



SOUTH VALLEY AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

JUL 31 2014

*Corrected Determination Mailing Date: _____

CASE: APCSV-2013-3467-ZC-ZV-ZAA
CEQA: ENV-2013-3468-MND

Location: 17320-17344 West Vanowen Street,
6738 North Andasol Avenue
Council District: 6 - Martinez
Plan Area: Reseda-West Van Nuys
Existing Zones: RA-1
Proposed Zones: (T)(Q)RD3-1 & (T)(Q)R1-1

Applicant: Eric Borstein, Albor Properties, LP
Representative: Brad Porter, WestCal Property Group, Inc.

At its meeting on June 26, 2014, the following action was taken by the South Valley Area Planning Commission:

1. **Approved and Recommended** that the City Council adopt a **Zone Change** for the portion of the site with the Low Medium I Residential land use designation (17320, 17330 & 17344 Vanowen Street) from RA-1 to (T)(Q)RD3-1 and the site with the Low Residential land use designation (6738 Andasol Avenue) from RA-1 to (T)(Q)R1-1 for 26 single-family homes.
2. **Dismissed a Zone Variance** to allow access from a less restrictive zone to a more restrictive zone as the two zones will be separated by a wall as shown on the revised site plan (tentative map).
3. **Approved the Zone Variance** to allow zero square feet open space for each dwelling unit in lieu of 175 square feet for dwelling having more than three habitable rooms in accordance with the Small Lot Ordinance prior to recordation of the final tract map.
4. **Approved a Zoning Administrator's Adjustment** to allow (a.) a minimum separation between buildings of approximately 7 feet in lieu of 10 feet required; and (b.) a minimum 5-foot side yards along the east and west property lines in lieu of the 10-foot required, to permit construction of the small-lot dwellings prior to the recordation of the final tract map, as conditioned.
5. **Approved a Zoning Administrator's Adjustment** to allow a minimum 7-foot front yard setback from the proposed 20-foot wide private street in lieu 20 percent of the depth of the lot.
6. **Adopted** the attached modified Conditions of Approval and Findings.
7. **Adopted** the Mitigated Negative Declaration No. ENV-2013-3468-MND for the above-referenced project.
8. **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.
9. **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: Commissioner Dierking
Seconded: Commissioner Mather
Ayes: Commissioners Beatty, Kim, and Cochran

Vote: 5 - 0



Fely Pingol, Commission Executive Assistant
South Valley Area Planning Commission

***Effective Date/Appeals:** This action of the South Valley Area 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. The Zone Variance and Zoning Administrator's Adjustment are appealable to the City Council. The Zone Change is not appealable.

All appeals shall be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at www.lacity.org/pln.

FINAL APPEAL DATE AUG 15 2014

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachments: (T) Conditions, Ordinance, Ordinance Map, (Q) Conditions, Zone Change Signature Sheet, Modified Conditions of Approval and Findings.

cc: Notification List
Sarah Hounsell

Determination Letter
APCSV-2013-3467-ZC-ZV-ZAA
Mailing Date: 7/31/14

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FINDINGS

General Plan/Charter Findings

- 1. General Plan Land Use Designation.** The subject property is located within the area covered by the Reseda-West Van Nuys Community Plan which was adopted through an update by the City Council on November 17, 1999. The Community Plan designates the subject property for Low Medium I Residential and Low Residential land uses with the corresponding zones: of R2, RD3, RD4, RZ3, RZ4, RU, and RW1, and RE9, RS, R1, RU, RD6, and RD5, respectively. The property is presently zoned RA-1. The recommended Zone is (T)(Q)RD3-1 for the northerly three parcels and (T)(Q)R1-1 for the southerly parcel which is consistent with Land Use Designation. The Housing Element of the General Plan further promotes the development, preservation and enhancement of the quality residential neighborhoods of the City, and the proposed project is consistent with such policies.
- 2. General Plan Text.** The subject property is a level, irregular shaped, consists of four parcels and approximately 2.46 net acres located in the Lake Balboa community in the Reseda-West Van Nuys Community Plan. The Low Medium I Residential land use site has a 300-foot frontage along Vanowen Street and a 300-foot depth and is located mid-block between Andasol Avenue to the west and Louise Avenue to the east. The vacant parcel on Andasol Avenue is a flag lot with a 20-foot access frontage. The combined sites are currently developed with three single-story single-family residences with accessory structures, storage containers, and many automobiles, trailers, and construction equipment sited around the property.

The project will provide needed new housing to meet the needs of projected population of the Community Plan. All dwelling will have three or more bedrooms to provide family housing. The development is in conformance with the zone and the land use of the Community Plan. The Community Plan text includes the following relevant land use goals, objectives, policies and programs:

Goal 1: A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.

Objective 1-1: To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.2: Protect existing single family residential neighborhood from new, out of scale development.

