

September 1, 2015

To the attention of Planning and Land Use Management Committee and
to the Members of the Los Angeles City Council,

Please find the attached documentation as supportive documentation in favor of the appeal.

**This was written by a combination of several local groups in Valley Village known as
SAVEVALLEYVILLAGE.**

**This group consists of stakeholders, renters, home-owners & business-owners.
All voting citizens.**

Please ensure submission to the ADMINISTRATIVE RECORD

Item #: 7

File #: 15-0963

Address: 5258 Hermitage Avenue, Valley Village, 91607

Thank you.

SVV

GROUNDS FOR THE APPEAL:

CODE / ORDINANCE / STATUTE
AQMD RULE 1403.
CALIFORNIA FISH AND GAME CODE
CALIFORNIA GOVERNMENT CODE
CALIFORNIA HEALTH AND SAFETY CODE
CALIFORNIA NATURAL RESOURCES AGENCY
CALIFORNIA PUBLIC RESOURCES CODE
CEQA
CONSERVATION ELEMENT OF THE CITY OF LOS ANGELES GENERAL PLAN
DOC# P/BC 2008-039 (LADBS NOTICE OF CORRECTIONS)
EPA
FEDERAL MIGRATORY BIRD TREATY ACT SEC 703. (MIGRATORY BIRD TREATY ACT)
LAMC SEC 91.104.2.4
LAMC SEC 12.26.
LAMC SEC 17.01
LAMC SEC 17.03.
LAMC SEC 17.05.
LAMC SEC 17.06.
LAMC SEC 17.57.
LAMC SEC. 11.57.
LAMC SEC. 12.31.
LAMC SEC. 16.05.
LAMC SEC. 53.48.
LAMC SEC. 91.103.
LOS ANGELES COUNTY HOUSING ELEMENT
NORTH HOLLYWOOD COMMUNITY PLAN
ORDINANCE 183312.
VALLEY VILLAGE SPECIFIC PLAN
+ miscellaneous previously filed and on record in the appeal

The VALLEY VILLAGE SPECIFIC PLAN states:

WHEREAS, the multiple-family and commercial development allowed by current zoning will cause adverse impacts for adjacent residential neighborhoods such as excessive traffic, parking on adjoining residential streets, inappropriate and undesirable uses such as commercial uses that are incompatible with the surrounding area, blocked views and development of a proportion and scale that is incompatible with adjoining residential neighborhoods;

The plan is clear on adverse impacts on the first page of the specific plan.

For a Lead Agency to conclude otherwise, is a blatant contradiction to the plan itself.

Please find a copy of page 1 of VALLEY VILLAGE SPECIFIC PLAN on page 4. ●
Please find a copy of page I-3 of The NH COMMUNITY PLAN on page 5. ●
Please find a copy of page 12 of File ENV-2014-2510-MND on page 6, ●
which indicates '**No Impact**' having been check-marked in 16 out of 20 boxes.

ENV-2014-2510-MND ●

Section IV. BIOLOGICAL RESOURCES(e.)

Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The box "**Potentially significant unless mitigation incorporated**" has been checked.

As of June 16, 2015, no mitigation measures have been incorporated pertaining to biological resources. Contrarily, a mature tree was cut down which contained live birds, bird eggs, juvenile birds and birds nests.

Please find a copy of LAMC SEC. 53.48 on page 7. ●

Please find a copy of CALIFORNIA FISH AND GAME CODE SEC 3503. on page 7. ●

Please find a copy of FEDERAL MIGRATORY BIRD TREATY ACT SEC 703. on page 7. ●

VALLEY VILLAGE SPECIFIC PLAN

An ordinance establishing a Specific Plan for an area known as Valley Village in the North Hollywood Community Plan Area.

WHEREAS, on March 6, 1986 the City Council instructed the Planning Department to prepare a Specific Plan for the Valley Village area; and

WHEREAS, Valley Village, a predominately single-family neighborhood, is experiencing transitional development, specifically multiple-family and commercial development near traditionally single-family zoned neighborhoods; and

WHEREAS, the present commercial zoning permits commercial development with a wide range of uses, a floor area ratio of 1.5 to 1, and unlimited height; and

WHEREAS, the multiple-family and commercial development allowed by current zoning will cause adverse impacts for adjacent residential neighborhoods such as excessive traffic, parking on adjoining residential streets, inappropriate and undesirable uses such as commercial uses that are incompatible with the surrounding area, blocked views and development of a proportion and scale that is incompatible with adjoining residential neighborhoods;

NOW THEREFORE,

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

Section 1.

ESTABLISHMENT OF SPECIFIC PLAN

The City Council hereby establishes the Valley Village Specific Plan for residential and commercial development in the North Hollywood Community Plan area as shown within the heavy lines on the map and as further described as: the area bounded by Burbank Boulevard to the north, the Hollywood Freeway (I-170) to the east, the Ventura Freeway (I-101) to the south and the Tujunga Wash to the west.

Section 2.

PURPOSES

A. To assure that the development of the area is in accordance with the provisions of the North Hollywood Community Plan;

NORTH HOLLYWOOD - VALLEY VILLAGE

Community Plan

companies, and civic, education, and other community groups, through public hearings and any other means the city or county deems appropriate."

The initial formation of the North Hollywood Plan involved members of the community who helped to identify and define the needs, desires, resources and the unique nature of the community. Subsequent changes in the Plan have served to broaden the community participation that took place with the formation of the original plan. Community participation through an open house held on August 29, 1994 and public hearings, have helped to update the current plan.

COMMUNITY PROFILE

The Community profile contains a series of charts depicting such subjects as population and household growth rate comparisons, household size, age of housing, as well as housing and occupancy factors including years at the same address. Additionally, information is given concerning social demographics.

COMMUNITY ISSUES AND OPPORTUNITIES

The following sections of the Plan summarize the most significant planning land use issues and opportunities facing the North Hollywood-Valley Village Community.

RESIDENTIAL

Preservation and enhancement of the positive characteristics of existing residential neighborhoods while providing a variety of housing opportunities with compatible new housing.

Issues

- Need to preserve single family neighborhoods.
- Cumulative effects if development exceeds infrastructure capacity.
- Need for more affordable housing.
- Lack of open space in apartment projects.

Opportunities

- Access and proximity to employment.
- Potential for residential and mixed use development along commercial corridors.
- Establish appropriate transitions between commercial (mixed use) and adjoining uses, especially residential.
- Create pedestrian/friendly shopping areas by incorporating street trees, benches, convenient parking/access and maintaining commercial frontage at ground level.
- Complement any unique existing developments/uses.

