, the subdivider shall record and execute a Covenant and Agreement to comply with the Avenue 57 Transit Oriented District Specific Plan, except as otherwise approved through LAMC Section 11.5.7.
21. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider of exporting of approximately Site 1: 28,300 cubic yards of soil, Site 2: 18,300 cubic yards of soil, Site 3: 6,200 cubic yards of soil; a total of 72 trips per day for a duration of 30 days for Site 1, a total of 72 trips per day for a duration of 20 days for Site 2, and a total of 72 trips per day for a duration of 10 days for Site 3, in addition to the following haul route conditions: (MM)
 - a. Streets to be used are limited to Marmion Way to N Avenue 59, right onto North Avenue 59, left onto Figueroa Street, right onto State Highway 134 East, Interstate 210 East, exit 38 for Irwindale Avenue, right onto N. Irwindale Avenue, and left onto Gladstone Street.
 - b. Hauling hours of operation shall be from 7:00 a.m. to 4:30 p.m. Monday through Saturday. Trucks shall not arrive at the construction site before the prescribed start time.
 - c. Trucks shall be restricted to 18-wheel dump trucks or smaller.
 - d. All staging shall be on-site. Alternatively, an off-site location shall be selected and trucks radioed into site.
 - e. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).
 - f. Streets shall be cleaned of spilled materials at the termination of each work day.
 - g. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
 - h. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - i. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
 - j. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - k. All trucks are to be watered at the job site to prevent excessive blowing dirt.

- l. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
 - m. The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.
 - n. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
 - o. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
 - p. One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."
 - q. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.
 - r. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.
 - s. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.
 - t. A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213. 977.6039.
22. **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.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

23. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 9b, 10, 14, 15, 17d, 17g, 21, 24, and 25 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
24. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- MM-1. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
 - MM-2. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
 - MM-3. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
 - MM-4. Concrete, not metal, shall be used for construction of parking ramps.
 - MM-5. The interior parking ramps shall be textured to prevent tire squeal at turning areas.
 - MM-6. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
 - MM-7. Wall and roof-ceiling as Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. Alternatively, the applicant may verify, through an acoustical engineer, that installed sound insulation is sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

- MM-8. 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). In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
- Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - Use of landscape contouring to minimize precipitation runoff
 - A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.
- MM-9. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- MM-10. Install 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.
- MM-11. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- MM-12. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- MM-13. 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.)
- MM-14. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.

- MM-15. 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.
- MM-16. 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.
- MM-17. 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.
- MM-18. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.
- MM-19. The project shall comply with the Highland Park-Garvanza Preservation Plan.
- MM-20. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
25. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

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

- CM-2. 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.
- CM-3. 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.
- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-6. 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.
- CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-8. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

- CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-12. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-13. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.
- CM-14. Stockpiles, excavated soil, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.
- CM-15. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- CM-16. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-17. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- CM-18. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-19. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-20. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

- CM-21. Trucks having no current activity shall not idle but be turned off.
- CM-22. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- CM-23 A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
- CM-24 "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- CM-25 "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- CM-26 Movement and removal of approved fencing shall not occur without prior approval by LADBS.

FINDINGS OF FACT (CEQA)

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2013-221-MND on April 10, 2013. The Department found that potential negative impact could occur from the project's implementation due to:

- Aesthetics (light);
- Air Quality (construction);
- Biological Resources (tree removal);
- Cultural Resources (historic);
- Geology and Soils (construction, seismic);
- Greenhouse Gas Emissions;
- Land Use and Planning;
- Noise (construction, operational);
- Public Services (fire, schools, street improvements);
- Recreation (parks);
- Transportation; and
- Utilities (solid waste).

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2013-221-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition Nos. 9b, 10, 14, 15, 17d, 17g, 21, 24, and 25 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 24.

The custodian of the documents or other material which constitute the record of proceedings upon which the Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Parcel Map AA-2013-222-PMLA, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The adopted Northeast Los Angeles Plan designates the subject property for Public Facilities land use with the corresponding zone of PF. The site is located in the Avenue 57 Transit Oriented District Specific Plan Area (within the Mixed Use Subarea of the Specific Plan). The property contains approximately 0.30 net (after street dedication) and is presently zoned PF-2D-HPOZ.

The applicant is proposing to construct and maintain a new joint public and private development with residential housing and public parking, known as the Highland Park Transit Village. The project is considered as one development, but includes three sites, referred to as Sites 1, 2, and 3. The sites are located north of Figueroa Street and south of the Avenue 57 Metro Gold Line Station. Each site is located in a separate block, traversed by Avenues 57 and 58. The three project sites are owned by the Department of Transportation and are improved with public surface parking lots. The project includes the demolition of

the surface parking lots and the construction of a 20-unit residential condominium building (Site 1), a 50-unit multi-family residential building with 49 affordable dwelling units and 1 non-restricted manager's unit (Site 2), and a 10-unit affordable multi-family residential building (Site 3). Each site will have a public parking component. The project will be built in two phases. Phase I will include Sites 2 and 3 and Phase II will include Site 1.

The subject site is referenced as Site 3 and is located at 124 N. Avenue 59 (124, 128, and 132 N. Avenue 59). The subject request is for the merger and re-subdivision of four lots into one master lot and three airspace lots on a 13,160 net square-foot site (after street dedication). Master Parcel A includes 10 affordable apartment units, Airspace Parcel B includes 5 surface public parking spaces, Airspace Parcel C includes 19 public parking spaces, and Airspace Parcel D includes 10 residential parking spaces. Haul route approval is requested.

The applicant is also requesting an incidental CPC-2013-226-SPE-CU-ZAA-CCMP-SPP to allow: 1.) a Conditional Use to permit the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone with the following residential densities: a.) Site 1: 20 units in lieu of the maximum 17 units permitted in the most restrictive adjoining zone of RD2-1-HPOZ, b.) Site 2: 50 units in lieu of the maximum 27 units permitted in the most restrictive adjoining zone of [Q]C4-2D-HPOZ, and c.) Site 3: 10 units in lieu of the maximum 10 units permitted in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ; 2.) a Conditional Use to permit the construction of a joint public and private development that is more intensive than those uses permitted in the most restrictive adjoining zone with the approval of the following yard setbacks: a.) Site 1: a zero-foot to 20-foot 6-inch front yard setback along Avenues 56 and 57 in lieu of the required 15 feet in the most restrictive adjoining zone of RD2-1-HPOZ, b.) Site 1: a zero-foot to 22-foot side yard setback in lieu of the required 5 feet along the northern property line and 6 feet along the southern property line as required in the most restrictive adjoining zone of RD2-1-HPOZ, c.) Site 2: a zero-foot to 21-foot side yard setbacks along Marmion Way, the abutting alley and the adjoining property in lieu of the required 6 and 7 feet as required in the most restrictive adjoining zone of [Q]C4-2D-HPOZ Zone, d.) Site 3: a zero-foot to 10-foot side yard setback along Avenue 59 and the western property line in lieu of the required 6 feet as required in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ, and e.) Site 3: a 10-foot to 15-foot rear yard setback in lieu of the required 15 feet as required in the most restrictive adjoining zone of [Q]C4-1VL-HPOZ; 3.) a Conditional Use to permit a building height of 47 feet 6 inches on Site 2 in lieu of the maximum permitted height of 45 feet per "D" Limitation in Ordinance 175,088; 4.) a Zoning Administrator's Adjustment to allow reduced passageways to the street in lieu of the required passageways: a.) Site 1: a 9-foot passageway in lieu of the required 10 feet for a two-story building, b.) Site 2: a 9-foot 8-inch passageway between a stair and a wall in lieu of the required 12 feet for a three-story building, c.) Site 2: a 11-foot 3-inch passageway

between a stair and a wall and a 12-foot 7-inch passageway in lieu of the required 14 feet adjacent to a four-story building, and d.) Site 3: a 9-foot 8-inch passageway between a stair and a wall and a 11-foot 6 inch passageway in lieu of the required 12 feet passageway required for a three-story building; 5.) a Project Permit Compliance approval of the Avenue 57 Transit Oriented Specific Plan; 6.) a Specific Plan Exception of the Avenue 57 Transit Oriented District Specific Plan to allow the lot assembly of the following in lieu of a maximum of two lots with a combined area equal to or less than 10,000 square feet for a residential development: a.) Site 1: four existing lots combined to one master lot and two airspace lots for a combined area of 34,920 square feet, b.) Site 2: six existing lots combined to one master parcel and two airspace parcels for a combined area of 38,595 square feet (after street dedication), and c.) Site 3: four existing lots combined to one master parcel and three airspace parcels for a combined area of 13,160 square feet (after street dedication); and 7.) recommendations of the Certificate of Compatibility in order to build the project in a manner that is compatible with the Highland Park – Garvanza Historic Preservation Overlay Zone. With the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the proposed development of 10 dwellings is allowable. The project will provide much needed affordable rental units for the Community Plan area.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). The project conforms with both the specific provisions and the intent of the Specific Plan for the Management of Flood Hazards (Section 5 of Ordinance No. 172,081). Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

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

Marmion Way is a Local Street with a variable width of approximately 68 feet. Avenue 59 is a Collector Street with a 60-foot width. The Alley has a 20-foot width. The Bureau of Engineering is requiring a 2-foot strip of land be dedicated along Avenue 59 adjoining the subdivision to complete a 32-foot wide half right-of-way dedication in accordance with Collector Street Standards, including a 15-foot radius property line return at the intersection with Marmion Way. The project is subject to Avenue 57 Transit Oriented District Specific Plan requirements. As part of incidental Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the applicant is requesting a Project Permit Compliance approval of the Avenue 57 Transit Oriented Specific Plan and a Specific Plan Exception of the Avenue 57 Transit Oriented District Specific Plan to allow the lot assembly of four existing lots combined to one master lot and three airspace lots for a combined area of 13,160 square feet (after street dedication) for Site 3. The proposed project will provide 10 residential parking spaces in conformance with the LAMC. The proposed project will also provide 24 City of Los Angeles public parking spaces.

As conditioned, and with the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the design and improvements of the proposed project are consistent with the applicable General and Specific Plans.

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

The site is currently improved with a public surface parking lot that will be demolished. It's one of the few under-improved properties in the vicinity. The development of this tract is an infill of an otherwise mix-density neighborhood. The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone. The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits.

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

Adjacent land uses consist of the MTA Gold Line to the north across Marmion Way in the PF-1-HPOZ Zone, retail and office uses to the south across an alley in the [Q]C4-2D-HPOZ Zone, multi-family residential use to the west in the [Q]C4-2D-HPOZ Zone, and single and multi-family residential uses and commercial uses to the east across Avenue 59 in the [Q]C4-1VL-HPOZ and [Q]C4-2D-HPOZ and PF-2D-HPOZ Zones. Marmion Way is a Local Street with a variable width of approximately 68 feet and Avenue 59 is a Collector Street with a 60-foot width. The Alley is dedicated with a 20-foot width. The proposed project would provide an appropriate transitional development between the multi-family residential uses to the west. The site is currently improved with public surface parking lot, and the proposed project would provide 10 affordable units and public parking. The applicant is also requesting a concurrent City Planning Commission request (CPC-2013-226-SPE-CU-ZAA-CCMP-SPP) to allow the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone, yard deviations, reduced passageways, compliance of the Avenue 57 Transit Oriented Specific Plan, allow the lot assembly of lots combined to one, and to build the project that is compatible with the Highland Park-Garvanza Historic Preservation Overlay Zone. The proposed project is required to obtain the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, prior to the issuance of any building permits. As conditioned and with the approval of Case No. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, the proposed parcel map is physically suitable for the proposed density of the development.