Program: Recent changes in the Zoning Code set height limits (30-45 feet, Sec. 12.21.1 L.A.M.C.) for new single family residential development.

Although the Plan year of 2010 has passed (without an update to the Reseda-West Van Nuys Community Plan), the objective is still relevant, and project meets this objective by meeting the diverse housing needs within the community. Diversity in product as

demonstrated by the development, offers conventional, single-family, detached, fee-simple lots and small-lot dwellings.

The project satisfies these programs by offering aesthetically designed homes, which are compatible, in terms of density, massing, and height with adjacent and nearby residentially developed properties. The modest two-story height increase is still consistent with the nearby single-family and commercial building heights of 30-45 feet.

The development will enhance the current residential neighborhood experience by introducing well-designed new homes that are compatible in scale to the current surrounding residential properties. The architectural design of the houses will vary in material, articulation and unit plan to add interest to the community.

Policy 1-2.1: Seek a high degree of architectural compatibility and landscaping for new in-fill development to protect the character and scale of existing residential neighborhoods.

Program: The Plan includes Design Guidelines which establishes design standards for residential development to implement this policy.

The architecture is a compatible infill project, and its character and scale is consistent with neighboring residential properties. Further, the development has been condition to comply with many of the Small Lot Design Guidelines. The project demonstrates quality architecture that is consistent with accepted design principles.

The proposed development of 26 single-family dwellings is allowable under the proposed zones and the land use designations. A private street will be developed to improve circulation for future residences within the flag lot development. Two of these dwellings will have access from Andasol Avenue and 24 dwelling will access from Vanowen Street. As stated, the 26 dwelling will be limited to a maximum two-stories in height which will be to scale with other development within the vicinity.

Objective 1-2: To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

The proposed project will provide single-family dwellings designed as detached single-family homes. The benefits of a small lot include a compact design which provides for less of a foot print than traditional condominiums or apartment buildings. Guest parking is located along the common driveway access within the internal circulation to deter from overcrowding on the surface streets.

Objective 1-3: To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.

Policy 1-3.4: Provide for development of townhouses and other similar condominium type housing units to increase home ownership options.

Program: The Plan cannot require that condominium units be built instead of rental units; however the Plan encourages such type of development by designating specific areas for Low Medium residential land use categories.

The project is contingent upon the recordation of the final tract map (Case No. VTT-72510-SF-SL) which allows for the minimum yard setbacks and no private open space under the

Small Lot Subdivision, Ordinance No. 176,354 (effective January 31, 2005). Additionally, no certificates of occupancies are to be issued prior to the final map. This ensures that the development will be subdivided and in conformance with the Small Lot Ordinance.

The proposed development conforms to the General Plan Framework Element and other General Plan Element objectives as follows:

HOUSING

Objective 4.1: Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the project housing needs by income levels of future population.

Policy 4.1.1: Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City subregion to meet the twenty-year projections of housing needs.

Policy 4.1.4: Reduce overcrowded housing conditions by providing incentives to encourage development of family-size units.

Policy 4.1.5: Monitor the growth of housing developments and the forecast of housing needs to achieve a distribution of housing resources to all portions of the City and all income segments of the City's residents.

Policy 4.1.7 Establish incentives for the development of housing units appropriate for families with children and larger families.

The subdivision will provide 26 dwellings at a density that is consistent with the Low Medium I Residential and Low Residential land use designations. These single-family residences will each contain three bedrooms and a two garage, appropriate for families with children or extended families.

Objective 4.2: Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density development and surrounding lower-density residential neighborhoods.

Objective 4.3: Conserve scale and character of residential neighborhoods.

Vanowen contains one Metro Bus Line which connects to larger transportation systems in the vicinity including the Amtrak/Metrolink Station, Van Nuys and Burbank airports, and the Orange and Red Lines.

The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is located in Zone C, areas of minimal flooding..

The uses as presented are permitted in the proposed zone and are consistent with the policies and objectives of the adopted General Plan Framework. The project furthers the goals and objectives of the Reseda-West Van Nuys Community Plan by providing for-sale housing, completing street dedications and improvements, limiting height, and providing

open space. Therefore, as conditioned herein, the proposed project will be consistent with the General Plan.

3. The **Transportation Element** of the General Plan may be affected by the recommended action herein.

Vanowen Street is a Secondary Highway a variable width between 82 and 83 feet at the project's street frontage and improved with curb, gutter, sidewalk, one street light and two utilities poles. Secondary Highway Standards show 90-foot right-of-ways with a 45-foot half roadway. The Bureau of Engineering is requiring a 5-foot dedication along Vanowen Street.

Andasol Avenue is a Local Street dedicated to 60 feet at the project's 20-foot street frontage and improved with curb, gutter, and driveway pad.