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			

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● **LAMC SEC. 53.48.**

No person shall kill any song bird or destroy or rob the nest of any such bird.

● **CALIFORNIA FISH AND GAME CODE SEC. 3503.**

It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

● **FEDERAL MIGRATORY BIRD TREATY ACT SEC. 703.**

“...it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, offer to purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof...”

The CONSERVATION ELEMENT OF THE CITY OF LOS ANGELES GENERAL PLAN states:

A property no longer must be designated officially as a landmark or of historic importance to be considered under CEQA review.

The lead agency for permit processing may deem properties not formally listed and not included in historic surveys as "historically significant.

Continuing issues: loss of significant, important or contributory cultural and historical sites and structures to neglect, site redevelopment or damage.

The City failed to investigate the house for possible historical significance, as required to do on any structure 45 years and older. Research revealed it is possible that the rear house was originally built prior to the 1919 annexation of West Lankershim to the City or at least prior to the subdivision of Tract No. 9237 by the California Trust Company, possibly as farm workers housing. This makes it a rare example of this type of housing that dotted the San Fernando Valley prior to the building boom after the second World War.

Please find a copy of page II-7 of [CONSERVATION ELEMENT](#) on page 9. ●

Please find a copy of page II-9 of [CONSERVATION ELEMENT](#) on page 10. ●

Please find a copy of page 13 of File ENV-2014-2510-MND on page 11. ●
which indicates 'No Impact' having been check-marked for historical resource.

ENV-2014-2510-MND ●

Section VII. GREEN HOUSE GAS EMISSIONS(a.)

Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The box "**Less than significant impact**" has been checked.

Nothing in the case file gave any evidence as to what kind of study or testing was done to determine the conclusion as having 'less than significant impact'.

It is reasonable to take note of a project involving more than 12 cars, not including residents friends, visitors, family and other unforeseen circumstances, that this raises the amount of GHG's. **This brings more than 374,800 POUNDS of greenhouse gas emissions into our community, that would otherwise NOT EXIST.**

As the world's fifteenth largest emitter of GHGs from human activity and natural sources, California is uniquely positioned to act to reduce GHGs.

Please find a copy of page 132 of [CEQA GUIDELINES](#) on page 12. ●

Please find a copy of page 8 of [CALIFORNIA NATURAL RESOURCES AGENCY](#) on page 13. ●

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CONSERVATION ELEMENT OF THE CITY OF LOS ANGELES GENERAL PLAN

procedures have been promulgated. The most significant for Los Angeles are described in the following. The general plan Historic Preservation and Cultural Resources Element will address historic and cultural protection issues in greater detail.

Conservation and protection. Five types of historic protection designations apply in the city: (1) Historic-Cultural Monument designation by the city's Cultural Heritage Commission and approved by the City Council; (2) placement on the California Register of Historical Resources or (3) the National Register of Historic Places (1980 National Historic Preservation Act); (4) designation by the Community Redevelopment Agency (CRA) as being of cultural or historical significance within a designated redevelopment area; and (5) classification by the City Council (recommended by the planning commission) as an Historic Preservation Overlay Zone. Designations help protect structures and support rehabilitation fund requests.

The California Environmental Quality Act (CEQA) also protects significant cultural and historic resources. CEQA was revised in 1998 to redefine "historic resource" to include resources that are presumed to be significant, unless the preponderance of evidence is to the contrary. A property no longer must be designated officially as a landmark or of historic importance to be considered under CEQA review. The lead agency for permit processing may deem properties not formally listed and not included in historic surveys as "historically significant," if they meet criteria for listing in the California Register.

Under the city's CEQA guidelines, an environmental assessment must be prepared for any proposed demolition, destruction or significant modification of an Historic-Cultural Monument or resource listed on the national or state registers, or on the CRA list, or cited as a proposed historical resource by a community plan or historic preservation overlay zone survey, or which are over 50 years old and are substantially intact examples of an architectural style important in Los Angeles or are associated with an architect or other person of importance in Los Angeles history. Under the 1998 amendment, buildings less than 50 years old may also be considered.

Historic-Cultural Monuments. In 1962, at the request of the Los Angeles Chapter of the American Institute of Architects, the city drafted and approved an ordinance designed to protect and/or identify architectural, historical and cultural buildings, structures and sites of importance in the city's history and/or cultural heritage. In the intervening 30 years the Cultural Heritage Commission (CHC) has designated almost 700 sites as Historic-Cultural Monuments.

Conclusion. The city has primary responsibility for identifying and protecting its cultural and historical heritage.

Continuing issues: loss of significant, important or contributory cultural and historical sites and structures to neglect, site redevelopment or damage.

Cultural and historical objective, policy and programs:

Objective: protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.

Policy: continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities.

Program 1: development permit processing, monitoring, enforcement and periodic revision of regulations and procedures.

Responsibility: departments of *Building and Safety, *City Planning, *Cultural Affairs and *Community Redevelopment Agency and/or the *lead agency responsible for project implementation.

Program 2: prepare the Historic Preservation and Cultural Resources Element of the general plan.

Responsibility: departments of *City Planning and Cultural Affairs.

Program 3: continue to survey buildings and structures of any age in neighborhoods throughout the city in order to develop a record that can be used in the present and future for evaluating their historic and cultural value as individual structures and within the context of surrounding structures.

Responsibility: departments of Building and Safety, *City Planning, and *Cultural Affairs and the *Community Redevelopment Agency.

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?				✓

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15064.4. DETERMINING THE SIGNIFICANCE OF IMPACTS FROM GREENHOUSE GAS EMISSIONS

- (a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:
 - (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or
 - (2) Rely on a qualitative analysis or performance based standards.
- (b) A lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:
 - (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
 - (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
 - (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project’s incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Sections 21001, 21002, 21003, 21065, 21068, 21080, 21082, 21082.1, 21082.2, 21083.05, 21100, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98; *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344; and *City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal.App.4th 868.

CALIFORNIA NATURAL RESOURCES AGENCY

(Health & Safety Code, § 38501(a), (b).) The Legislature further declared: “action taken by California to reduce emissions of greenhouse gases will have far-reaching effects by encouraging other states, the federal government, and other countries to act.” (*Id.* at subd. (d).) **As the world’s fifteenth largest emitter of GHGs from human activity and natural sources, California is uniquely positioned to act to reduce GHGs.** (Scoping Plan, at pp. 11.)