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

The Initial Study prepared for the project identifies potential adverse impact on fish or wildlife resources as far as earth, air, water, and risk of upset are concerned. However measures are required as part of this approval, which will mitigate the above, mentioned impacts to a less than significant level. Furthermore, the project site, as well as the surrounding area are presently developed with residential and commercial structures and do not provide a natural habitat for either fish or wildlife.

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

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

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

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

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

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

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

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

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

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

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

These findings shall apply to both the preliminary and final maps for Parcel Map No. AA-2013-223-PMLA.

THE FOLLOWING NOTES ARE FOR INFORMATIONAL PURPOSES AND ARE NOT CONDITIONS OF APPROVAL OF THIS PARCEL MAP:

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

As part of the construction of your project, you may wish to make arrangements, with the Telecommunications Bureau regarding the cable television franchise holder for this area at (213) 922-8363.

The above action shall become effective upon the decision date noted at the top of this letter unless an appeal has been submitted to the City Planning Commission within 15 calendar days of the decision date. If you wish to appeal, a Master Appeal Form No. CP-7769, must be submitted, accepted as complete, and appeal fees paid by 5:00 PM on May 22, 2013* at one of the City Planning Department Public Counters, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
213 482-7077

Marvin Braude San Fernando Valley
Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
818 374-5050

*Please note the cashiers at the public counters close at 3:30 PM.

Forms are also available on-line at <http://cityplanning.lacity.org/>.

Pursuant to Ordinance No. 176,321, effective January 15, 2005, Parcel Map determinations are only appealable to the Area Planning Commission. There is no longer a second level of appeal to the City Council for Parcel Map actions of the Advisory Agency.

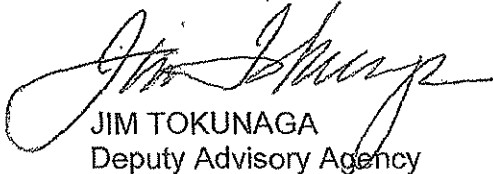
If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call the Public Counter staff at (213) 482-7077.

No sale of separate parcels is permitted prior to recordation of the final parcel map. The owner is advised that the above action must record within 36 months of the date of approval, unless an extension of time has been requested in person before 5:00 p.m. May 22, 2016.

No requests for time extensions or appeals received by mail shall be accepted.

Michael J. LoGrande
Advisory Agency



JIM TOKUNAGA
Deputy Advisory Agency

JT:TI:CL:jq

cc: Bureau of Engineering - 4
Community Planning Bureau
Planning Office & 1 Map
D.M.
Bureau of Street Lighting
Street Tree Division & 1 Map

Dept. of Building & Safety, Zoning & 2 Maps
Department of Building & Safety, Grading
Department of Fire
Department of Recreation & Parks & 1 Map
Department of Transportation, CPC Section
Room 600, 221 N. Figueroa Street

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 City of Los Angeles	COUNCIL DISTRICT 1
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PROJECT TITLE ENV-2013-221-MND	CASE NO. CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, VTT-72147, AA-2013-222-PMLA, AA-3013-223-PMLA
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PROJECT LOCATION
 Site 1: 119 N. Avenue 56; Site 2: 5712 E. Marmion Way (123 & 125 N. Avenue 57 and 5706, 5708, & 5712 E. Marmion Way); Site 3: 124 N. Avenue 59 (124, 128, and 132 N. Avenue 59)

PROJECT DESCRIPTION
 Construction and maintenance of the Highland Park Transit Village, a new joint public and private development with residential housing and public parking. The project includes the demolition of the surface parking lots and the construction of a 20-unit residential condominium building with a maximum height of 45 feet, a 50-unit multi-family residential building with 49 affordable dwelling units and 1 non-restricted manager's unit with a maximum height of 47 feet 6 inches, and a 10-unit affordable multi-family residential building with a maximum height of 39 feet 6 inches. Each building will have a public parking component. The project will be built in two phases. Phase I will include Sites 2 and 3 and Phase II will include Site 1.

The applicant is requesting: Site 1: VTTM 72147 to permit four lots for 20 residential condominium units, 116 public parking spaces, and 40 residential parking spaces and 5 guest spaces. Site 2: Parcel Map AA-2013-222-PMLA to permit three parcels for 50 apartment units, 81 public parking spaces, and 51 residential parking spaces. Site 3: Parcel Map AA-2013-223-PMLA to permit four parcels for 10 affordable residential units, 24 public parking spaces, and 10 residential parking spaces. Haul route approval is requested.

A Conditional Use to permit the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone: Site 1: 20 units, Site 2: 50 units, and Site 3: 10 units; and to permit the approval of the following reduced yard setbacks for Site 1: along Avenues 56, along the northern property line and along the southern property line; Site 2: along Marmion Way, the abutting alley and the adjoining, Site 3: along Avenue 59, the western property, and Site 3: a rear yard setback; and to permit a building height of 47 feet 6 inches on Site 2 in lieu of the maximum permitted height of 45, an Adjustment to allow reduced passageways to the street in Site 1: a 9-foot passageway, Site 2: a 9-foot 8-inch passageway between a stair and a wall, a 11-foot 3-inch passageway between a stair and a wall and a 12-foot 7-inch passageway, and Site 3: a 9-foot 8-inch passageway between a stair and a wall and a 11-foot 6 inch passageway. A Project Permit Compliance approval of the Avenue 57 TOD Specific Plan, a Specific Plan Exception of the Avenue 57 TOD Specific Plan to allow the lot assembly of the following in lieu of a maximum of two lots with a combined area equal to or less than 10,000 square feet for a residential development: Site 1: four lots to one master lot and two airspace lots for a combined area of 34,920 square feet, Site 2: six lots to one master parcel and two airspace parcels for a combined area of 38,595 square feet (after street dedication), and Site 3: four lots to one master parcel and three airspace parcels for a combined area of 13,160 square feet (after street dedication), and a Certificate of Compatibility with the Highland Park – Garvanza HPOZ.

NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY
 Andie Adame
 Craig Lawson & Co., LLC
 8758 Venice Boulevard, #200
 Los Angeles, CA 90034

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

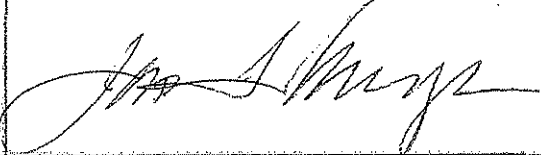
(CONTINUED ON PAGE 2)

SEE ATTACHED SHEET(S) FOR ANY MITIGATION MEASURES IMPOSED.

EXHIBIT F

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	TITLE	TELEPHONE NUMBER
CHRISTINA LEE	City Planning Associate	(213) 473-9723
ADDRESS	SIGNATURE (Official)	DATE
200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012		04/10/2013

I-120. 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 less than significant level by the following measure:
- ✓ ◦ Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

III-10. Air Pollution (Demolition, Grading, and Construction Activities)

-
- ✓ ◦ 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 construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- ✓ ◦ 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.
- ✓ ◦ All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- ✓ ◦ All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- ✓ ◦ General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

IV-70. 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 less than significant level by the following measures:
- ✓ ◦ Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- ✓ ◦ All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- ✓ ◦ Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

V-50. Cultural/Historic Resources

- The project will result in an impact on identified cultural/historical resources. However, the impact can be reduced to a less than significant level though compliance with the following measure(s):
- ✓ ◦ The project shall comply with the Highland Park-Garvanza Preservation Plan.

VI-10. Seismic

- Environmental impacts to the safety of future occupants may result due to the project's location in an area of potential seismic activity. However, this potential impact will be mitigated to a less than significant level by the following measure:
- The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

VI-20. Erosion/Grading/Short-Term Construction Impacts

- Short-term erosion impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a less than significant level by the following measures:
- The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

VI-40. Grading (20,000 Cubic Yards, or 60,000 Square Feet of Surface Area or Greater)

- Impacts will result from the alteration of natural landforms due to extensive grading activities. However, this impact will be mitigated to a less than significant level by designing the grading plan to conform with the City's Landform Grading Manual guidelines, subject to approval by the Department of City Planning and the Department of Building and Safety's Grading Division. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
- A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
- "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- Movement and removal of approved fencing shall not occur without prior approval by LADBS.

VII-10. Green House Gas Emissions

- The project will result in impacts resulting in increased green house gas emissions. However, the impact can be reduced to a less than significant level through compliance with the following measure(s):
- Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

X-60. Land Use/Planning

- The project will result in land use and/or planning impact(s). However, the impact(s) can be reduced to a less than significant level through compliance with the following measure(s):
- 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.

XII-20. Increased Noise Levels (Demolition, Grading, and Construction Activities)

- 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.
- Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

XII-40. 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 less than significant level 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.

XII-200. Severe Noise Levels (Railroad)

- Environmental impacts may result from project implementation due to noise from the adjacent railroad track. However, the potential impact will be mitigated to a less than significant level by the following measures:

- Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- The applicant shall verify, through an acoustical engineer, that installed sound insulation is sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

XIV-10. 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 less than significant level by the following measure:
- 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.

XIV-60. 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 less than significant level 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.

XV-10. Recreation (Increased Demand For Parks Or Recreational Facilities)

- Environmental impacts may result from project implementation due to insufficient parks and/or recreational facilities. However, the potential impact will be mitigated to a less than significant level by the following measure:
- **(Subdivision)** Pursuant to Section 17.12-A or 17.58 of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of dwelling units.

XVI-30. Transportation (Haul Route)

- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- **(Non-Hillside):** Projects involving the import/export of 20,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.

XVII-10. Utilities (Local Water Supplies - Landscaping)

- 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 less than significant level 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).
- In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - Use of landscape contouring to minimize precipitation runoff
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

XVII-20. Utilities (Local Water Supplies - All New Construction)

- 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 less than significant level by the following measures:

- If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- Install 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.
- Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- 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.)

XVII-40. Utilities (Local Water Supplies - New Residential)

- 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 less than significant level by the following measures:
- Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- 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.
- 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.

XVII-90. Utilities (Solid Waste Recycling)

- Environmental impacts may result from project implementation due to the creation of additional solid waste. However, this potential impact will be mitigated to a less than significant level by the following measure:
- **(Operational)** 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.
- **(Construction/Demolition)** 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.
- **(Construction/Demolition)** To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

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: City of Los Angeles	COUNCIL DISTRICT: CD 1 - ED P. REYES	DATE: 03/13/2013
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RESPONSIBLE AGENCIES: Department of City Planning

ENVIRONMENTAL CASE: ENV-2013-221-MND	RELATED CASES: CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, VTT-72147, AA-2013-222-PMLA, AA-3013-223-PMLA
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PREVIOUS ACTIONS CASE NO.:	<input checked="" type="checkbox"/> Does have significant changes from previous actions. <input type="checkbox"/> Does NOT have significant changes from previous actions
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PROJECT DESCRIPTION:
VESTING TENTATIVE TRACT MAP

ENV PROJECT DESCRIPTION:
Construction and maintenance of the Highland Park Transit Village, a new joint public and private development with residential housing and public parking. The project includes the demolition of the surface parking lots and the construction of a 20-unit residential condominium building with a maximum height of 45 feet, a 50-unit multi-family residential building with 49 affordable dwelling units and 1 non-restricted manager's unit with a maximum height of 47 feet 6 inches, and a 10-unit affordable multi-family residential building with a maximum height of 39 feet 6 inches. Each building will have a public parking component. The project will be built in two phases. Phase I will include Sites 2 and 3 and Phase II will include Site 1.