Lasaine Avenue is a Local Street dedicated to R=45 feet future cul-de-sac at the southwest corner of the flag lot property and is unimproved. If the future cul-de-sac is not developed within 25 years, the owner may apply for this dedication to be reverted back to the property. However, if it is developed the property could take vehicular access from Lasaine Avenue and apply for vacation of the private street along the northerly portion of that lot.

This project is not subject to any geographic specific plan requirements. The proposed project will provide a minimum 58 residential parking spaces in conformance with the LAMC. The Department of Transportation is conditioned to approve the driveway and circulation plan. Urban Forestry Division of Street Service, the Street Lighting Bureau, Department of Water and Power, and Sanitation have also conditioned additional improvements.

Entitlement Findings

4. Zone Change Findings.

- a. **Pursuant to Section 12.32-F of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The site is currently developed with three residences and a vacant flag lot. It is one several under-improved RA zoned properties in the vicinity. The development of this residential project is an infill of an otherwise mixed-density neighborhood. The developer met with the local residences group, the Council Office, and the Lake Balboa Neighborhood Council and redesigned some aspects of the project to segregate the map by the two land uses and two zones. The development of 26 single-family homes will be beneficial to the community as it provides more homeownership opportunities and is designed to fit into the existing development pattern. The zone change make the project consistent with the public necessity, convenience, general welfare and good zoning practices.

Public Necessity: The granting of the proposed Zone Changes would result in a project that addresses public necessity by allowing the development of needed housing in the community and complimenting street widening and improvements.

Convenience: Granting the proposed Zone Changes would result in a project that is consistent with the public's convenience. The project site is located in a residential and commercially mixed neighborhood within the Reseda-West Van Nuys Community Plan area. The majority of the site is location on the south side of Vanowen Street and its proximity to White Oak Avenue, Victory Boulevard and Sherman Way provides convenient vehicular access and public transit opportunities for residential and commercial uses. It is also located within two blocks of several schools and less than a half mile north of the Sepulveda basin (Regional Park) which have many recreation uses. The residential use will serve the local neighborhood and the community at large by preserving and enhancing the character of the multi-family and single-family residential neighborhood, while being in close proximity to neighborhood commercial services.

General Welfare: Granting the requested zone change would be consistent with the General Welfare, in that the request involves a zone and use that is consistent with the plan's underlying Land Use Designation of Low Medium I Residential and Low Residential. The improvements resulting from the zone change will enhance the visibility and aesthetic character of the site. Further, the project would be designed in conformance with all applicable fire and safety codes which are intended to promote the General Welfare. Lastly, the applicant is proposing a project that would be consistent with all applicable zoning regulations.

Good Zoning Practice: The existing dual-land uses allows for residential development in separate manners. The Reseda-West Van Nuys Community Plan designated this neighborhood under Height District No. 1 which limits entire site to a floor area not to exceed three times the building area. It does not limit the height. On the other hand the proposed zone change will limit the height not to exceed two-stories with pitch roofs in lieu of flat, which provides for better rain run-off and more architectural interest. The zone change of the RA-1 to RD3-1 and R1-1 will allow for greater density and be more consistent with the Plan's Low Medium I Residential and Low Residential Land Use Designations. The proposed zoning will allow more density and preserve and enhance the character of the surrounding neighborhood consistent with the intent and purpose of the Community Plan. The zone change will also allow a higher density closer to major thoroughfares, while buffering the single-family neighborhood to the west, south and southeast.

- b. Pursuant to Section 12.32.Q(a)(2) of the Municipal Code, the action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

5. Zone Variance Findings.

- a. **The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The Low Medium I Residential land use site is currently zoned RA-1 and the recommended (T)(Q)RD3-1 zone change will be in conformance with the intent and

purpose of the City's General Plan and unifies the site under one zone. The proposed 24 small lots are permitted within the multiple-family zone. However, a variance is necessary to allow for zero square feet of common open space each dwelling unit in lieu of 175 square feet for dwelling having more than three habitable rooms.

The variance is considered for early start construction prior to the recordation of the final tract map. A concurrent subdivision was approved by the Deputy Advisory Agency on May 20, 2014, which included the 24 small single-family lots in conformance with the Small Lot Ordinance (No. 176,354) and two traditional lots on the flag lot. That ordinance does not require passageways, building separation, or common open space once the final map is recorded. As the applicant has requested early start construction prior to recordation of the final tract map, so the variance is needed from the open-space requirements. The project has been conditioned to not be issued certificates of occupancies prior to the recordation of the final map. The variances are sought in order to remedy technical conflicts between the Small Lot Ordinance, the general provision of the Planning and Zoning Code and policy of the Department of Building and Safety relative to commencing construction prior to final map recordation. To deny the variances would result in practical difficulties inconsistent with the general purposed of the zoning regulations. The design of this project was carefully considered to complement the surrounding area while addressing the need for housing the City, and the "early start" variances are only necessary until the final map records.