Reducing greenhouse gas emissions is a necessary response to the threats posed by climate change. Efforts to reduce emissions may result in other significant benefits as well. Governor Schwarzenegger laid out the case for action to reduce greenhouse gas emissions in Executive Order S-3-05:

... California-based companies and companies with significant activities in California have taken leadership roles by reducing greenhouse gas (GHG) emissions, including carbon dioxide, methane, nitrous oxide and hydrofluorocarbons, related to their operations and developing products that will reduce GHG emissions; ...

... [C]ompanies that have reduced GHG emissions by 25 percent to 70 percent have lowered operating costs and increased profits by billions of dollars; ...

... [T]echnologies that reduce greenhouse gas emissions are increasingly in demand in the worldwide marketplace, and California companies investing in these technologies are well-positioned to profit from this demand, thereby boosting California’s economy, creating more jobs and providing increased tax revenue; ...

... [M]any of the technologies that reduce greenhouse gas emissions also generate operating cost savings to consumers who spend a portion of the savings across a variety of sectors of the economy; this increased spending creates jobs and an overall benefit to the statewide economy.

Thus, the Governor, Legislature and private sector have concluded that action to reduce greenhouse gas emissions is necessary and beneficial for the State.

What is California Doing to Reduce its Greenhouse Gas Emissions?

Action to curb greenhouse gas emissions is taking place on many fronts. As described above, the private sector has already taken important steps to increase efficiency and lower costs associated with such emissions. Many local governments have also adopted, or are currently developing, various plans and programs designed to reduce community-wide GHG emissions. (Office of Planning and Research, *The California Planner’s Book of Lists* (January 2009) (“Book of Lists”), at pp. 92-100; see also Scoping Plan, at p. 26.) Due to its potential vulnerability to the effects of GHG

CALIFORNIA PUBLIC RESOURCES CODE states:

21000.

(a) *The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.*

CEQA, The Legislature, The Federal Government, the State Government , the Citizens, residents and existing members of the community ALL have a duty to minimize environmental damage and balance competing public objectives.

Please find a copy of CALIFORNIA PUBLIC RESOURCES CODE on page 15. ●

Please find a copy of CEQA SEC. 15021. on page 16. ●

Please find a copy of page 14 of File ENV-2014-2510-MND on page 17. ●

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Section IX. HYDROLOGY AND WATER QUALITY

Section X. LAND USE AND PLANNING

Section XII. NOISE

19 out of 20 box's have been checked as having: ***"No Impact"***.

A Water study done on home-water-works.org estimates the average California 2-person household for zip code 91607 uses more than 350 gallons of water per day. Multiplying that number to 10 people equals 3,500. This is not even including children or a third person in the household.

Senior fellow Bonner Cohen with the National Center for Public Policy Research states: *"Southern California is an arid part of the world where droughts -- even severe droughts -- are commonplace, and knowing this, you'd think the government of California would have included this mathematical certainty in its disaster preparedness planning, but the government has done nothing, not even store rain, as the population has continued to grow."*

This project conflicts with the general plan, specific plan and causes a major disruption a well established community.

Nothing in the case file gave any evidence as to what kind of study or testing was done to determine the impact of noise. A reasonable factor would be the increase in population on a busy corner raises noise levels and disrupts the established community. As does it conflict with scenic views, air space and fail to fit in to the existing character of a community that has 30 buildings having character of their time periods.

The Los Angeles County General Plan states: Policy N 1.2: Reduce exposure to noise impacts by promoting land use compatibility.

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CALIFORNIA PUBLIC RESOURCES CODE

21000. The Legislature finds and declares as follows:

- (a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.**
- (b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.
- (c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.
- (d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.**
- (e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.**
- (f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.
- (g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.**

Article 2. General Responsibilities

SECTIONS 15020 TO 15025

15020. GENERAL

Each public agency is responsible for complying with CEQA and these Guidelines. A public agency must meet its own responsibilities under CEQA and shall not rely on comments from other public agencies or private citizens as a substitute for work CEQA requires the Lead Agency to accomplish. For example, a Lead Agency is responsible for the adequacy of its environmental documents. The Lead Agency shall not knowingly release a deficient document hoping that public comments will correct defects in the document.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21082 and 21082.1, Public Resources Code; *Russian Hill Improvement Association v. Board of Permit Appeals*, (1975) 44 Cal. App. 3d 158.

15021. DUTY TO MINIMIZE ENVIRONMENTAL DAMAGE AND BALANCE COMPETING PUBLIC OBJECTIVES

- (a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.
 - (1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.
 - (2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.
- (b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.
- (c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.
- (d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓
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?		✓		

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The OPEN SPACE PLAN states:

- To insure the preservation and conservation of sufficient open space to serve the recreational, environmental, health and safety needs of the City.
- To conserve unique natural features, scenic areas, cultural and appropriate historical monuments for the benefit and enjoyment of the public.
- To conserve and/or preserve those open space areas containing the City's environmental resources including air and water.
- Not only should recreation activities be provided, but an emphasis shall be placed on greenery and openness.
- Zoning provisions to better control uses of privately owned open space areas should be enacted or revised including the establishment of an open space zone which shall provide for appropriate uses of open space consistent with this plan.
- Scenic, historic, cultural sites which are "unique", "one of a kind" or non-replaceable should be considered as open space.

The city alleges we continue to be in some sort of 'housing crisis', rather than a 'population crisis'. That the area of focus continues to be to preserve existing rent-control units, focus on LOW-INCOME housing and focus on the preservation of valuable open space and existing character. The sale of over-priced condos at the proposed location would be no different than copying Rodeo Drive and pasting it onto Hermitage Ave. It is contradictory to the needs of the City as stated in the local codes and Legislation.

Please find a copy of page 14 of LOS ANGELES COUNTY HOUSING ELEMENT on page 19. ●
Please find a copy of JUNE 10 2015 MOTION on page 20. ●
Please find a copy of page 15 of File ENV-2014-2510-MND on page 21. ●

ENV-2014-2510-MND ●
Section XIII. POPULATION AND HOUSING
Section XIV. PUBLIC SERVICES
Section XV. RECREATION
Section XVI. TRANSPORTATION / TRAFFIC

13 out of 13 box's have been checked as having: **"No Impact"**.