The applicant is requesting: Site 1: VTTM 72147 to permit four lots for 20 residential condominium units, 116 public parking spaces, and 40 residential parking spaces and 5 guest spaces. Site 2: Parcel Map AA-2013-222-PMLA to permit three parcels for 50 apartment units, 81 public parking spaces, and 51 residential parking spaces. Site 3: Parcel Map AA-2013-223-PMLA to permit four parcels for 10 affordable residential units, 24 public parking spaces, and 10 residential parking spaces. Haul route approval is requested.

A Conditional Use to permit the construction of a joint public and private development with residential housing and public parking that is more intensive than those uses permitted in the most restrictive adjoining zone: Site 1: 20 units, Site 2: 50 units, and Site 3: 10 units; and to permit the approval of the following reduced yard setbacks for Site 1: along Avenues 56, along the northern property line and along the southern property line; Site 2: along Marmion Way, the abutting alley and the adjoining, Site 3: along Avenue 59, the western property, and Site 3: a rear yard setback; and to permit a building height of 47 feet 6 inches on Site 2 in lieu of the maximum permitted height of 45, an Adjustment to allow reduced passageways to the street in Site 1: a 9-foot passageway, Site 2: a 9-foot 8-inch passageway between a stair and a wall, a 11-foot 3-inch passageway between a stair and a wall and a 12-foot 7-inch passageway, and Site 3: a 9-foot 8-inch passageway between a stair and a wall and a 11-foot 6 inch passageway. A Project Permit Compliance approval of the Avenue 57 TOD Specific Plan, a Specific Plan Exception of the Avenue 57 TOD Specific Plan to allow the lot assembly of the following in lieu of a maximum of two lots with a combined area equal to or less than 10,000 square feet for a residential development: Site 1: four lots to one master lot and two airspace lots for a combined area of 34,920 square feet, Site 2: six lots to one master parcel and two airspace parcels for a combined area of 38,595 square feet (after street dedication), and Site 3: four lots to one master parcel and three airspace parcels for a combined area of 13,160 square feet (after street dedication), and a Certificate of Compatibility with the Highland Park – Garvanza HPOZ.

ENVIRONMENTAL SETTINGS:
The project sites, referred to as Sites 1, 2, and 3, are considered one development. Each site is located on a separate block, separated by Avenues 57 and 58 and are improved with surface parking lots that are used as the City of Los Angeles public parking. Site 1 is a 0.80 net acre site, consisting of an irregular-shaped lot that fronts on Avenues 56 and 57. Adjacent uses consist of multi-family residential uses to the north in the RD2-1-HPOZ and [Q]C4-2D-HPOZ Zones, multi-family and commercial uses to the south in the [Q]C4-2D-HPOZ Zones, multi-family and commercial uses across Avenue 56 to the west in the RD2-1-HPOZ and C2-2D-HPOZ Zones, and proposed Site 2 and commercial uses to the west across Avenue 57 in the PF-1-HPOZ and [Q]C4-2D-HPOZ Zones.

Site 2 is a 0.88 net acre site (after street dedication), consisting of an irregular-shaped lot that fronts along Avenues 57 and 58 and bounded by Marmion Way to the north, and an alley to the south. Adjacent uses consist of the MTA Goldline to the north across Marmion Way in the PF-1-HPOZ Zone, a surface parking lot to the south in the PF-2D-HPOZ Zone, commercial uses across an alley further south in the [Q]C4-2D-HPOZ Zone, proposed Site 1 and multi-family to the west across Avenue 57 in the [Q]C4-2D-HPOZ Zone, and a multi-family use to the west across Avenue 58.

Site 3 is a 0.30 net acre site (after street dedication), consisting of a rectangular-shaped lot bounded by Marmion Way, Avenue 59 and an alley. Adjacent uses consist of the MTA Goldline to the north across Marmion Way in the PF-1-HPOZ Zone, commercial and office uses to the south in the [Q]C4-2D-HPOZ Zone, multi-family residential use to the west in the [Q]C4-2D-HPOZ Zone, and single and multi-family uses and commercial uses to the east across Avenue 59 in the [Q]C4-1VL-HPOZ and [Q]C4-2D-HPOZ Zones.

Avenues 56, 57, 58, and 59 are Local Streets each with a 60-foot width, Marmion Way is a Local Street with a variable width of approximately 68 feet, the alley has a 20-foot width. The sites are located in the Avenue 57 Transit Oriented District Specific Plan Area, Highland Park-Garvanza Historic Preservation Overlay Zone, Special Grading Area (BOE Basic Grid Map A-13372), Highland Park Business Improvement District, and in the East Los Angeles State Enterprise Zone.

PROJECT LOCATION:

Site 1: 119 N. Avenue 56; Site 2: 5712 E. Marmion Way (123 & 125 N. Avenue 57 and 5706, 5708, & 5712 E. Marmion Way); Site 3: 124 N. Avenue 59 (124, 128, and 132 N. Avenue 59)

<p>COMMUNITY PLAN AREA: NORTHEAST LOS ANGELES</p> <p>STATUS:</p> <p><input checked="" type="checkbox"/> Does Conform to Plan</p> <p><input type="checkbox"/> Does NOT Conform to Plan</p>	<p>AREA PLANNING COMMISSION: EAST LOS ANGELES</p>	<p>CERTIFIED NEIGHBORHOOD COUNCIL: HISTORIC HIGHLAND PARK</p>
<p>EXISTING ZONING: PF-2D-HPOZ</p>	<p>MAX. DENSITY/INTENSITY ALLOWED BY ZONING: 1.5:1 FAR</p>	<p>LA River Adjacent: NO</p>
<p>GENERAL PLAN LAND USE: Public Facilities</p>	<p>MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION: 1.5:1 FAR</p>	
	<p>PROPOSED PROJECT DENSITY: Site 1: 20 units, Site 2: 50 units, Site 3: 10 units</p>	

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.

City Planning Associate

(213) 473-9723

Signature

Title

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 "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may 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 whatever 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 type="checkbox"/> AGRICULTURE AND FOREST RESOURCES <input checked="" type="checkbox"/> AIR QUALITY <input checked="" type="checkbox"/> BIOLOGICAL RESOURCES <input checked="" type="checkbox"/> CULTURAL RESOURCES <input checked="" type="checkbox"/> GEOLOGY AND SOILS	<input checked="" type="checkbox"/> GREEN HOUSE GAS EMISSIONS <input type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS <input type="checkbox"/> HYDROLOGY AND WATER QUALITY <input checked="" type="checkbox"/> LAND USE AND PLANNING <input type="checkbox"/> MINERAL RESOURCES <input checked="" type="checkbox"/> NOISE	<input type="checkbox"/> POPULATION AND HOUSING <input checked="" type="checkbox"/> PUBLIC SERVICES <input checked="" type="checkbox"/> RECREATION <input checked="" type="checkbox"/> TRANSPORTATION/TRAFFIC <input checked="" type="checkbox"/> UTILITIES AND SERVICE SYSTEMS <input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE
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INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

Background

PROPONENT NAME:

Andie Adame

PHONE NUMBER:

(310) 838-2400

APPLICANT ADDRESS:

Craig Lawson & Co., LLC
 8758 Venice Boulevard, #200
 Los Angeles, CA 90034

AGENCY REQUIRING CHECKLIST:

Department of City Planning

DATE SUBMITTED:

01/25/2013

PROPOSAL NAME (if Applicable):

Highland Park Transit Village

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 within a state 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. AGRICULTURE AND FOREST RESOURCES				
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?			✓
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?			✓
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			✓
d.	Result in the loss of forest land or conversion of forest land to non-forest use?			✓
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?		✓	
III. AIR QUALITY				
a.	Conflict with or obstruct implementation of the applicable air quality 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 project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	✓		
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 modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US 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?			✓
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	✓		
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				

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?		✓		
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 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.	Expose 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.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?		✓		
c.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?				✓
d.	Expose 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 potentially 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. GREEN HOUSE GAS EMISSIONS

a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		✓		
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

VIII. 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?				✓
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 people residing or working in the project area?				✓
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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fi.	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?				✓
IX. HYDROLOGY AND WATER QUALITY					
a.	Violate any water quality standards or waste discharge requirements?			✓	
b.	Substantially deplete groundwater supplies or interfere substantially 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 preexisting nearby wells would drop to a level which would not support existing land uses or planned 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 a 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 hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h.	Place within a 100-year flood hazard area 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?				✓
X. LAND USE AND PLANNING					
a.	Physically divide an established community?				✓
b.	Conflict with any 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, local 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?				✓
XI. 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?				✓
XII. NOISE					
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✓		
b.	Exposure of persons 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?			✓	

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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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?				✓

XIII. 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?				✓

XIV. PUBLIC SERVICES

a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?		✓		
b.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Police protection?			✓	
c.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Schools?		✓		
d.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks?		✓		
e.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Other public facilities?				✓

XV. RECREATION

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?				✓

XVI. TRANSPORTATION/TRAFFIC

a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		✓		
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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 an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards 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 due 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.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓

XVII. UTILITIES AND SERVICE SYSTEMS

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 storm water 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 resources, 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 project's projected demand in addition to the provider's existing commitments?			✓	
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓	
g.	Comply with federal, state, and local statutes and regulations related to solid waste?		✓		

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a 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 major periods of California history or prehistory?				✓
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a 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 will cause substantial adverse effects on human beings, either directly or indirectly?				✓

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

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-2013-221-MND and the associated case(s), CPC-2013-226-SPE-CU-ZAA-C, CPC-2013-226-SPE-CU-ZAA-CCMP-SPP, VTT-72147, AA-2013-222-PMLA, AA-3013-223-PMLA. 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:
CHRISTINA LEE	City Planning Associate	(213) 473-9723	03/13/2013

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

I. AESTHETICS		
a.	NO IMPACT	The site is currently improved with three surface parking lots and the site does not contain scenic vistas. No impact would result.
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The site is located within the Highland Park-Garvanza HPOZ and is designated as a Non-Contributing feature of the HPOZ as it contains surface parking lots and no historic structures. Projects which comply with the provisions of the Highland Park-Garvanza Preservation Plan are deemed to not to cause a substantial adverse impact to a historical resource. By meeting the standards to obtain a Certificate of Compatibility and complying with any required conditions approval, the project will be less than significant.
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The site is located within the Highland Park-Garvanza HPOZ and is designated as a Non-Contributing feature of the HPOZ as it contains surface parking lots and no historic structures. Projects which comply with the provisions of the Highland Park-Garvanza Preservation Plan are deemed to not cause a substantial adverse impact to a historical resource. By meeting the standards to obtain a Certificate of Compatibility and complying with any required conditions approval, the project will be less than significant.
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The proposed project is proposing to demolish three existing surface parking lots and the construction of a 20-unit condominium building, a 50-unit apartment building, and a 10-unit apartment building with each building having a public parking component. The exterior lights on the buildings will need to be shielded downward to mitigate the impact to a less than significant level.
II. AGRICULTURE AND FOREST RESOURCES		
a.	NO IMPACT	The site is designated for Public Facilities use and does not contain farmland of any type. No impact will result.