- b. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The subject Medium I Residential land use property is comprised of three parcels totaling 90,000 gross square feet with a 300-foot frontage on Vanowen Street. Although there are other lots collectively similar in size and shape, the unique combination of a large lot with a large frontage provides enough space and sufficient access to accommodate a Small Lot subdivision. It is the intent and purpose of the Small Lot Ordinance to provide opportunities for the creative reuse of sites such as the subject to provide affordable single family housing in a multi-family zone.

Strict adherence of the open space requirements would be inconsistent with the spirit and intent of the Small-lot Ordinance No. 176,354. The ordinance allows for zero space and setback between buildings, has no passageway requirement, and exempts common open space requirements since each lot will only have one dwelling unit. To condition each requirement would in effect minimize the buildable floor area space for each dwelling. As stated, this variance for zero common open space is used only as a means to an "early start" prior to final map recordation.

The proposed zone change to RD3 would permit up to 29-units on the large Vanowen Street site and is less dense than an allowable R2 Zone permitted within the Low Medium I Residential land use, which would allow for 44 apartments or condominiums on the Vanowen parcels. The map shows a maximum of 24 small lots, three less than that permitted within the proposed RD3 Zone. The proposed R1 Zone for the Andasol Avenue flag-lot permits one-lot for every 5,000 square feet of land. The map shows two lots over 8,200 square feet which is more in line with the RS density; however, the yard setbacks are consist with the R1 zoning. Yard

adjustments would need to be granted to permit the development as proposed with a RS Zone.

The subject site with the proposed zoning allows for the development of 29-units after required dedications. However the applicant is proposing 24 single-family small lots within the Medium I Residential land use. The project still provides adequate amounts of private open space located within the rear yards of each home. There is also some green space adjacent to the pedestrian access along the north south common access driveway and each dwelling will have sufficient direct open air and natural light as intended by the open space requirement (LAMC Section 12.21-G,1).

- c. **The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The open space variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the vicinity. The project was designed and proposed as a small-lot subdivision by utilizing Ordinance No. 176,354. The number of dwellings, the amount of parking and the site access all conform with the design criteria described in LAMC Section 12.22-C,27 and the Small Lot Subdivision Guidelines. Again, the relief of the open space only applies prior to the map recording. The zone variance would allow early construction prior to the final recorded map consistent with the Small Lot Ordinance.

As explained herein, the strict application of the common open space requirement would create practical difficulties and unnecessary hardships to the subject property because the proposed project is a Small Lot Subdivision consisting of 24 single-family homes on separate fee-simple lots. The Small Lot Subdivision Ordinance requires that common open space be provided if the building footprints of all structures exceed 80 percent of the total lot area (LAMC Section 12.22-C,27) and required no building separation or passageways. The total floor area of the proposed structures is conditioned not to exceed 80 percent; therefore no common open space would be required after the map is recorded. Strict adherence to the open space requirement, while maintaining a viable project, is impractical. The property rights generally possessed by property owners in the same zone or vicinity are denied to this property owner who must seek variances to allow the proposed project, which is consistent with the Small Lot Subdivision Ordinance to be constructed prior to recordation of the final map. Thus, such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by others in the same zone and vicinity but because of such special circumstances and practical difficulties or unnecessary hardship, are denied the property in question.

- d. **The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The proposed project is not materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity. The project exhibits design qualities and features that will make it desirable and beneficial to the neighborhood. The applicant has shown sensitivity to the neighboring properties and uses by designing a building that fits in with surrounding building massing and

provides transitions that are sensitive to the surrounding uses. The proposed project would provide an appropriate transitional development between the abutting single-family, multi-family, and commercial. The proposed project will comply with all LAMC requirements for parking, yard and open space in accordance with the Small Lot Ordinance (No. 176,354).

The project will contribute to the public welfare by providing safe and new housing. Rather than other typically attached, multi-residential developments in the immediate community, the project will feature 24 stand-alone small-lot single-family homes. This project will further inspire similar proposed developments in the community in hopes of addressing the lack of quality single-family housing.

There are potential public health problems caused by the improvement of the proposed subdivision. However, all are being mitigated through the environmental document and further measures were added within the Conditions of Approval, which need to be satisfied prior to completion of the project. 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 development does not violate the existing California Water Code because the subdivision will be connected to the public sewer system. Therefore, the granting of the proposed adjustments is in conformance with the spirit and intent of the Planning and Zoning Code and will not be materially detrimental to the public welfare or injurious to others in the same zone or vicinity.

e. The granting of the variance will not adversely affect any element of the General Plan.

One of the key policies of the Framework Element is to "provide sufficient lands for the development of an adequate supply of housing units." With the 24 small lot development proposes, the project will be consistent with this provision of the Framework Element. The Framework Element includes the following objective:

Objective 3.3: Accommodate projected population and employment growth within the City and each community plan area, and plan for the provision of adequate supporting transportation and utility infrastructure and public services.