This projects poses serious risks to pedestrians, causing traffic congestion and is not viewed as beneficial to the existing community on many levels. It contributes to the LOSS of open space, the LOSS of scenic views and imposes safety issues for the existing community.

LOS ANGELES COUNTY HOUSING ELEMENT

NEIGHBORHOOD AND HOUSING PRESERVATION

The preservation of sound, quality neighborhoods and the revitalization of deteriorating neighborhoods are essential to maintaining an adequate and decent housing supply. The State considers “decent housing and a suitable living environment for every California family a priority of the highest order.” To this end, the following policies seek to ensure the general health, safety, and welfare for all economic segments of the population.

The improvement and conservation of existing housing will serve to meet the overall goal of maintaining a healthy and diverse housing supply. These efforts are especially important with regard to the preservation or replacement of housing for low income households. Future development and preservation efforts must also consider environmental, physical, and economic constraints.

Goal 5: Neighborhoods that protect the health, safety, and welfare of the community, and enhance public and private efforts to maintain, reinvest in, and upgrade the existing housing supply.

Policy 5.1: Support neighborhood preservation programs, such as graffiti abatement, abandoned or inoperative automobile removal, tree planting, and trash and debris removal.

Policy 5.2: Maintain adequate neighborhood infrastructure, community facilities, and services as a means of sustaining the overall livability of neighborhoods.

Policy 5.3: Enforce health, safety, building, and zoning laws directed at property maintenance as an ongoing function of the County government.

Goal 6: An adequate supply of housing preserved and maintained in sound condition, and located within safe and decent neighborhoods.

Policy 6.1: Invest public and private resources in the maintenance and rehabilitation of existing housing to prevent or reverse neighborhood deterioration.

Policy 6.2: Allocate state and federal resources toward the preservation of housing, particularly for low income households, near employment and transit.

Policy 6.3: Inspect multi-family rental housing (with five or more units), contract shelters, and voucher hotels on a regular basis to ensure that landlords are maintaining properties, and not allowing them to fall into disrepair.

Policy 6.4: Maintain and improve community facilities, public housing services, and infrastructure, where necessary, to enhance the vitality of older, low income neighborhoods.

Goal 7: An affordable housing stock that is maintained for its long-term availability to low and moderate income households and those with special needs.

Policy 7.1: Conserve existing affordable housing stock that is at risk of converting to market-rate housing.

Policy 7.2: Preserve and, where feasible, provide additional affordable housing opportunities within the coastal zone.

MOTION

Recent real estate financial pressures are spurring activity in the multi-family apartment development field. Given a need for additional housing to meet both current and future demand by Los Angelenos for safe, affordable places to live, the City is looking at various mechanisms for producing more for sale and rental units.

As a matter of housing and planning policy, some effort is being made to target transit station areas and commercial corridors for a substantial portion of this housing production. This would allow the City to take advantage of opportunities for targeted density that does not place as much strain on traffic, air quality, neighborhood preservation and infrastructure as allowing such density to locate randomly around the city.

However, many development proposals are targeting property with existing residential development already in place. Typically this places the City's affordable housing stock at risk, dislocating tenants, many of whom may not have the financial means to deal with the increased rents in what has been called the least affordable housing market in the United States, and destroying the existing sense of community. And, with state law placing constraints on which units can be rent-controlled and housing construction subsidy limitations impeding the production of an adequate number of new restricted affordable rental units, the preservation of existing units covered by the City's Rent Stabilization Ordinance (RSO) becomes a policy and pragmatic imperative for the City's leadership.

For the purposes of ensuring affordability, diversity and fairness for the renters who constitute a majority of the City's population, the City should develop mechanisms that preserve as many RSO units as is feasible. Any consideration of such mechanisms should include, at a minimum:

I THEREFORE MOVE, that the Department of Housing and Community Investment, the Department of City Planning, the Department of Building and Safety and the Chief Legislative Analyst study the issues enumerated below, along with any other issues they deem pertinent to preserving the City's rent-controlled housing stock, and report back to the Council with recommendations within 120 days:

1. An annual cap on demolitions of RSO units based on an appropriate percentage of the overall RSO housing stock;
2. Withholding the issuance of demolition permits for RSO units until all discretionary and ministerial permits for new construction on the property are formally issued;
3. Adapting the concept of AB 2222, which calls for density bonus projects to replace pre-existing affordable units on a one-to-one basis, for City use, including its use for such projects that seek zone changes, receive government subsidies or remove RSO or other affordable units, and mandate on-site replacement;
4. Reviewing the impact the Small-Lot Subdivision ordinance is having on RSO units when they are replaced by multiple single-family homes that subsequently are renter-occupied, and identifying mechanisms to preserve RSO status or other affordability, minimizing use of the ordinance to evade Ellis Act re-use restrictions.

PRESENTED BY: Paul Koretz
PAUL KORETZ
Councilmember, 5th District

SECONDED BY: [Signature]

ORIGINAL

[Signature]
JUN 10 2015

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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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CEQA STATUTE AND GUIDELINES states:

-Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.

-A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.

-(a Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects.

-(5 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. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.

Page 17 of the ENV-2014-2510-MND states: ●

...“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”.

Page 17 also makes reference to the City Of Los Angeles’s Adopted Threshold Guide. This “guide” has not been updated since 2006. Almost 10 years old, our environment has experienced a substantial amount of damage during this time, which would greatly effect the thresholds currently referenced.

Please find a copy of page 17 of File ENV-2014-25110-MND on page 23. ●

Please find a copy of CEQA SEC. 21168.5. on page 24. ●

Please find a copy of CEQA SEC. 15042. on page 24. ●

Please find a copy of CEQA SEC.15064.7. on page 24. ●

Nothing in the case file gave any evidence as to what kind of study or testing was done to determine the impacts. There was nothing in the case file representative of ‘supportive materials’ as there stated there would be on Page 17 of ENV-2014-2510-MND. As does it also say reasonable conclusions were reached based on such materials. What are where are these ‘materials’ ?

Reasonable conclusions have absolutely been made - by the public.

Please find a copy of CEQA SEC.15064. on page 24. ●

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-2014-2510-MND and the associated case(s), DIR-2014-2511-SPP. 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: <i>Thomas Lee Glick</i>	TITLE: CITY PLANNER	TELEPHONE NO.: (818) 374-5052	DATE: 10/31/2014
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§ 21168.5. ABUSE OF DISCRETION

In any action or proceeding, other than an action or proceeding under Section 21168, to attack, review, set aside, void or annul a determination, finding, or decision of a public agency on the grounds of noncompliance with this division, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.