Impact?	Explanation	Mitigation Measures	
b.	NO IMPACT	The site is designated for Public Facilities use and does not contain farmland of any type. No impact will result.	
c.	NO IMPACT	The site is designated for Public Facilities and is improved with three surface parking lots. The site does not contain forest land or timberland uses.	
d.	NO IMPACT	The project will not result in the conversion of forest land. The site is designated for Public Facilities and is improved with three surface parking lots.	
e.	LESS THAN SIGNIFICANT IMPACT	The project will not result in off-site conversion of farmland to non-agricultural use.	
III. AIR QUALITY			
a.	NO IMPACT	The development of this project will not conflict with or obstruct implementation of either plan.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The construction phase may increase the existing basin-wide air quality violations, however, these impacts will be mitigated to a less than significant level by the proposed mitigation measures.	III-10
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The construction phase may increase the existing basin-wide air quality violations, however, these impacts will be mitigated to a less than significant level by the proposed mitigation measures.	See III-10.
d.	LESS THAN SIGNIFICANT IMPACT	No operational impacts to the on-site occupants of the site are anticipated.	
e.	NO IMPACT	No objectionable odors are anticipated to result from this project.	
IV. BIOLOGICAL RESOURCES			
a.	NO IMPACT	The site is located in a developed area. No sensitive species are expected to locate on the site. No impact will result.	
b.	NO IMPACT	The site does not contain riparian habitat or sensitive natural communities. No impact will result.	
c.	NO IMPACT	The site does not contain wetlands. No impact will result.	
d.	NO IMPACT	The project area is fully developed. The site does not contain wildlife corridors.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The site contains trees with trunk widths of over 8 inches in diameter. All trees over 12 inches in diameter will need to be replaced on a 1:1 ratio to reduce the biological impact to a less than significant level.	IV-70

Impact?	Explanation	Mitigation Measures
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f.	NO IMPACT	The proposed project will not conflict with any habitat conservation plans.	
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V. CULTURAL RESOURCES

a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The site is located within the Highland Park-Garvanza HPOZ and is designated as a Non-Contributing feature of the HPOZ as it contains surface parking lots and no historic structures. Projects which comply with the provisions of the Highland Park-Garvanza Preservation Plan are deemed to not cause a substantial adverse impact to a historical resource. By meeting the standards to obtain a Certificate of Compatibility and complying with any required conditions approval, the project will be less than significant.	V-50
b.	NO IMPACT	The project is not located in an area of known archeological resources. No impact would result.	
c.	NO IMPACT	The project is not located in an area of known paleontological resource. No impact would result.	
d.	NO IMPACT	No human remains are anticipated to be located at the project site. No impact would result.	

VI. GEOLOGY AND SOILS

a.	NO IMPACT	The site is not located in an Alquist-Priolo zone. No impact would result.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The property is subject to strong seismic shaking. However, this impact will be reduced to a less than significant level by following the International Building Code standards during construction.	VI-10
c.	NO IMPACT	The site is not located in a liquefaction zone. No impact will result.	
d.	NO IMPACT	The project is level and not susceptible to landslides.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The grading of the site will result in the loss of topsoil and the hauling of the soil, however, this impact will be reduced to a less than significant level by the incorporation of construction mitigation measures.	VI-20, VI-40
f.	NO IMPACT	The subject property is stable and is not anticipated to become unstable due to construction of the project.	
g.	NO IMPACT	The project site does not contain expansive soils. No impact would result.	
h.	NO IMPACT	No septic tanks are proposed as part of this project. No impact would result.	

Impact?	Explanation	Mitigation Measures
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VII. GREEN HOUSE GAS EMISSIONS

a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The applicant is seeking to construct a 20-unit condominium project on Site 1, a 50-unit multi-family residential building on Site 2, and a 10-unit multi-family residential building on Site 3, with each site having a public parking component and will result in an increase generation of greenhouse gas emissions. However, this impact will be mitigated to a less than significant level by the proposed mitigation measures.	VII-10
b.	LESS THAN SIGNIFICANT IMPACT	The proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The impact will be less than significant.	

VIII. 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.	NO IMPACT	No impacts are anticipated concerning threats from potentially hazardous materials on-site.	
c.	NO IMPACT	No hazardous materials are proposed to be used with this residential project. No impact would result.	
d.	NO IMPACT	The site is not located on a list of hazardous materials list. No impact would result.	
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 would not impair implementation of or interfere with an adopted emergency response plan or emergency evacuation plan. No impact would result.	
h.	NO IMPACT	The site is not located in an area of wildlands. No impact would result.	

IX. HYDROLOGY AND WATER QUALITY

a.	LESS THAN SIGNIFICANT IMPACT	The proposed project is not anticipated to violate any water quality or water discharge requirements.	
b.	LESS THAN SIGNIFICANT 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. Further, the project will comply with LAMC Section	

Impact?	Explanation	Mitigation Measures
	64.70 and no significant impact will occur.	
c. LESS THAN SIGNIFICANT IMPACT	The project site does not contain a stream or river. The site currently drains into the sewer. Further, the project will comply with LAMC Section 64.70 and no significant impact will occur.	
d. LESS THAN SIGNIFICANT IMPACT	The construction of Sites 1-3 residential buildings with a public parking component will not substantially alter the existing drainage pattern of the site or area. Further, the project will comply with LAMC Section 64.70 and no significant impact will occur.	
e. LESS THAN SIGNIFICANT IMPACT	The construction of Sites 1-3 residential buildings and public parking component will not substantially alter the existing drainage pattern of the site or area. Further, the project will comply with LAMC Section 64.70 and no significant impact will occur.	
f. LESS THAN SIGNIFICANT IMPACT	The proposed residential project is not anticipated to substantially degrade water quality.	
g. NO IMPACT	The property is not located in a flood zone. No impact would result.	
h. NO IMPACT	The property is not located in a flood zone. No impact would result.	
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.	
X. LAND USE AND PLANNING		
a. NO IMPACT	The proposed residential housing project with a public parking component for Sites 1-3 are surrounded by commercial and residential uses and would not result in physically dividing an established community.	
b. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The applicant is requesting the approval to allow the construction of a 20-unit residential condominium, a 50-unit multi-family residential building, and a 10-unit multi-family residential building, each building with a public parking component. With approval of the requested and implementation of the conditions of approval, the project will be consistent with the zone. However, the project site is located within an area of high existing air pollution and to comply with the goals, objectives, and policies	X-60

Impact?	Explanation	Mitigation Measures
	within the Housing Element and Air Quality Element of the General Plan, that project shall provide an air filtration system to reduce the air pollution impacts to a less than significant level.	
c. NO IMPACT	The proposed project will not conflict with any applicable conservation or natural community conservation plans due to its location in a developed, urban area.	
XI. MINERAL RESOURCES		
a. NO IMPACT	The site is not located in a known area of mineral resources. No impact is expected to result.	
b. NO IMPACT	The site is not located in a known area of mineral resources. No impact is expected to result.	
XII. 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.	XII-20
b. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project is adjacent to the Metro Gold Line. After implementation of the mitigation measure, the impact will be less than significant.	XII-200
c. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The parking ramps will need to be constructed from concrete to reduce the noise impact to a less than significant level.	XII-40
d. LESS THAN SIGNIFICANT IMPACT	The project is anticipated to result in a less than significant increase in ambient noise levels.	
e. NO IMPACT	The project is not located within a flight path. No impact would result.	
f. NO IMPACT	The project is not located within a private airstrip. No impact would result.	
XIII. POPULATION AND HOUSING		
a. LESS THAN SIGNIFICANT IMPACT	The proposed residential project is not anticipated to introduce substantial population growth.	
b. NO IMPACT	The development of the residential project is consistent with the zone and the General Plan and no net housing will be displaced as a result of this project.	

Impact?	Explanation	Mitigation Measures	
c.	NO IMPACT	The proposed project would not involve or cause the construction of replacement housing elsewhere. Pursuant to Public Resources Code Section 21082.2 (c) (CEQA Guidelines Section 15064 (e)), no substantial evidence exists establishing a nexus between the project and the direct or indirect need to construct new housing elsewhere in the City of Los Angeles. The project would provide a net increase in the City's housing stock.	
XIV. PUBLIC SERVICES			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project is located in an area with inadequate fire response times. The project will be reviewed by the LA Fire Department who may require mitigation measures to reduce the fire impact to a less than significant level.	XIV-10
b.	LESS THAN SIGNIFICANT IMPACT	The project should not result in an increase of police response times. No impact would result.	
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project will increase the demand on area schools, however, the impact will be reduced to a less than significant level by the payment of school fees to LAUSD.	XIV-60
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project will result in an increase in the use of parks, however, this impact will be reduced to a less than significant level by the payment of quimby fees.	See XV-10
e.	NO IMPACT	Street dedications may be required along Avenues 56-59 and Marmion Way to comply with Local Street standards. No impact would result.	
XV. RECREATION			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project will result in an increase in the use of parks, however, this impact will be reduced to a less than significant level by the payment of quimby fees.	XV-10
b.	NO IMPACT	The construction of the proposed residential project will not result in the construction or expansion of recreational facilities.	
XVI. TRANSPORTATION/TRAFFIC			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The Department of Transportation has reviewed the revised project and the traffic impact assessment prepared by Lindscott, Law & Greenspan Engineers, dated June 13, 2012, as stated in their memo dated July 3, 2012. They concur that the project will generate an additional 462 daily trips	XVI-30

Impact?	Explanation	Mitigation Measures
	with 36 trips in the a.m. peak hour and 42 in the p.m. peak hours, but DOT has determined that the proposed project will not have significant traffic impacts at any of the intersections studied. Haul route approval is requested and therefore mitigations are incorporated to minimize impacts.	
b. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The Department of Transportation has reviewed the revised project and the traffic impact assessment prepared by Lindscott, Law & Greenspan Engineers, dated June 13, 2012, as stated in their memo dated July 3, 2012. They concur that the project will generate an additional 462 daily trips with 36 trips in the a.m. peak hour and 42 in the p.m. peak hours, but DOT has determined that the proposed project will not have significant traffic impacts at any of the intersections studied. Haul route approval is requested and therefore mitigations are incorporated to minimize impacts.	See MM XVI-30
c. LESS THAN SIGNIFICANT IMPACT	No change in air traffic patterns will result from the proposed residential project.	
d. NO IMPACT	The project does not include any hazardous design features. No impact would result.	
e. LESS THAN SIGNIFICANT IMPACT	Both LADOT and LAFD will review the project's emergency access to ensure that potential impacts are mitigated to a less than significant level.	
f. NO IMPACT	The proposed project will not conflict with any alternative transportation policies. No impact will result.	
XVII. UTILITIES AND SERVICE SYSTEMS		
a. NO IMPACT	The proposed project would not impact the wastewater treatment requirements of the Los Angeles Regional Water Quality Control Board.	
b. NO IMPACT	The construction of this residential project will not require the construction of new water or wastewater treatment facilities or the expansion of existing facilities.	
c. NO IMPACT	The proposed project would not require the construction of new stormwater drainage facilities.	
d. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The Department of Water and Power has adequate supplies to serve this project with water saving mitigations.	XVII-10, XVII-20, XVII-40

Impact?	Explanation	Mitigation Measures
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e.	LESS THAN SIGNIFICANT IMPACT	The increase in wastewater can be accommodated by the wastewater treatment provider. The impact will be less than significant.	
f.	LESS THAN SIGNIFICANT IMPACT	The local landfills have sufficient capacity to serve the proposed project.	
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.	XVII-90

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a.	NO IMPACT	The proposed project does not result in any impacts that would cause the above.	
b.	LESS THAN SIGNIFICANT IMPACT	The proposed project will result in environmental impact, however, the impact can be mitigated to a less than significant level with the incorporation of the attached mitigation measure.	
c.	NO IMPACT	After implementation of mitigation measures, the proposed project does not have any significant direct or indirect impacts to human beings.	