The Framework acknowledges that over time, the City's population will continue to grow. The need for housing this population is part of the City's Housing Element and RHNA figures. The Framework Element also states that the City "has insufficient vacant properties to accommodate forecast population increases. Consequently, the City's growth will require the reuse and intensification of existing developed properties." The project is part of the solution to meeting the City's housing need.

The purpose of the General Plan, in part, is to "promote an arrangement of land use, circulation and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City; guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions...reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible". The reduction of the common open space will not adversely affect the General Plan. The proposed project adheres to Small-lot

Subdivision Ordinance No. 176,354 which contributes to the overall vibrancy and health of the community. The design of this project was carefully considered to complement the surrounding area while addressing the need for housing in the City of Los Angeles, and the variances are only necessary until the final map recordation process is complete.

Granting of variances to permit zero common open space will not adversely affect any element of the General Plan. The proposed development of 24 new small lots are allowable under the proposed zoning and current the land use designations. Small lots provide a more affordable single-family dwelling than traditional homes as the houses are more compact in design. Furthermore, after the tract map records, the project will conform to all other LAMC requirements, except access granted herewith, for the RD3 Zone including setbacks, parking, and lot area.

The Reseda-West Van Nuys Community Plan calls "...for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population" (Objective 1-1). The proposed Small Lot Subdivision is consistent with these goals as outlined in the Community Plan.

The proposed project will contribute to the public welfare by providing safe and attractive new housing. Rather than another typically attached, multiple-family residential development in the immediate community, the project will feature 24 single-family, fee simple lots and two traditional lots. This project could inspire similar proposed developments in the surrounding community in the hope of promoting alternative quality single-family housing. For these reasons as well as the others described herewith the subject variance for no common open space will not adversely affect any element of the General Plan.

6. Zoning Administrator's Adjustment Findings

- a. **While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The Zoning Administrator's Adjustment allows the construction of residences with less than the required side yard setbacks and building separation in the RD3 Zone portion of the project site prior to final map recordation and an adjustment to permit a less than required front yard within the R1 Zone portion of the project. A minimum 5-foot side yard setback is proposed in lieu of the 10 feet required in the RD3 portion of the site fronting Vanowen Street and a minimum 7-foot building separation is proposed in lieu of the 10 feet required.

An adopted Building Line requires a 25-foot setback from Vanowen Street, but with a 5-foot required dedication, the front yard would become 20 feet. The applicant has not requested a Building Line removal or relief from the setback so the prevailing front yard will remain. In the Residential Citywide Design Guidelines, Objective 1 stated that project should "consider neighborhood context and linkages in building and site design. In small lot subdivision where there is an existing average prevailing setback, that setback should be provided for continuity along the street edge".

The Small Lot Ordinance allows, by-right, the variations from the standards of the Los Angeles Municipal Code as proposed by this project. The Small Lot Ordinance

does not require that an applicant obtain any entitlement for adjustment or variance as requested herein for this project. The purpose of the Small Ordinance is to facilitate the creation of affordable housing units for fee-simple ownership in multi-family zones. It would be contrary to the intent and spirit of the zoning regulations to not permit the proposed entitlements, as the Small Lot Ordinance explicitly permits the proposed entitlements by rights, or with limited discretion under the subdivision determination. Therefore, the proposed site improvements relative to the compliance with the Zoning Code and the Small Lot Ordinance make strict application of the zoning regulation impractical and infeasible.

The Zoning Code regulates front, side and rear yards and separation of buildings to ensure uniformity and standardization of yards for residential properties located in the same zone and land use designation. This is to provide consistency of minimum yards and open space on properties located in the same zone. The proposed separation of 7 feet between each dwelling unit is being requested. These separations are internal to the project and will have no impact, visual or otherwise, on the adjacent residential uses. The project will provide a 20-foot setbacks along the street frontages and 25-foot setbacks on the rear yard which will provide adequate light and air on the project site. The standard yards and passageway requirements pursuant would require the applicant to delay construction until after the final map is recorded.

The Small Lot Ordinance explicitly permits the proposed entitlements and does not require that the applicant request adjustments, variances or other entitlements in granting an approval for a Small Lot Subdivision. It is matter of policy of the Department of Building and Safety that applicants, who wish to begin construction prior to the recordation of the Tract Map, obtain these entitlements. It was never the intent of the Small Lot Ordinance to require additional entitlement processes for those development standards explicitly addressed by said ordinance, outside of the discretion of the subdivision determination. This "early start" Zoning Administrator's Adjustment is only necessary for the construction of dwelling units prior to final map recordation. The project will comply with the small lot subdivision setback standards once the final map is recorded.