15042. AUTHORITY TO DISAPPROVE PROJECTS

A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed. A Lead Agency has broader authority to disapprove a project than does a Responsible Agency. A Responsible Agency may refuse to approve a project in order to avoid direct or indirect environmental effects of that part of the project which the Responsible Agency would be called on to carry out or approve. For example, an air quality management district acting as a Responsible Agency would not have authority to disapprove a project for water pollution effects that were unrelated to the air quality aspects of the project regulated by the district.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002 and 21002.1, Public Resources Code; *Friends of Mammoth v. Mono County*, 8 Cal. App. 3d 247; *San Diego Trust and Savings Bank v. Friends of Gill*, 121 Cal. App. 3d 203.

15064. DETERMINING THE SIGNIFICANCE OF THE ENVIRONMENTAL EFFECTS CAUSED BY A PROJECT

- (c) In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. Before requiring the preparation of an EIR, the Lead Agency must still determine whether environmental change itself might be substantial.
- (f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.

15064.7. THRESHOLDS OF SIGNIFICANCE.

- (a) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.
- (b) Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.

LAMC SEC. 12.31. INTERPRETATION – PURPOSE – CONFLICT. states:

- In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties. Where this chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this chapter shall control.

LAMC SEC. 16.05 SITE PLAN REVIEW. states:

A. Purpose. The purposes of site plan review are to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements.

Please find a copy of page 18 of File ENV-2014-2510-MND on page 25. ●

ENV-2014-2510-MND ●

Section I. AESTHETICS

Section II. AGRICULTURE AND FOREST RESOURCES

Section III. AIR QUALITY

11 out of 12 box's have been listed as having: "**NO IMPACT**".

Nothing in the case file gave any evidence as to what kind of study or testing was done to determine the conclusion as having 'No Impact'.

The public has to assume there was no 'field investigation of the project site'. If there was, the investigator would have noticed the block to hold unique character with mixed time periods ranging from the 1930's to the 1970's. This is also on a community block where there exists vegetable gardens, where residents grow their own food. All fell victim to an illegal demolition and died, exposing toxins and asbestos into the air and into our soil.

We respectfully ask Council:

If this was YOUR street - where YOU and YOUR family live - how would you respond?

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

I. AESTHETICS		
a.	NO IMPACT	LOCATED IN URBANIZED AREA, NO SCENIC VISTAS NEAR PROJECT SITE.
b.	NO IMPACT	LOCATED IN AN URBANIZED AREA WITH NO SCENIC RESOURCES LOCATED NEAR THE PROJECT SITE.
c.	NO IMPACT	THE PROJECT IS CONSISTENT WITH THE SURROUNDING DENSITIES AND BUILDING STYLE. THE PROPOSED 5 UNITS IS WELL WITHIN THE ZONING AND COMMUNITY PLAN'S LAND USE.
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	POTENTIAL LIGHTING IMPACTS AND GENERAL AESTHETIC IMPACTS RELATED TO LANDSCAPING AND SUCH. I-10, I-120, I-130 RESIDENTIAL NEIGHBORHOOD WITH A STRONG DESIRE TO PROTECT IMPACTS RELATED TO LIGHT, GLARE AND INCOMPATIBLE LANDSCAPING.
II. AGRICULTURE AND FOREST RESOURCES		
a.	NO IMPACT	The project site is located in a developed urban area. There is no farmland or agricultural or forest uses on or in close proximity to the site. No impact will occur.
b.	NO IMPACT	The project site is located in a developed urban area. There is no farmland or agricultural or forest uses on or in close proximity to the site. No impact will occur.
c.	NO IMPACT	The project site is located in a developed urban area. There is no farmland or agricultural or forest uses on or in close proximity to the site. No impact will occur.
d.	NO IMPACT	The project site is located in a developed urban area. There is no farmland or agricultural or forest uses on or in close proximity to the site. No impact will occur.
e.	NO IMPACT	The project site is located in a developed urban area. There is no farmland or agricultural or forest uses on or in close proximity to the site. No impact will occur.
III. AIR QUALITY		
a.	NO IMPACT	No violation of air quality standards are predicted.
b.	NO IMPACT	No violation of air quality standards are predicted.
c.	NO IMPACT	No violation of air quality standards are predicted.

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- Every existing building, structure, or portion thereof shall be maintained in a safe and sanitary condition and good repair. The premises of every building or structure shall be maintained in good repair and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material.

Even PRIOR to the illegal demolition that took place on June 15, 2015, since the change in ownership took place, the new owner has failed to maintain the exterior of the property in such a way that has caused safety issued to the residents. As a result of the site being in a consistent state of 'trash', it has degraded the street and negatively impacted the overall neighborhood.

It wasn't enough the applicant stormed through the neighborhood conducting himself above the law - not respecting anyone or anything in the community, but months after the fact, chooses to allow the accumulation of trash, dangerous debris and dead vegetation due to lack of maintenance and water. It is a disgrace to our street and no one appreciates it.

We respectfully ask Council:

If this was YOUR corner - where YOU and YOUR family live - would this be acceptable?

Please find a copy of page 19 of File [ENV-2014-2510-MND](#) on page 28. ●

ENV-2014-2510-MND ●

Section III. AIR QUALITY (cont..)

Section IV. BIOLOGICAL RESOURCES

Section V. CULTURAL RESOURCES

6 out of 9 box's have been listed as having: **"NO IMPACT"**.

The public finds this INCREDIBLY DISTURBING and suggests that there was no site investigation done. If there was, the investigator would have noticed 7 birds nests inhabiting the mature tree on site. In addition, bird eggs and live juvenile birds.

Please find a copy of [LAMC SEC. 53.48](#) on page 7. ●

Please find a copy of [CALIFORNIA FISH AND GAME CODE SEC 3503.](#) on page 7. ●

Please find a copy of [FEDERAL MIGRATORY BIRD TREATY ACT SEC 703.](#) on page 7. ●

As of today, August 29, 2015, the site has been bare - surrounded by broken glass, trash, overgrown vegetation and debris. There was more than enough time for the California Wildlife Authorities to be contacted to ensure safety of living creatures if the removal was absolutely necessary; although thus far - the project has proven to be a great tragedy and has absolutely no positive influence on the community or serve the publics best interest.

This will be the THIRD time the public has gone on record that the community was harmed as a result of this project.