April 22, 2013

[via email: Christina.toy-lee@lacity.org]

Christina Toy-Lee, City Planning Associate
City of Los Angeles
Department of City Planning
200 N. Spring Street, 7th Floor
Los Angeles, CA 90012

Re: Proposed Highland Park Transit Village Mitigated Negative Declaration (ENV-2013-221-MND)

Dear Ms. Toy-Lee:

Parker Environmental Consultants has been retained by the Project Applicant to review the City's Mitigated Negative Declaration (MND) for the proposed Highland Park Transit Village Project (Proposed Project) and the public comment letters submitted during the MND's public review period and provide written responses to the comment letters for your consideration. Parker Environmental Consultants is an experienced environmental consulting firm specializing in environmental compliance pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The comments presented below reflect our firm's professional experience with preparing numerous Environmental Impact Reports (EIRs) and MNDs for projects within the City of Los Angeles.

As you know, the Project's Initial Study/MND was published for public review from March 21, 2013 through April 10, 2013 and a total of five public comment letters were received regarding the environmental analysis prepared for the Project. The purpose of this letter is twofold: 1) To provide written responses to each comment received; and 2) To confirm that the IS/MND prepared for the Project is sufficient in meeting the requirements of CEQA and that no additional environmental analysis is required. Specifically, this letter confirms that the Project's environmental analysis has complied with Sections 15070 to 15073 of the State CEQA Guidelines which outline the steps and decision to prepare an MND, the contents of the MND, the noticing of the MND, and the public review of the MND. In addition, and consistent with Section 15064 of the State CEQA Guidelines, this letter confirms that the comment letters submitted on the MND have not introduced substantial evidence that the project may have a significant effect on the environment. Lastly, this letter confirms that the MND prepared for the Project is

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adequate and the City (Lead Agency) is justified to adopt the MND as prescribed in Section 15074 of the State CEQA Guidelines and the preparation of an Environmental Impact Report (EIR) is not warranted.

The following responses to comments have been prepared based on the five comment letters submitted on the MND (see Attachment A to this letter for the original comment letters). Each comment letter was reviewed and broken down to individual comments and responses. The comment letters have been identified and organized as follows:

- Comment Letter 1 - Historic Highland Park Neighborhood Council,
- Comment Letter 2 - Lisa Duardo,
- Comment Letter 3 - Naomi Gutierrez,
- Comment Letter 4 - Howard Lee, and
- Comment Letter 5 - John Joseph Teressi.

Each comment has been summarized below and an individual response has been provided.

Comment Letter 1

Historic Highland Park Neighborhood Council
Monica Alcaraz, President

Comment 1-1

The Historic Highland Park Neighborhood Council represents over 60,000 Los Angeles stakeholders who reside, own property, or conduct business in our neighborhood. On behalf of our stakeholders, and after much consideration and community input regarding the above mentioned proposed project for an 80 unit housing development to be built in the core of the Highland Park Historic District on existing public parking lots, the Historic Highland Park Neighborhood Council (HHPNC) has concluded the following: The HHPNC requests that a narrowed EIR be performed on this project because we feel that certain criteria in the MND will have potentially significant impacts that are not being mitigated; to include, but not limited to, as follows:

Response 1-1

This comment provides introductory information on the commenter and requests that an EIR be prepared based on their following comments. See responses to comments below.



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Comment 1-2

I-120, Aesthetics: It is the general consensus that the multi-story brick façade building proposed for site 2 is out of character for the other structures in the project and for neighboring structures in the area, specifically in height, mass, and architecture style. It is the general consensus that the massiveness, height and density of the proposed development on site 2 is too large, dwarfing the size and feel of the neighboring single family homes and the other homes in the project.

Response 1-2

With respect to density and massing, the Floor Area Ratio (FAR) of Site's 1, 2 and 3 will not adversely affect the surrounding neighborhood because the immediately adjacent zoning standards are used to calculate density for each site. Specifically, Site 1's FAR is limited to 1.5:1 as set forth in the "D" Limitation of the underlying PF-2D-HPOZ Zone. The maximum allowable floor area for this Site is 41,099 square feet. The proposed total floor area is 25,175 square feet or 0.92:1 FAR, which is approximately 15,924 square feet less than the maximum permitted floor area for Site 1. Site 2's FAR is limited to 1.5:1 as set forth in the "D" limitation of the underlying PF-2D-HPOZ Zone and that of the most restrictive adjoining zone. The proposed total floor area is 55,115 square feet or 1.43:1 FAR, which is approximately 2,778 square feet less than the maximum permitted floor area for this Site. Site 3's FAR is limited to 1.5:1 as set forth in the "D" limitation of the underlying PF-2D-HPOZ Zone and that of the most restrictive adjoining zone. The proposed total floor area is 11,169 square feet or 0.85:1 FAR, which is approximately 8,572 square feet less than the maximum permitted floor area.

With respect to building height, the Project is requesting to permit a building height of 47 feet 6 inches on Site 2 in lieu of the maximum permitted height of 45. The request for an additional height of 2 feet 6 inches is not a substantial deviation from the by-right development standards for Site 2. In addition, the nearest adjacent structure to the proposed development on Site 2 is a two-story commercial building to the south, which backs up to an existing alley. The adjacent multi-family residential building to the east of Site 2 (at the southeast corner of N. Marmion Way and N. Avenue 58) is three stories in height. The nearest single-family homes to Site 2 are located to the west across Avenue 57, more than 60 feet from the Site 2. The single-family homes located north of N. Marmion Way are located more than 135 feet to the north. Thus, the request to permit an additional 2 feet 6 inches of building height in combination with the setback of at least 60 feet to the nearest single-family homes, impacts with respect to scale, height, and massing would remain less than significant for Site 2.

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Comment 1-3

III-10, Air Pollution (Demolition, Grading, and Construction Activities): There is reasonable concern that there would be substantial increase in exhaust emissions during construction that, although addressed in the MND, would not be reasonably enforceable.

Response 1-3

The components of Mitigation Measure III-10, Air Pollution, as with all of the identified mitigation measures for the Project, will be enforceable through the implementation of the Mitigation Monitoring and Reporting Program that will be required during Project construction. It is therefore reasonable and foreseeable to conclude that all of the proposed mitigation measures will be enforced and impacts would remain less than significant.

Comment 1-4

V-50, Cultural/Historic Resources: Highland Park has a documented history of celebrating and preserving its natural surroundings. Historically, structures in Highland Park have been smaller in scale and constructed with materials that are harmonious to their natural surroundings. Historically their size are harmonious with the natural canyons, waterways, parks and hills in the area. It is the general consensus that the multi-story brick façade building proposed for site 2 would have a negative impact on the vistas of and from neighboring parklands and mountains, and would interfere with the natural sunlight to surrounding properties and public areas. The proposed aesthetic design of the same building on site 2 is not, in scale or in character, conforming to the prevailing historic architecture of the neighborhood, and there is a probability of non-compliance with the Highland Park-Garvanza Historic Plan.

Response 1-4

The Project is requesting to permit a building height of 47 feet 6 inches on Site 2 in lieu of the maximum permitted height of 45. The request for an additional height of 2 feet 6 inches is not a substantial deviation from the by-right development standards for Site 2. In addition, the nearest adjacent structure to the proposed development on Site 2 is a commercial building to the south, which backs up to an existing alley. The nearest single-family homes to Site 2 are located across Avenue 57, more than 60 feet from the Site 2. Thus, based on the request to permit an additional 2 feet 6 inches of building in combination with the setback of at least 60 feet to the nearest single-family homes, impacts with respect to scale, height, and massing would remain less than



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significant for Site 2. In addition, views of and from Site 2 would not be substantially altered due to the Project's request to permit an additional building height of 2 feet 6 inches. The existing street-level viewpoints in the project area are limited by trees, signage and numerous low-rise structures. These limitations would be generally maintained and not substantially altered as a result of an additional 2 feet 6 inches of building height.

With respect to Site 2's potential impact to interfere with natural sunlight upon surrounding properties, it should be noted that the proposed building height for Site 2 would reach a maximum height of 47 feet 6 inches and would cast a maximum shadow length of 76 feet at 12:00 p.m. in the winter and a maximum of 9 feet at 1:00 p.m. in the summer. As prescribed in the LA CEQA Thresholds Guide (2006), for a shade and shadow impact to be considered potentially significant, the project would have to shade a sensitive receptor for more than 3 consecutive hours during the winter and more than 4 consecutive hours during the summer. As there are no shadow-sensitive receptors located within 76 feet of the northern building footprint on Site 2, then there would be no potential to shade a sensitive receptor for more than 3 hours during the winter or more than 4 hours during the summer. As shown in Attachment B, the shade and shadow patterns resulting from the Project for the winter solstice were projected on an aerial photograph to demonstrate the Project's shadow impact upon adjacent properties. As shown in Attachment B, the Project's shadows during the winter solstice would not shade a shadow sensitive use for more than 3 hours during the winter solstice. Winter shadows are longer than the summer shadows and represent a more conservative analysis with respect to shadow lengths. Thus as shown, no significant shade and shadow impacts would result from the Proposed Project.

With respect to conformance to the Highland Park-Garvanza HPOZ, the MND accurately concludes that the Project Site(s) are designated as a Non-Contributing feature(s) of the HPOZ as they contain surface parking lots and no historic structures. The Project will be required to obtain a Certificate of Compatibility under the HPOZ issued by the City Planning Commission. It should be noted that the Project received a recommendation for approval of the Certificate of Compatibility by the Highland Park-Garvanza HPOZ advisory board on March 12, 2013. The Project's impacts would therefore be less than significant with respect to conformance to the Highland Park-Garvanza HPOZ.

Comment 1-5

The completion of the project in its entirety sets a precedent for future nonconforming development in the area that will further negatively impact the preservation of the community's historic character. In general, the consensus is that the proposed project is out of context with the



community's history and heritage of blending housing with its natural surroundings harmoniously.