As the flag lot was required to have a private street to provide proper fire access and turnaround area, the front yard setback is calculated from the edge of the private road and not the northern property line. The homes are setback approximately 27 feet from the northerly property line and there will be approximately 52 feet distance between the small lot homes to the north. The purpose of a front yard setback is to provide the same distancing from adjacent home on the same block face. These homes are interior to the flag lot with only a 20-foot width access driveway and comply with all other yard requirements, the adjustment is reasonable. The concurrent subdivision has been tentatively approved for these setback on the tentative map contingent upon the approval herewith. The tract map is a tentative map and revision can be afforded based on this approval. Therefore, the granting of the proposed adjustments is in conformance with the spirit and intent of the Planning and Zoning Code.

- b. In light of the project as a whole including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade**

adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

The small lot portion of the site consists of three rectangular lots that total of approximately 90,000 gross square feet (2.07 acres). The site is located along a combined 300-foot frontage on the south side of Vanowen Street mid-block between Andasol Avenue to the west and Louise Avenue to the east. The depth is 300 feet prior to the 5-foot dedication. There is a 25-foot building line, which will transition to a 20-foot building line after the dedication is provided. Currently there are three homes located on the site to be demolished with the approval of the project. Being one of the few unimproved properties in the vicinity, the development of this single-family housing project is an infill of an otherwise mixed-density neighborhood.

The area is level and consists of a mix of urban development including public facilities, commercial, multiple-family, and single-family uses. The proposed project would provide an appropriate transitional development between the single-family to the west, south and southwest, multiple-family to the north, and commercial and Firehouse to the east. The proposed project would provide for sale single-family homes on 24 small lots and two traditional lot along the private street on the flag lot. The proposed small lot portion of the project will comply with all LAMC requirements for parking, yards, and open space in accordance with Small Lot Ordinance (No. 176,354). The flag lot parcel will comply with all requirement except the reduced front yard granted herewith.

The Small Lot Ordinance (No. 176,354 LAMC Section 12.22-C,27(e-f)) became effective January 31, 2005 and allows single family lots to be developed with no front, side or rear yard setbacks, and no passageways (space between buildings). However, the ordinance does require a 5-foot setback from neighboring properties not within the subdivision. The adjustments are sought in order to remedy technical conflicts between the Small Lot Ordinance, the general provision of the Planning and Zoning Code and policy of the Department of Building and Safety relative to commencing construction prior to final map recordation.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for fish. However, the site does contain several trees that may provide habitat for protected birds. The Department of Fish and Wildlife has recommended that mitigation measure regarding nesting native birds be conditioned with the approval of the tract. On March 12, 2014, the City Planning Department issued Mitigated Negative Declaration No. ENV-2013-3468-MND. This Mitigated Negative Declaration 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 are mitigated to a less than significant level. The consideration is whether or not the adjustments themselves would result in adverse impacts. The adjustments are required as the Department of Building and Safety will not issue permits for the construction prior to the recordation of the tract map; therefore, the adjustments are merely technical in nature. Once the tract map is recorded, no adjustment entitlement would be required for the project as designed. Therefore, all other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

- c. **The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The purpose of the General Plan, in part, is to “promote an arrangement of land use, circulation and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City; guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions...reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible.” The technical need for a front and rear yard setback Adjustment will not adversely affect the General Plan. On the contrary, this proposed project, adhering to Small Lot Subdivision Ordinance No. 176,354 is, in fact, contributing to the overall vibrancy and health of the community.

The Land Use Element of the City’s General Plan divides the city into 35 Community Plans. The applicable Reseda-West Van Nuys Community Plan designates the subject property for Low Medium I Residential and Low Residential land use with the corresponding zones of R2, RD3, RD4, RZ3, RZ4, RU, and RW1, and RE9, RS, R1, RU, RD6, and RD5, respectively. The property contains approximately 106,682 net square feet after required dedication. The proposed development of 24 single-family dwelling, in accordance with the Small Lot Subdivision Ordinance, and two single-family dwelling on the flag lot are allowable under the current the land use designation and proposed zone change herewith. The site is not located within any geographic specific plan area.

The Housing Element of the General Plan encourages the creation of new and affordable housing stock, as there remains a very strong demand for new affordable single family dwellings. With respect to the demand, the Small Lot Ordinance was created to facilitate the development of such housing by reducing the lot area, yard setback and open space requirements. The Community Plan (a component of the Land Use Element of the General Plan) clearly “promotes neighborhood preservation, particularly in existing single family neighborhoods, as well as in areas with existing multiple family residences” (Policy 1-1.7). Additionally, the Community Plan wants to “provide for development of townhouses and other similar condominium type housing units to increase home ownership options” (Policy 1-3.4). To further accommodate the needs and desires of the Community Plan, ordinances such as the Small Lot Ordinance were created to augment the number of housing choices for individuals. The Small Lot Ordinance provides opportunities to accommodate fee-simple ownership of homes in multi-family zones, whereby reducing lot area, open space and yard requirements would assist with accommodating the creation of smaller single family homes. The proposed project is designed consistent with said ordinance and would not be required to obtain the adjustments herein following the recordation of the tract map.