The Lead Agency goes as far to state the existing house was built in the 1940's, which is only partially factual. The research done by the public, revealed rear house was originally built prior to the 1919 annexation of West Lankershim to the City or at least prior to the subdivision of Tract No. 9237 by the California Trust Company, possibly as farm workers housing. Making it the oldest left on the block, possibly neighborhood. Omitting factual information about a property that contributes greatly to the integrity and historical significance suggests violation of CEQA 21168.5.

Please find a copy of [CEQA SEC. 21168.5.](#) on page 24. ●

Impact?	Explanation	Mitigation Measures
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d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project could increase air pollution in the vicinity during the demolition and construction phases. However, the Mitigation Measures will reduce these impacts to a less than significant level.	III-10 CONSTRUCTION IMPACTS TO SURROUNDING PROPERTIES.
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	THE PROJECT COULD RESULT IN IMPACTS TO ADJACENT RESIDENCES RELATED TO TRASH RECEPTICLES.	III-60, III-70 LIMITING THE LOCATION OF EXHAUST VENT NEXT TO OTHER RESIDENCES AND ALSO IMPOSING THE COMMERCIAL TRASH CAN LIMITATION ON THIS MULTI-FAMILY USE.

IV. BIOLOGICAL RESOURCES

a.	NO IMPACT	The project proposes to utilize an existing building located within a highly urbanized area; the project results in no impact on protected species, habitats, or biological communities.	
b.	NO IMPACT	The project is not located near any sensitive communities and as a result they will be no foreseeable impact on any riparian or other sensitive natural communities.	
c.	NO IMPACT	The project proposes to utilize to construct a building located within a highly urbanized area; the projet results in no impact on protected wetland areas.	
d.	NO IMPACT	The project results in no impact on the migration of wildlife or access or availability of nursery sites.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project will lead to the removal of 3 trees which have not been identified so worst case is assumed.	IV-50, IV-60, IV-70, IV-80 The applicant stated that the trees are not protected. The mitigation measures are imposed in a worst case way so the applicant must prepare a tree report and identify all trees to be removed and if necessary replace.
f.	NO IMPACT	The project results in no impact on any habitat or natural community conservation plan.	

V. CULTURAL RESOURCES

a.	NO IMPACT	The subject site is currently developed with two single-family buildings that were built in 1940s. They are not identified as a site or an area of historical significance or cultural monument (ZIMAS). Although the structure is more than 50 years old, (built in 1940s), the structure is not designated as a historic resources or historic/cultural monument (SurveyLA Field Survey Findings and Report for West Los Angeles, City of Los Angeles Office of Historic Resources). Therefore impacts to	
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AB32 states:

- (a) *The statewide greenhouse gas emissions limit shall remain in effect unless otherwise amended or repealed.* (b) *It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020.*
- **38592.** (a) *All state agencies shall consider and implement strategies to reduce their greenhouse gas emissions.*

GHG-reduction goals were established by AB 32 in 2006. Almost 10 years old, our environment has experienced a substantial amount of damage during this time, which would greatly effect the thresholds the Lead Agency alleges to have referenced.

The Lead Agency refers to SCAQMD's interim thresholds. Again, thresholds that were determined in 2008, where the population and increase in GHG's into our city has well increased.

It is more than unreasonable for the Lead Agency to continue concluding on a case-by-case basis that there 'NO IMPACT'. This is just ONE case on ONE street. There are dozens of planners going through the exact same process right now in this exact neighborhood that when put together - WELL EXCEED the thresholds of a 2006 reference guide. The 2006 Thresholds Guide is intended to be used as a compliment to CEQA.

Please find a copy of page 23 of File ENV-2014-2510-MND on page 32. ●

ENV-2014-2510-MND ●

Section VI. GREENHOUSE GAS EMISSIONS

Section VII. HAZARDS AND HAZARDOUS MATERIALS

b. box has been listed as having: "NO IMPACT".

The Lead Agency states: *"safe demolition and construction practices would be exercised through compliance with the City Of Los Angeles Building Code. Therefore, it is unlikely that hazardous materials would be released into the environment because of this project. As such, there would be a less-than-significant impact. However, sediment resulting from construction activities carries with it work site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life."*

Starting with 'safe demolition and construction practices': The applicant is required to comply with other agencies other than the City Of Los Angeles. For example - AQMD requires an asbestos survey report PRIOR to ANY demolition.

CALIFORNIA HEALTH AND SAFETY CODE prohibits cities to issue a demolition permit until the city is provided with a copy of the demolition notification submitted to AQMD.

It has been established that hazardous materials HAVE ALREADY BEEN released into the environment.

The pollutants mentioned that are toxic to sea life - are ALSO TOXIC TO HUMAN BEINGS.

Please find a copy of AQMD FAQ's / RULE 1403 on page 30. ●

Please find a copy of CALIFORNIA HEALTH AND SAFETY CODE 19827.5 on page 31. ●



FREQUENTLY ASKED QUESTIONS FOR ASBESTOS REMOVAL & DEMOLITION

QUESTION	ANSWER
<p>Do I need to have a survey prior to any demolition or renovation?</p> <p>Do I need to have a survey before I send a notification to SCAQMD?</p>	<p>YES</p> <ul style="list-style-type: none"> An asbestos survey report is required prior to any demolition and renovation. See Rule 1403 (d)(1)(A)
<p>Are homeowners required to file a Notification Form?</p>	<p>YES</p> <ul style="list-style-type: none"> <i>Only when the homeowner is performing the house demolition work himself and has not hired* a contractor</i> <p>NOTE: An asbestos survey report and asbestos removal is required prior to any demolition and other Rule 1403 requirements apply. *Whenever a contractor participates in the demolition work, the contractor must submit a Demolition Notification.</p>
<p>The Building and Safety Department told me I need to call you regarding the demolition permit. Is this true?</p>	<p>YES</p> <ul style="list-style-type: none"> California Health and Safety Code 19827.5 prohibit cities to issue a demolition permit until you provide the city with a copy of the demolition notification you submitted to SCAQMD. See the following questions for more details.

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19827.5. A demolition permit shall not be issued by any city, county, city and county, or state or local agency which is authorized to issue demolition permits as to any building or other structure except upon the receipt from the permit applicant of a copy of each written asbestos notification regarding the building that has been required to be submitted to the United States Environmental Protection Agency or to a designated state agency, or both, pursuant to Part 61 of Title 40 of the Code of Federal Regulations, or the successor to that part. The permit may be issued without the applicant submitting a copy of the written notification if the applicant declares that the notification is not applicable to the scheduled demolition project. The permitting agency may require the applicant to make the declaration in writing, or it may incorporate the applicant's response on the demolition permit application. Compliance with this section shall not be deemed to supersede any requirement of federal law.