Response 1-5

This comment asserts that the Project sets a precedent for future non-conforming development in the area that will further negatively impact the preservation of the community's historical character. This comment does not introduce any substantial evidence that the project may have a significant effect on the environment. This comment is noted for the record and will be forwarded to the decision makers for their consideration.

Comment 1-6

VI-20: Erosion: Runoff from constant wetting of the construction area during construction will contribute to pollution in the Arroyo Seco, a vital tributary in the LA River watershed system, and a natural waterway that carries alpine run off from the San Gabriel Mountains to the LA River. This will cause erosion of plant and wildlife in the river, and will have further negative impact on the regional efforts to restore natural and recreational resources in the LA River.

Response 1-6

The components of Mitigation Measure VI-20 in the MND would ensure erosion and runoff impacts during construction would be less than significant. In addition, as required under the National Pollution Discharge Elimination System (NPDES), the Project Applicant is responsible for preparing a Storm Water Pollution Prevention Plan (SWPPP) to mitigate the effects of erosion and the inherent potential for sedimentation and other pollutants entering the stormwater system. The primary objectives of the NPDES storm water program requirements are to: 1) effectively prohibit non-storm water discharges, and 2) reduce the discharge of pollutants from storm water conveyance systems to the Maximum Extent Practicable ("MEP" statutory standard). The SWPPP would incorporate the required implementation of Best Management Practices (BMPs) for erosion control and other measures to meet the NPDES requirements for storm water quality. Implementation of the BMPs identified in the SWPPP and compliance with the NPDES and City discharge requirements would ensure that the construction of the Proposed Project would not violate any water quality standards or discharge requirements, or otherwise substantially degrade water quality.



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Comment I-7

VII-10, Greenhouse Gas Emissions: The particulate matter from increased automobile traffic and greenhouse gasses from the increase in general human consumption (air conditioning, refrigeration, gardening, pet waste, etc.) will have a negative impact on the air and water quality in the area.

Response I-7

The components of Mitigation Measure VII-10 will ensure impacts with respect to Greenhouse Gas Emissions will be less than significant. In addition, it should be noted that through the required implementation of the LA Green Building Code, the Project would be consistent with local and statewide goals and policies aimed at reducing the generation of GHGs, including CARB's AB 32 Scoping Plan aimed at achieving 1990 GHG emission levels by 2020. Therefore, the Project's generation of GHG emissions would not be considered cumulatively considerable and impacts would be less than significant.

Comment I-8

XIV-10, Public Services: There is reasonable concern that many of the public service departments in the City of Los Angeles are not adequately prepared for the increase in public demand that will come with the implementation of this project. This concern is based on stakeholders' current experiences with City of Los Angeles response time to existing neighborhood issues.

Response I-8

The components of Mitigation Measure XIV-10 will ensure impacts with respect to Public Services would be less than significant. In addition, with respect to response times of emergency personnel, *City of Hayward et al. v. Board of Trustees of the California State University*, A131412, A132424 (Cal. Ct. App., May 30, 2012) demonstrates that CEQA does not require the Project to mitigate impacts on emergency response times. In the Hayward Case, the court held that a project has no obligation under CEQA to mitigate for the City's additional costs that would be incurred to avoid delayed response times, reasoning that it was the City's obligation to provide emergency services regardless of CEQA. The City has a constitutional obligation to provide adequate fire protection services. Assuming the City continues to perform its obligations, there is no basis to conclude that the Project will cause a substantial adverse effect on the environment or human beings.



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Comment 1-9

XV-10, Recreation: It is the general consensus that the proposed mitigation to pay Quimby fees does not adequately provide a clear plan or vision of how to address the impact this project will have on the already extremely high demand for safe, green, open recreational spaces in the immediate neighborhood.

Response 1-9

The components of Mitigation Measure XV-10 of the MND ensure that impacts upon recreation would be less than significant. California Government Code Section 66477, also known as the Quimby Act, allows the legislative body of a city or county, by ordinance, to require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition of the approval of a tentative map or parcel map. In accordance with the Quimby Act, the City of Los Angeles adopted Ordinance No. 155,458 to establish a fair and equitable process to mitigate the impacts of new development projects on park and recreational facilities throughout the City. Pursuant to this Ordinance, the City of Los Angeles has set proportionate and uniform fees based on the number of dwelling units that are proposed. The levy of parks and recreation fees, therefore, are deemed to fully mitigate the impacts upon park and recreation facilities.

Comment 1-10

XVII-20, Utilities (Local Water Supplies, All New Construction): The implementation of wetting construction areas twice daily would deplete local water resources.

Response 1-10

The components of Mitigation Measure XVII-20 would ensure that impacts related to local water supplies would be less than significant. The implementation of wetting the construction area is required by AQMD regulations. As such, the Project Applicant must adhere to the requirements outlined in SCAQMD Rule 403 – Fugitive Dust. The amount of water used to comply with SCAQMD Rule 403 would be considered negligible and would not have the potential to deplete local water resources. The water used to wet soil during the construction process would be delivered to the site via water tenders or via direct connection to the City's LADWP's supply. Water would not be derived from groundwater and would not directly interfere with the groundwater table or affect groundwater recharge. With respect to water supply, the Proposed



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project would be consistent with the zoning and General Plan land use designation for the Project Site. Therefore, the water supply demands for the Project have already been taken into consideration in the City's 25-year water resource plan, entitled City of Los Angeles Department of Water and Power 2010 Urban Water Management Plan (UWMP). Thus, the wetting of soil twice daily during the construction of the Project would not cause a significant environmental impact.

Comment 1-11

XVII-90, Utilities (Electricity/Plumbing): There is reasonable concern that the City of Los Angeles Sanitation Services and the Department of Water and Power are not adequately prepared for the increase in demand that will come with the implementation of this project. This concern is based on stakeholders' current experiences with lengthy power outages, and plumbing issues caused by antiquated pipes and old tree roots in the area.

Response 1-11

With respect to electricity demand and potential for power outages, LADWP undertakes expansion and/or modification of electricity distribution infrastructure and systems to serve future growth in the City of Los Angeles as required in the normal process of providing electrical service. In response to the decline in service reliability, LADWP established a comprehensive Power Reliability Program (PRP) in 2006 which provided increased funding to address the growing maintenance backlog. The goals of the program include: (1) mitigating problem circuits and stations based on the types of outages specific to a given facility, (2) implementing proactive maintenance and capital improvements to avert problems before they occur, and (3) establishing replacement cycles for facilities that are in alignment with equipment life cycle. Through the program, LADWP successfully reduced the number of distribution outages by 28% between 2006 and 2009 by accelerating the replacement of transformers, poles, underground cables, and other equipment. In FY 2011-12, 1,813 poles, 2,054 transformers, and 51 miles of underground cable were replaced.¹

With respect to sewer infrastructure, detailed gauging and evaluation will be needed as part of the permit process to identify a specific sewer connection point. Through the rules and regulations

¹ Los Angeles Department of Water and Power, 2012 Power Integrated Resource Plan, pages 24 and 20, December 3, 2012.



established in the City of Los Angeles Sewer Allocation Ordinance (Ord. 166,060), the Bureau of Sanitation does not make a determination of sewer capacity until LADBS has established that the proposed Project's plans and specifications are acceptable for plan check. This process ensures the system can accept the anticipated wastewater flows from the Project at the time of connection, as opposed to prematurely committing to projects that are in the environmental review or entitlement process. At the time of connection, the Bureau of Sanitation will check the gauging of the sewer lines and make the appropriate decisions on how best to connect to the local sewer lines at the time of construction. The Applicant will be required to submit a Sewer Capacity Availability Request (SCAR) to verify the anticipated sewer flows and points of connection and to assess the condition and capacity of the sewer lines receiving additional sewer flows from the proposed Project. If it is determined that the sewer system has insufficient capacity to serve the proposed Project, the developer may be required to replace or build new sewer lines to a point in the sewer system with sufficient capacity to accommodate the Project's increased flows. Any infrastructure improvements to update or expand the sewer lines in the project vicinity, if necessary, would be part of a larger capital improvements project (requiring separate environmental review) initiated by the Bureau of Sanitation and would be limited to trenching, excavating and backfilling the sewer lines beneath the public right-of way. Such construction activities would be localized in nature and would generally involve partial lane closures for a relatively short duration of time typically lasting a few days to a few weeks. Therefore, impacts to sewer capacity and infrastructure would be less than significant

Comment 1-12

Furthermore, we have reason to believe that the City of Los Angeles Planning Department failed to insure compliance with a number of CEQA guidelines during the MND processes. Attached "exhibit A" contains footnotes from the Land Use Committee research team, showing just a handful of examples of these guidelines that we believe were either not enforced or not given proper due diligence.

Response 1-12

This comment opines that the City has not complied with CEQA. However, this comment does not provide substantial evidence supporting the opinion. As stated in Section 15064(f)(5) of the State CEQA Guidelines, argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence.



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The Exhibit A attached to the commenter's letter provides incomplete CEQA references to Chapter 3, Article 10 and Article 12 of CEQA. The commentator's reference to Chapter 3 challenges whether the Project is subject to CEQA. The determination as to whether the Project is subject to CEQA is not disputed. The Lead Agency has acknowledged that the Project is subject to CEQA and has prepared an MND for the Proposed Project. With respect to the commenter's citation of requirements of Article 10 (Considerations in Preparing EIRs and Negative Declarations), it should be noted that the MND was adequately published in the LA Times, as prescribed by CEQA Section 21092(b) 3(a), and was also posted on the Department of City Planning's website for environmental notices on March 21, 2013. Furthermore, the LA Times publication provided written notice that the MND and supporting materials are available for review at the Department of City Planning's office at City Hall.

The commentator's reference to Article 12 (Special Considerations) is not relevant or applicable to this Project since the Lead Agency prepared an MND pursuant to CEQA and did not streamline the environmental review process.

Comment Letter 2

Lisa Duardo
5556 Echo St., Los Angeles CA 90042

Comment 2-1

I would like to start my response to this requested MND by stating, it is my finding that this request for this process of a CEQA is not adequate in describing or mitigating significant effects related to the proposed building development of said Highland Park Transit Village. This Project does not comply with the neighborhoods established Specific Plan, Ordinance NO. 174663,(2002), or does it comply with the communities HPOZ Ordinance No.175891, (2004). Both ordinances stipulate the unique contributions of Highland Park's rich historical context within Los Angeles along with controls over development in our neighborhood. This Project not only does not meet our neighborhood requirements in size, mass and character, it intends to intensify the impact onto this community of its proposed Project.

Response 2-1

This comment opines that the CEQA document and process are not adequate for the Project. While this comment summarizes some of the issues of the Project, this comment does not challenge any specific environmental analysis contained in the MND nor does it introduce



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substantial evidence that the project may have a significant effect on the environment. As noted previously in response to comment 1-4, the MND accurately concludes that the Project Site(s) are designated as a Non-Contributing feature(s) of the HPOZ as they contain surface parking lots and no historic structures. The Project will be required to obtain a Certificate of Compatibility under the HPOZ issued by the City Planning Commission. It should be noted that the Project received a recommendation for approval of the Certificate of Compatibility by the Highland Park-Garvanza HPOZ advisory board on March 12, 2013. The Project's impacts will be less than significant.