The adjustment for the reduced front yard setback off the private street for the flag lot parcels will no physical alter any prevailing setbacks as these two homes have no frontage on the public street. Further the homes will be setback 27 feet from the northerly property line giving sufficient buffer from the proposed small lot development to the north. In consideration that the adjustment entitlements are technical in nature and would not be required after the map recordation, the granting

of the adjustments is in conformance with the intent and provisions of the General Plan and Community Plan.

CEQA Findings

7. **Environmental.** A Mitigated Negative Declaration (ENV-2012-3468-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby adopt the Mitigated Negative Declaration and impose those conditions in this approval.

CONDITIONS OF APPROVAL

1. **Setbacks.** Permit the following variation to yards, building separations, passageways, and open space for "early start construction" of the small lot subdivision (RD3 Zone) portion of the project; however, no certificate of occupancies shall be issued until the final tract map (VTT-72510-SF-SL) has been recorded:
 - a. Allow a 7-foot minimum separation between buildings in lieu of 10 feet required.
 - b. Allow a minimum 5-foot side yards along the east and west property lines in lieu of the 10-foot required.
 - c. Zero square feet of common open space for each dwelling unit in lieu of 175 square feet for dwelling having more than three habitable rooms
2. **Setbacks.** Allow 7-foot front yards from the proposed private street accessing Andasol Avenue (R1 Zone). Note: The dwelling will be a minimum 27 feet from northern property line.
3. **Driveways.** Any unused curb and driveways cuts shall be replaced with sidewalks to maintain continuity for pedestrians.
4. **Landscape Plans.** The landscape plans shall include hardscape showing connections between pedestrian paths across common access driveways in the small lot portion of the project.
5. **Security Gates.** No gates shall be permitted for vehicles entering and exiting the development.
6. **Construction Damage Bond.**
 - a. A cash bond or security ("Bond") shall be posted in accordance with terms, specifications, and conditions to the satisfaction of the Bureau of Engineering and shall remain in full force and effect to guarantee that any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, is properly repaired by the applicant.
 - b. Prior to the issuance of a Certificate of Occupancy, any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, shall be properly repaired by the applicant to the satisfaction of the Bureau of Engineering. The applicant is hereby advised to obtain all necessary permits to facilitate this construction/repair.

Environmental Conditions

7. **Aesthetics (Landscape Buffer).** A minimum five-foot wide landscape buffer shall be planted adjacent to the residential uses along the west property lines of Nos. 1, 9 and 17 and an minimum 12-inch wide landscape buffer shall be planted along southern property lines of Lot Nos. 17-24.

8. **Vandalism.** The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street, private street or common access driveways, pursuant to Municipal Code Section 91.8104.15
9. **Aesthetics – Light.** 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.
10. **Air Pollution – Stationary.** 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.
11. **Tree Removal – Non-Protected Trees.** 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 (38 total) 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. (MM)

12. **Tree Removal –Protected Trees.** All protected tree removals require approval from the Board of Public Works. A Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for review and approval (213-847-3077), prior to implementation of the Report's recommended measures. (MM)

A minimum of two trees (a minimum of 48-inch box in size if available) shall be planted for each of the six (6) protected trees that are removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division.

The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description. Bonding (Tree Survival):

- a. The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new oak tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's oak tree bond may be exonerated.

- b. The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.
13. **Seismic.** 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.
14. **Liquefaction Area.**
 - a. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
 - b. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
15. **Greenhouse Gas Emissions.** Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
16. **Air Filtration.** The applicant shall install an air filtration system with filters meeting or exceeding the ASHRAE Standards 52.2 Minimum Efficiency Rating Value (MERV) of 11, to the satisfaction of the Department of Building and Safety, in order to reduce the effects of diminished air quality on the occupants of the project.
17. **Increased Noise Levels – Parking Wall.** Prior to issuance of a certificate of occupancy, a minimum 6- to 8-foot-high slumpstone or decorative masonry wall from the lowest grade shall be constructed adjacent to neighboring residences and between standard single-family lots and the small lot portion of this subdivision, if no such wall already exists, except in required front yard.
18. **Severe Noise Levels – Residential Fronting on Major or Secondary Highway.**
 - a. All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
 - b. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of

sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

19. **Severe Noise Levels (Aircraft Noise - Residential).** All exterior windows shall be constructed with double-pane glass, having a Sound Transmission Classification (STC) of at least 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
20. **Public Services (Police).** A solid maximum 5-foot high wall shall be located along the north property line, setback a minimum 36-inches from the property line to provide landscaping in front of the wall, which will deter from graffiti. (Note: Exceptions to the 5-foot wall height shall be provided for pilasters and gate elements for articulation and head clearance purposes. However, the majority of the wall shall be 5 feet in height.)
21. **Public Services – Construction Activity Near Schools.** That prior to the issuance of any demolition or grading permit or any other permit allowing site preparation and/or construction activities on the site, satisfactory arrangements shall be made with the Los Angeles Unified School District, implementing the measures for demolition and construction contained in the LAUSD letter dated December 5, 2013 attached to the Tract file. The project site is located on the pedestrian and bus routes for students attending Lemay Street Elementary School. (MM)
 - a. LAUSD Transportation Branch at (213)580-2950 must be contacted regarding the potential impact upon existing school bus routes.
 - (i.) School buses must have unrestricted access to schools.
 - (ii.) During the construction phase, truck traffic and construction vehicles may not cause traffic delays for our transported students.
 - (iii.) During and after construction changed traffic patterns, lane adjustment, traffic light patterns, and altered bus stops may not affect school buses' on-time performance and passenger safety.
 - (iv.) Because of provisions in the California Vehicle Code, other trucks and construction vehicles that encounter school buses, using red-flashing lights must-stop-indicators will have to stop.
 - (v.) The Project Manager or designee will have to notify the LAUSD Transportation Branch of the expected start and ending dates for various portions of the project that may affect traffic within nearby school areas.
 - b. Contractors must maintain safe and convenient pedestrian routes to all nearby schools. The District will provide School Pedestrian Route Maps upon your request.
 - c. Contractors must maintain ongoing communication with LAUSD school administrators, providing sufficient notice to forewarn children and parents when existing pedestrian and vehicle routes to school may be impacted.
 - d. Installation and maintenance of appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.

- e. Haul routes will not pass by any school, except when school is not in session.
 - f. No staging or parking of construction-related vehicles, including worker-transport vehicles, will occur on or adjacent to a school property.
 - g. Funding for crossing guards (at contractor's expense) is required when safety of children may be compromised by construction-related activities at impacted school crossings.
 - h. Barriers and/or fencing must be installed to secure construction equipment and to minimize trespassing, vandalism, short-cut attractions, and attractive nuisances.
 - i. Contractors are required to provide security patrols (at their expense) to minimize trespassing, vandalism, and short-cut attractions.
22. **Public Services – Schools.** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
23. **Recreation – Increased Demand for Parks.** The Quimby fees, as determined by the Department of Recreation and Parks, shall be reduced for the dedication and improvement of park lot on-site.
24. **Utilities – Local Water Supplies-Landscaping.** 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:
- a. Weather-based irrigation controller with rain shutoff
 - b. Matched precipitation (flow) rates for sprinkler heads
 - c. Drip/microspray/subsurface irrigation where appropriate
 - d. Minimum irrigation system distribution uniformity of 75 percent
 - e. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - f. Use of landscape contouring to minimize precipitation runoff
 - g. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

25. Utilities – Local Water Supplies-All New Construction.

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

26. Utilities – Local Water Supplies-New Residential.

- a. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- b. 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.
- c. 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.

27. Utilities – Solid Waste Recycling. 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.

28. Construction Activities. Prior to the issuance of a grading permit, the applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the applicant and all successors to the following:

- a. 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 case number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- (1) Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be freestanding.
 - (2) 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.
 - (3) 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.
- b. **Aesthetics (Signage on Construction Barriers).**
- (1) The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS".
 - (2) Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.
 - (3) The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.
- c. All construction activities shall conform to the provisions of the Los Angeles Municipal Code including the following:
- (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) All dirt/soil loads shall be secured by trimming, watering, or other appropriate means to prevent spillage and dust.
 - (5) All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - (6) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

- (7) Trucks having no current hauling activity shall not idle but be turned off.
- (8) The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).

Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:

- A. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
 - B. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
 - C. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
 - D. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.
- (9) The applicant shall provide a staked signage at the site with a minimum 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.
- (10) 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.
 - (11) (Asbestos) Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
 - (12) (Lead Paint) Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
 - (13) 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.
 - (14) Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
 - (15) Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - (16) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - (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.

- (18) 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.
- (19) Temporary dust walls (e.g., Visqueen plastic screening or other suitable product) not less than 8 feet in height shall be installed and maintained along the property north and west line between the site and adjoining residential lots as necessary to preclude dust dispersion from the project site to adjacent homes. The walls shall be in place during any time period when grading is being conducted within 100 feet of any occupied residence on said adjoining lots. The temporary wall may be installed on the adjoining residential lot(s) if requested by an occupant of the residence thereon provided that: (1) it is safe and practical to do so, and (2) the written consent of the owner of said lot is provided to the developer prior to erection of the dust wall. Once erected the dust walls along the north and west property line shall remain in place until the entire site grading is completed.
- (20) There shall be no parking of construction vehicles, including vehicles to transport workers within parked in front of adjacent properties.
- (21) Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees, contractors, or sub-contractor shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owners' base of operations.
- (22) A 24-hour "hot-line" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors and the local neighborhood association, if any. The applicant shall be required to respond within 24 hours of any complaint received on this hotline.