Nothing in the case file gave any evidence of receipt from AQMD indicating they had signed off and cleared them for demolition.

AQMD appeared on-site shutting it down due to LACK OF COMPLIANCE.

Nothing in the case file gave any evidence of any type of written notification or declaration that would somehow exempt him from compliance.

AQMD RULE 1403.

This is NOT in compliance with HEALTH AND SAFETY CODE 19827.5

VII. GREEN HOUSE GAS EMISSIONS

Impact?	Explanation	Mitigation Measures
a. LESS THAN SIGNIFICANT IMPACT	Implementation of the proposed project would not contribute to long-term increases in greenhouse gases (GHGs) as a result of traffic increase (mobile sources) and minor secondary fuel combustion emissions.	
b. LESS THAN SIGNIFICANT IMPACT	The annual project-related GHG emissions for a project such as this would need to involve approximately 190 residential dwelling units in order to get near the 3,000 metric tons (MT) of CO2-equivalent ((CO2 (e)) per year screening level operational threshold for chronic operation emissions in the SCAQMD's interim thresholds. Short-term GHG emissions will also derive from construction activities. However, the project will meet applicable requirements of the LA Green codes, all of which are supportive of the State's GHG-reduction goals under state law AB32. Therefore, the project will not conflict with any applicable plan, policy, or regulation adopted to reduce greenhouse gas emissions.	

VIII. HAZARDS AND HAZARDOUS MATERIALS

a. NO IMPACT	The proposed project for 5 residential dwelling units will not require the routine transport, use or disposal of materials which are flammable or hazardous outside of the day-to-day household materials. Construction could involve the use of potential hazardous materials, including vehicle fuels, oils, and transmission fluids. However, all potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Therefore, the Project would not create a significant hazard to the public or the environment, a less than significant impact would occur.	
b. NO IMPACT	The project site is currently developed with two single family dwellings constructed in 1940s. Safe demolition and construction practices would be exercised through compliance with the City of Los Angeles Building Code. Therefore, it is unlikely that hazardous materials would be released into the environment because of this project. As such, there would be a less-than-significant impact. However, sediment resulting from construction activities carries with it work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life. Short-term impacts may result during the construction period and incorporation of Mitigations Measures IX-20 and XVII-100 would reduce impacts to a less than significant impact.	

- (a) “Substantial evidence” as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.
- (b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Nothing in the case file gave any evidence as to what kind of study or testing was done to determine the conclusion as having ‘NO IMPACT.’

There is also no relevant information in L.A. CEQA THRESHOLDS GUIDE as referenced by the Lead Agency.

Please find a copy of [CEQA SEC.15064.\(c\)\(f\)](#) on page 24. ●

Please find a copy of page 26 of File ENV-2014-2510-MND on page 37. ●

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Section X. LAND USE AND PLANNING

c. box has been listed as having: **“NO IMPACT”**.

Page 26 of the ENV-2014-2510-MND states: *“...According to Biological Resource Area Maps in the Los Angeles CEQA Thresholds Guide(2006), the project site is not designated as an Open Space/Habitat area, nor is it located in, or in the vicinity of a significant ecological area that may require protection. There are no relevant active ordinances protecting biological resources that may prevent this project from being approved at this time. No impacts to any indicated plans are anticipated.*

Although there may no be any “official” significant ecological area requiring protection; it is important to make decisions with climate change in mind. Climate change and lack of natural space has driven populations of species out of their normal habitats forcing them to seek life, food, water and shelter elsewhere. A great deal of these new found locations are in urban residential areas. Open space, landscape and natural resources are all mandatory for the survival of all life.

Please find a copy of [CALIFORNIA GOVERNMENT CODE](#) on page 34. ●

Please find a copy of [CALIFORNIA PUBLIC RESOURCES CODE](#) on page 15. ●

CALIFORNIA GOVERNMENT CODE

65030.1. The Legislature also finds that decisions involving the future growth of the state, most of which are made and will continue to be made at the local level, should be guided by an effective planning process, including the local general plan, and should proceed within the framework of officially approved statewide goals and policies directed to land use, population growth and distribution, development, open space, resource preservation and utilization, air and water quality, and other related physical, social and economic development factors.

65400. (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

The VALLEY VILLAGE SPECIFIC PLAN states:

WHEREAS, the multiple-family and commercial development allowed by current zoning will cause adverse impacts for adjacent residential neighborhoods such as excessive traffic, parking on adjoining residential streets, inappropriate and undesirable uses such as commercial uses that are incompatible with the surrounding area, blocked views and development of a proportion and scale that is incompatible with adjoining residential neighborhoods;

B. To assure orderly, attractive and harmonious multiple residential

Please find a copy of page 1 of VALLEY VILLAGE SPECIFIC PLAN on page 4. ●

Please find a copy of page III-1- of the NH COMMUNITY PLAN on page 36. ●

Please find a copy of page 28 & 29 of File ENV-2014-2510-MND on page 37. ●

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Section XIII. POPULATION AND HOUSING

Box's a. b. c. have been listed as having: "**NO IMPACT**".

Page 28 ENV-2014-2510-MND states: "...The project proposes to add 5 residential dwelling units to the area which would directly contribute to the population of the Community Plan. The proposed project would generate a marginal number of new residents to the area, which is not considered a substantial increase in population for the Community Plan Area. Therefore, the project is expected to have no impact to the area".

The Community Plan; that being the VALLEY VILLAGE SPECIFIC PLAN states its purpose as:

E. To preserve the quality and existing character of the Valley Village area:

F. To minimize adverse environmental effects of development and promote the general welfare.

The proposed project may suggest a marginal number of new residents to the area; however by definition, a condominium: *a building or complex of buildings containing a number of individually owned apartments or houses.*

This contradicts the Community Plan on several levels. Only a few are listed below.

1. The city has been advised to ensure housing for LOWER INCOME residents.
2. The existing use of the block and neighborhood does not include condominiums.
3. The proposed project does not contribute to a desirable residential environment and long-term neighborhood stability - which is what exists now.
4. The Plan proposes that the low-density residential character of North Hollywood-Valley Village should be preserved and that single-family residential neighborhoods be protected from encroachment by other types of uses.