Comment 2-2

Project Description: This Project over approximately three blocks in the center of one of Highland Park's major corridors (Figueroa- York Blvd. being the other) will forever, if built, significantly impact and have adverse effects on scenic vistas not only at the three sites but all around the Highland Park area. Today not only do the 68,000 residents enjoy our unique natural features of hillsides green with local California vegetation and the mountain landscapes of the Verdugo's and San Gabriel's that inspired and influenced the likes of Charles Lummis, the founding of Occidental College, the famous alum and poet Robinson Jeffers, the founding of the Judson Studio, the visit and remark by William Taft that, "The Arroyo would make one of the greatest parks in the world", but also by the 42,000 daily Gold Line riders. On this point alone, the lead agency must conduct a complete EIR, as the effects will be felt by many, the cost too great for our specific community, for the City as a whole and for the future development of our environment to attract economic development which will complement the neighborhood.

Response 2-2

The Proposed Project Site is considered an infill development project and is improved with paved surface parking lots. There is no natural vegetation or habitat on site and no natural vegetation or habitat areas will be affected by the development of the Project. Thus the project will not directly impact any unique natural features of vegetated hillsides or mountain landscapes. The Project is requesting to permit a building height of 47 feet 6 inches on Site 2 in lieu of the maximum permitted height of 45. The request for an additional height of 2 feet 6 inches is not a substantial deviation from the by-right development standards for Site 2. Views of and from Site 2 would not be substantially altered due to the Project's request to permit an additional building height of 2 feet 6 inches. The existing street-level viewpoints in the project area are limited by trees, signage and numerous low-rise structures. These limitations would be generally maintained and not substantially altered as a result of an additional 2 feet 6 inches of building height. See also Response to Comment 1-4, above.



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Comment 2-3

Today as I write this many studies and much money has gone into the revitalization of the Arroyo Seco Primary Tributary into the Los Angeles River. The National Park Service and the Santa Monica Mountains Conservancy are half way done with The Rim of the Valley Trail Corridor Master Plan which include the hillsides less than ¼ mile from Project sites, that goes for the nearest run-off drain into the Arroyo Seco- less than ¼ mile from the Project sites.

The Arroyo Seco Foundation and other organizations are looking into bring back the Arroyo Chub to this Arroyo Seco. The added water run-off and pollutants would significantly impact this aspiration.

Response 2-3

This comment does not provide any substantiating evidence that the Proposed Project would adversely affect water runoff and pollutants to the Arroyo Seco tributary. Mitigation Measure VI-20 in the MND would ensure erosion and runoff impacts during construction would be less than significant. In addition, it should be noted that the Proposed Project would not increase water runoff as stated by the commenter. The Project Site's are improved with paved parking lots and are 100% impervious. The Project would increase the amount of pervious area with landscaped features and would comply with the City's Low Impact Development (LID) Ordinance, and will be required to retain and treat the first ¾ inch of rainfall in a 24-hour period. Thus, the Project will actually reduce stormwater flows and improve the quality of water flowing into the adjacent stormwater infrastructure.

Comment 2-4

Our neighborhood unique character is also found in the internet world. If you look up Highland Park, Los Angeles, you will read that it is Highland Park's natural features, hillsides and vistas of open green space that characterized the uniqueness of this area. The surface parking lots where this Project is proposed have been acting as such for over 80 years now. What these parking lots also do is protect the essence of why creative folks settled here and continue to settle here. It is the feeling that green open space and nature afford us all, health and wellbeing while living 10 minutes from Downtown Los Angeles, Downtown Glendale and Downtown Pasadena.



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Response 2-4

This comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment. This comment is noted for the record and will be forwarded to the decision makers for their consideration.

Comment 2-5

On Air Quality, I do not believe the lead agency spelled out just how to control the bad air generated not only by the intense excavation and construction but by the additional 100 plus vehicles coming along with the tenants of proposed Project. There is a Primary Preschool and Elementary School less than ¼ mile away from Project sites, and this fact has not been adequately addressed in this MND.

Response 2-5

The air quality impacts of the Project were addressed in the MND. The components outlined in Mitigation Measures III-10, VI-20, and VI-40 would ensure impacts with respect excavation and grading would be less than significant. With respect to air quality impacts from motor vehicles accessing the Project Site, the proposed Project's 80 dwelling units would not exceed the screening criteria established in Exhibit B.2-1 of the LA CEQA Thresholds Guide (2006) which identifies potentially significant operational air quality impacts based on project size.

Comment 2-6

I will close by saying I, along with my family, have lived in this neighborhood since 1965. We have seen many changes- some good, some bad, this proposed Project as described in this MND is very intense and would significantly and negatively impact the unique character of Highland Park and the prospect of creating a more livable neighborhood within the City.

I oppose this request to go the MND route. This Project is significant and demands a full CEQA review.

Please have this letter follow this Project title, and corresponding case numbers and this issue.



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Response 2-6

This comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment. This comment is noted for the record and will be forwarded to the decision makers for their consideration.

Comment Letter 3

Naomi Gutierrez

Comment 3-1

I am opposed to construction of housing in the Highland Park Transit Village. It will negatively impact the businesses along Figueroa, whose customers rely on these 3 parking sites. McCormack is overbuilding and not replacing enough parking site. The site on 5712 E. Marmion Way currently has 35 parking spots. McCormack is planning to build an unsafe underground parking with only 24 sites. Where do you expect the business owners and customers to park? We need more parking not less. Underground parking will create a haven for crime; more than there already exists. This is not a good plan for this community.

Response 3-1

The issue of the loss of neighborhood parking is not an environmental impact subject to CEQA review. In 2010, Appendix G to the State CEQA Guidelines was amended deleting the issue of parking capacity. Furthermore, Sections 15064 (e) and (f)(6) of the State CEQA Guidelines affirm that economic and social changes resulting from a project shall not be treated as significant effects on the environment. In addition, evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment. Lastly, an effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The Project will comply with the City's parking standards for the residential units and will include a public parking component with 221 total public parking spaces to serve the general public. Thus, there will be no net loss of public parking under the Proposed Project.



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Comment Letter 4

Howard Lee
Highland Properties
5611-5619 North Figueroa St.
213-387-7572

Comment 4-1

We find the Transit Village Project to be in violation of the SUPERIOR COURT of the State of California findings. In Case #5392 The City of Los Angeles vs. Kileen Gertrude Bates, April 13, 1962. Entered in Judgment Book 4445, page 15, on March 30, 1962 & Judgment Book 4373, page 106 on December 20, 1961. The judgment is as follows;

“NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That the following described property, which is located in the City of Los Angeles, County of Los Angeles, State of California, be and is condemned in fee simple for the use of the City of Los Angeles and for the use of the public for public off-street parking Purposes.

HISTORY

All of the parcels involved were unpaved parking areas at the rear of the parcels owned by businesses along the Figueroa corridor. The purpose of the above mentioned action was to allow the city to pave and maintain these areas. They now comprise the public parking lots on both sides of the street. These lots are entitled parking for the parcels from which they were ceded from by right. The property owners all agreed to this condemnation under these conditions.

Response 4-1

Appendix G to the State CEQA Guidelines (Environmental Checklist Form) and the LA CEQA Thresholds Guide (2006) do not call for the environmental analysis of either the loss of parking or parking demand of a project. In addition, this comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment. This comment is noted for the record and will be forwarded to the decision makers for their consideration.



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Comment 4-2

CURRENT

The parking lots are contained within the Highland Park Overlay Zone. This protected them from development. Now the city is asking for multiple code and zoning changes not consistent with the Historic Preservation Ordinances it has enacted to protect it. One of the parcels in the above action is the Highland Park Masonic Temple is listed on the National Historic Register #89002268. This historic building is protected by; The Public Resources Code, Division 5, Chapter 1, Article2, Section 5024.5 and is site adjacent.

Response 4-2

The Project Site does not contain any known historic resources nor is the Project Site precluded from development. The MND accurately concludes that the Project Site(s) are designated as a Non-Contributing feature(s) of the Highland Park-Garvanza HPOZ as they contain surface parking lots and no historic structures. The Project will be required to obtain a Certificate of Compatibility under the HPOZ issued by the City Planning Commission. It should be noted that the Project received a recommendation for approval of the Certificate of Compatibility by the Highland Park-Garvanza HPOZ advisory board on March 12, 2013. Thus, the Project's impacts would be less than significant.

The Project would not physically affect the off-site Highland Park Masonic Temple nor would the Project jeopardize the historic designation of the resource. No physical impacts upon historic resources would occur.

Comment 4-3

In addition to the PRC above the City department of planning failed to follow CEQA Sections, 15060 (c) (1),(2),(3) 15063 (c) (5) 15153, (b) (1) (A), (B),(C) 15183 (b) (3) & (4) 15183 (d) (C) (2) 15183 (g) (1), (2), (6), (7) 15183 (I) 15183.3 (b) (2) 15183.3 (d) (B) 15183.3 (f) (1), (2), (3).

Response 4-3

This comment opines that the City has not complied with CEQA. However, this comment does not provide substantial evidence supporting the opinion. As stated in Section 15064(f)(5) of the State CEQA Guidelines, argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute



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substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts. As such, no further response is required.

Comment 4-4

CONCLUSION

It is hoped that the city will not repeat the error it made with the Hollywood Specific Plan. By requiring this to be taken to the Appeals Court and citing the case of: Committee to Save the Hollywoodland Specific Plan and Hollywood Heritage vs. City of Los Angeles (R.J. Cutler) case number B197018, Court of Appeal 2nd District, Division 7.

Response 4-4

This comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment. This comment is noted for the record and will be forwarded to the decision makers for their consideration.

Comment Letter 5

John Joseph Teressi
5621 North Figueroa Street, Highland Park, CA 90042
626-627-9078

Comment 5-1

I John Joseph Teressi, son of Joseph G. Teresa, as current owner of Mr. T's Bowl/Mr. T's Highland Park Recreation Center, which has been in my family since 1966, am writing to oppose the Highland Park Transit Village, especially the condominium structures proposed to be built on the parking lot surrounding the back of my building.

I am opposed to the project for the following reasons:

Response 5-1

This comment provides introductory information on the commenter and states opposition to the project for the following reasons. See responses to comments below.



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Comment 5-2

The land located between Avenue 56 and 57 behind and adjacent to my building has been a public parking lot for over 60 years. This property was originally granted to the city by my father and other building owners on that block facing Figueroa. The agreement at that time was that the City of Los Angeles would maintain the parking lot, and in turn, the business owners would receive unlimited access to the parking lot in perpetuity.

Response 5-2

This comment provides the background of the parking lots located on the Project Site and the existing uses of the sites. This comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment. This comment is noted for the record and will be forwarded to the decision makers for their consideration.

Comment 5-3

I understand that the City of Los Angeles is planning to sell this parking lot for \$1.00 and is planning to provide a variety of tax credits and incentives to the Transit Village Developers, which is a for-profit enterprise. The Los Angeles City Council is planning to do this project and eliminate our above ground parking lot and access to that parking, without any compensation to the building owners and business owners.

Response 5-3

Appendix G to the State CEQA Guidelines (Environmental Checklist Form) and the LA CEQA Thresholds Guide (2006) do not call for the environmental analysis of either the loss of parking or parking demand of a project. In addition, this comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment. This comment is noted for the record and will be forwarded to the decision makers for their consideration.

Comment 5-4

The City Officials have been planning this project without any regard to the business repercussions, the safety and convenience of patrons, residents, shoppers and people who ride the train who use this parking lot every day and night.



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Response 5-4

This comment raises concern over potential economic and social effects as a result of the loss of existing parking. Sections 15064 (e) and (f)(6) of the State CEQA Guidelines affirm that economic and social changes resulting from a project shall not be treated as significant effects on the environment. In addition, evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment. Lastly, Appendix G to the State CEQA Guidelines (Environmental Checklist Form) and the LA CEQA Thresholds Guide (2006) do not call for the environmental analysis of either the loss of parking or parking demand of a project.

Comment 5-5

Removing the above ground parking lot and replacing it with a very densely built, low cost housing project will mean that business people and building owners will lose valuation on their buildings and businesses. It would seem appropriate for the building owners and businesses to buy back this land for \$1 and to seek development of the property that would benefit the business community and the tax base of the City of Los Angeles.

Response 5-5

Sections 15064 (e) and (f)(6) of the State CEQA Guidelines affirm that economic and social changes resulting from a project shall not be treated as significant effects on the environment. In addition, evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment. Lastly, Appendix G to the State CEQA Guidelines (Environmental Checklist Form) and the LA CEQA Thresholds Guide (2006) do not call for the environmental analysis of either the loss of parking or parking demand of a project.

Comment 5-6

The City of Los Angeles is taking away public parking lots that provide easy access to the businesses along Figueroa and for those people riding the train and proposing to give permission to build very dense condominium structures on that land with an underground parking with minimal access to our businesses.



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Response 5-6

This comment summarizes concerns over the loss of existing parking and effects on local businesses. It should be noted that the Project will replace the existing 221 public parking spaces. In addition, Sections 15064 (e) and (f)(6) of the State CEQA Guidelines affirm that economic and social changes resulting from a project shall not be treated as significant effects on the environment. Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment. Lastly, Appendix G to the State CEQA Guidelines (Environmental Checklist Form) and the LA CEQA Thresholds Guide (2006) do not call for the environmental analysis of either the loss of parking or parking demand of a project.

Comment 5-7

The density of these condominium dwellings is intense, and since they would be surrounding the back and sides of my building, as well as other adjacent buildings, they would impede any future development of my multi-use building. There would be no access if I were to create condos in the second floor of my building. It would impede and prohibit my putting back and side exits, which would be required if I want to increase the occupancy of my business.

Response 5-7

This comment raises concern for future development for adjacent property owners. Through the plan check process with the Department of Building and Safety and Fire Department, the Project will be required to ensure that appropriate setbacks and access to all adjacent properties would be adequate. It is not expected that the Project would limit or alter adjacent property owners' ability to pursue future development. This comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment. This comment is noted for the record and will be forwarded to the decision makers for their consideration.

Comment 5-8

I would be surrounded by private land, thereby devaluating the multi-use designation of my property and limiting the occupancy for any future business development, i.e. a grocery store, charter school, community art center, etc.



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Response 5-8

This comment suggests that the Project could negatively impact surrounding property values and future business development in the project area. Sections 15064 (e) and (f)(6) of the State CEQA Guidelines affirm that economic and social changes resulting from a project shall not be treated as significant effects on the environment. In addition, evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment. This comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment. This comment is noted for the record and will be forwarded to the decision makers for their consideration.

Comment 5-9

Even if the correct number of spaces was allotted for Mr. T's and the businesses leasing within my building, were placed underground, the structures would impede access to the parking garage, and make it very inconvenient for patrons to want to shop in our businesses.

Response 5-9

This comment suggests that parking underground compared to surface parking will make it inconvenient for patrons and shoppers at existing local businesses. Sections 15064 (e) and (f)(6) of the State CEQA Guidelines affirm that economic and social changes resulting from a project shall not be treated as significant effects on the environment. In addition, evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment. This comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment.

Comment 5-10

If the project were approved, the digging of the underground parking lot and construction would destroy any business for our shops, restaurants, etc. for at least one year and thus eliminate any value or business continuity, thus ruining sales and reducing taxes to the City and State. It would



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depreciate the value of the buildings and business, thus lowering the real estate valuation of this property in Highland Park.

Response 5-10

This comment states that construction activities would negatively impact business operations in the project area. Sections 15064 (e) and (f)(6) of the State CEQA Guidelines affirm that economic and social changes resulting from a project shall not be treated as significant effects on the environment. In addition, evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment. This comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment.

Comment 5-11

In addition to all the negative effects on business, the proposed condominium project would block fire engine access to my property, creating a huge fire hazard not only for my building, businesses and patrons, but also for anyone living in the densely populated, low-cost housing development that is proposed. It would increase insurance premiums dramatically.

Response 5-11

Through the plan check process with the Department of Building and Safety and the Fire Department, the Project design would be required by law to maintain adequate fire and emergency access to the Project Site and all adjacent properties. It should be noted that the City of Los Angeles Fire Department (LAFD) reviewed the MND and provided comments to the MND. As noted in the City's staff report, the LAFD recommends that the project be subject to conditions stated in the memo dated March 11, 2013. See recommended conditions in Draft Tentative Tract Report with Conditions under department. See page 10 of the City's Staff Report for Vesting Tentative Tract Map No. 72147-CN. This comment is noted for the record and will be forwarded to the decision makers for their consideration.

Comment 5-12

I believe it is imperative that this building project be rejected. Instead there needs to be a new plan created in conjunction with the business and building owners on Figueroa. The key business people should have the opportunity to develop a plan for expanding parking, enlivening the



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business community and helping to restore the facades, signage and truly create a healthy business atmosphere in Highland Park as originally intended with the designation of Figueroa Paseo.

Response 5-12

This comment states opposition to the Project and requests that a new project plan be considered. This comment does not challenge the environmental analysis contained in the MND nor does it introduce substantial evidence that the project may have a significant effect on the environment. This comment is noted for the record and will be forwarded to the decision makers for their consideration.

CONCLUSION

Based on the information provided above, the Project's environmental analysis has complied with Sections 15070 to 15073 of the State CEQA Guidelines. In addition, and consistent with Section 15064 of the State CEQA Guidelines, this letter illustrates that the comment letters submitted on the MND have not introduced substantial evidence that the project may have a significant effect on the environment, and the preparation of an EIR is not warranted. Lastly, this letter confirms that the MND prepared for the project is adequate and the City (Lead Agency) is justified to adopt the MND as prescribed in Section 15074 of the State CEQA Guidelines.

Sincerely,

PARKER ENVIRONMENTAL CONSULTANTS



Shane E. Parker

*Attachments: Attachment A, Comment Letters 1 through 5
Attachment B, Shade and Shadow Study*

*CC: Andie Adame, Craig Lawson & Co., LLC
Daniel Falcon, Senior Vice-President, McCormack Baron Salazar
Vicky Ramirez, Project Manager, McCormack Baron Salazar*



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**DETERMINATION LETTER
CPC-2013-226 & VTT-72147 &
AA-2013-222 & AA-2013-223
MAILING DATE: 06/21/13**

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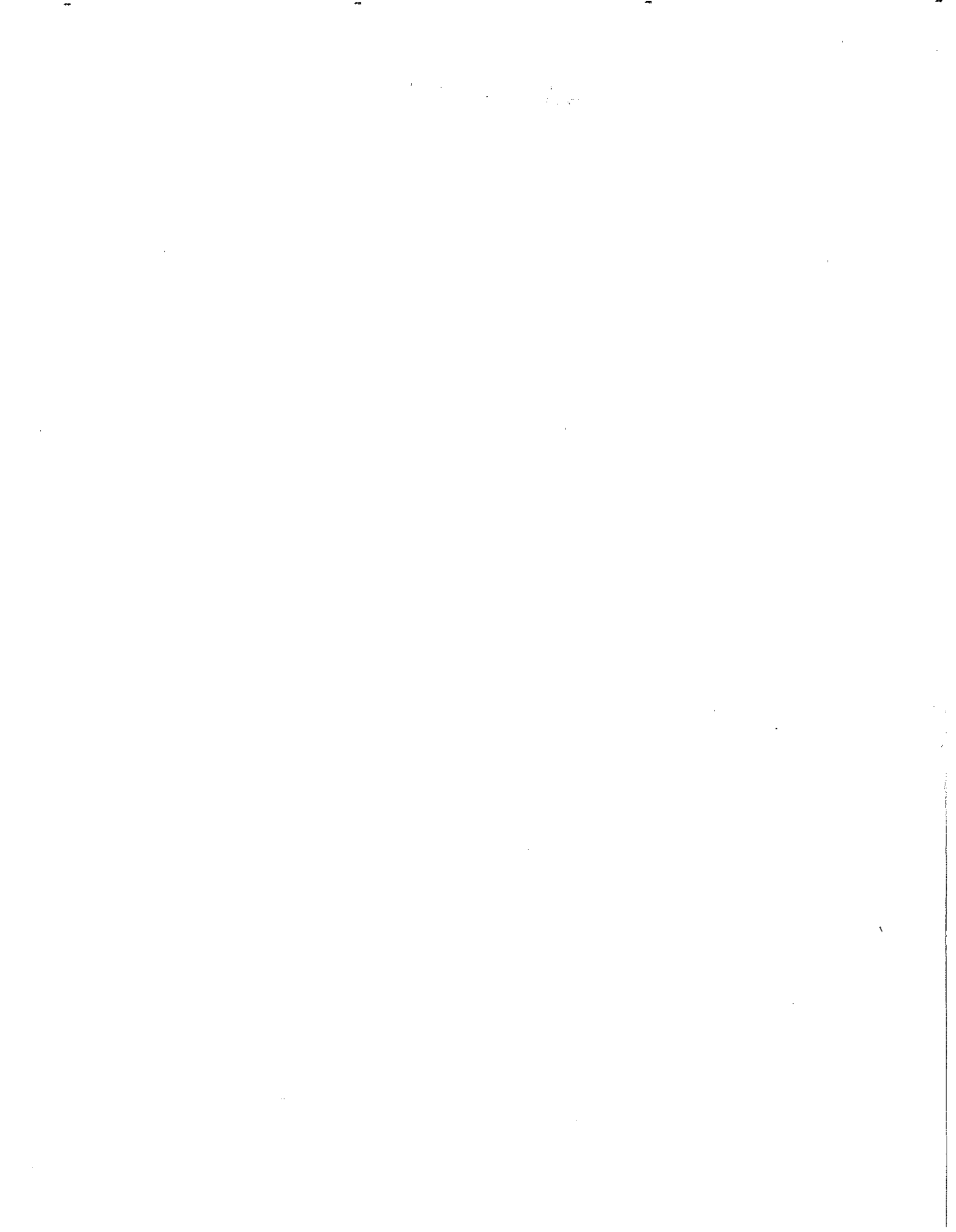
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1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. The second part of the document discusses the importance of maintaining accurate records of all transactions.