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Community Plan

Chapter III

LAND USE POLICIES AND PROGRAMS

POLICIES

The North Hollywood-Valley Village Community Plan has been designed to accommodate the anticipated growth in population and employment of the community to the year 2010. The Plan does not seek to promote nor to hinder growth; rather, it accepts the likelihood that growth will take place and must be provided for.

The Plan encourages the preservation of low density single-family residential areas, the conservation of open space lands and the concentration of commercial and residential development into the North Hollywood Center (business district and environs); these are intended to be connected to other major Centers of the City by a rapid transit network.

The plan proposes clustering of neighborhood and community commercial activity to provide maximum convenience with minimum disturbance to residential neighborhoods. Similarly, the plan proposes industrial uses in areas where they will not adversely affect surrounding development.

The Plan stresses the need for the improvement of existing public facilities and the provision of additional facilities to satisfy the needs of both the present and projected populations.

LAND USE

RESIDENTIAL

The Plan provides for properties in residential zones to be developed with densities as designated. Stable, low-density residential areas are generally described as meeting these criteria:

1. Areas zoned for single- family housing and uses exclusively for that purpose,
2. Areas containing single- family housing having a useful life of 20 years or longer.

Features

The Plan proposes that the low-density residential character of North Hollywood-Valley Village should be preserved and that single-family residential neighborhoods be protected from encroachment by other types of uses.

The Plan encourages the rehabilitation and/or rebuilding of deteriorated single-family areas for the same use. Single- family housing should be made available to all persons regardless of social, economic and ethnic backgrounds. Additionally, low and moderate income housing is needed in all parts of the City.



are anticipated.

X. LAND USE AND PLANNING

a.	NO IMPACT	The proposed development would not consist of the placement of a new roadway or other physical barrier, which could physically divide an established community. Therefore, no impacts are anticipated.	
b.	NO IMPACT	The project proposes a use which is permitted on the property and does not conflict with any plan policy or regulation with jurisdiction over the project.	
c.	NO IMPACT	The subject site is currently occupied and is located in a developed and urbanized region that is mostly segmented and lacks the continuity that is consistent with those known to support any non-avian candidate, sensitive, or special-status species. Moreover, according to Biological Resource Area Maps (Coastal and Southern Geographical Area) in the Los Angeles CEQA Thresholds Guide (2006), the project site is not designated as an Open Space/Habitat area, nor is it located in, or in the vicinity of a significant ecological area that may require protection. There are no relevant active ordinances protecting biological resources that may prevent this project from being approved at this time. No impacts to any indicated plans are anticipated.	

XI. MINERAL RESOURCES

a.	NO IMPACT	The project site is located in a high density residential zone and is not known to contain any significant mineral resources. In addition, the project site is not located within a Surface Mining District ("G" zone) as designated in the Los Angeles Municipal Code. Furthermore, the project site is not located within a Mineral Resource Zone 2	
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project site, no impact would occur.

XIII. POPULATION AND HOUSING

a.	NO IMPACT	The project is located in a highly urbanized area. The project proposes to add 5 residential dwelling units to the area which would directly contribute to the population of the Community Plan. The proposed project would generate a marginal number of new residents to the
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area, which is not considered a substantial increase in population for the Community Plan Area. Therefore, the project is expected to have no impact to the area.

b.	NO IMPACT	The project is replacing 2 old homes with 5, new condo units. No impact to housing will occur.
c.	NO IMPACT	The project is replacing 2 old homes with 5, new condo units. No impact to housing will occur.

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IMPACT on housing already occurred. It will also continue to occur. If the Lead Agency researched the area and provided substantial evidence as to the odds of this project having any kind of success in this location, he may have found out how the last 2 attempts at a project like this failed, causing both owners to go bankrupt. It took them over a year to sell that building, which greatly affected our entire block. This caused 2 buildings on the block to remain empty for 2 years, while it could have contributed positively to the housing issue, and accommodated lower income families, who had lived there prior to their home being demolished.

Years later, we have learned it was all for nothing. Culturally significant existing rent-control homes were demolished & people were evicted. More than 2 years of developing new buildings that no one could afford, sitting vacant, went bankrupt, and now to start it all over again.

OR

We do something different this time, moving forward in a logical reasonable manner.

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XVI. TRANSPORTATION/TRAFFIC

a.	NO IMPACT	The increase in residential units is expected to have no impact on the existing load and capacity of the street system.
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Nothing in the case file gave any evidence as to what kind of study or testing was done to determine the conclusion as having 'less than significant impact'.

It is reasonable to take note of a project involving more than 12 cars, not including residents friends, visitors, family and other unforeseen circumstances, that this raises the amount of GHG's.

This brings more than 374,800 POUNDS of greenhouse gas emissions into our community, that would otherwise NOT EXIST.

As the world's fifteenth largest emitter of GHGs from human activity and natural sources, California is uniquely positioned to act to reduce GHGs.

It is **IMPOSSIBLE** for this project **NOT TO CAUSE TRAFFIC** and **IMPOSSIBLE for this project NOT to cause UNNECESSARY HARM TO THE COMMUNITY AND ENVIRONMENT.**



The VALLEY VILLAGE SPECIFIC PLAN states:

-WHEREAS, on March 6, 1986 the City Council instructed the Planning Department to prepare a Specific Plan for the Valley Village area; and;

- PURPOSES

A. To assure that the development of the area is in accordance with the provisions of the North Hollywood Community Plan;

The NORTH HOLLYWOOD COMMUNITY PLAN states:

-In April of 1993, the Valley Village Specific Plan became effective, affording the area protection from the adverse impacts caused by the development of multiple family

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Section XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Box's a. b. c. have been listed as having: "**LESS THAN SIGNIFICANT IMPACT**".

The public reads the above excerpt from the VALLEY VILLAGE SPECIFIC PLAN as saying: In 1986, the City noticed something going on that they felt warranted the area a certain amount of protection.

The public reads the above excerpt from the NH COMMUNITY PLAN as saying: That based on the findings at the time and the involvement and feedback coming from the affected communities - THE REQUIRED CITIZEN PARTICIPATION...that this plan was established to protect the culture of Valley Village, its history and unique features. That this area was hereby afforded protection from the adverse impacts caused by development.

The NH COMMUNITY PLAN also states:

In addition to public facilities and open space zones, the City can initiate redesignation to zones appropriate to the Plan.

The public reads the above excerpt from the NH COMMUNITY PLAN as saying: If something is not working- it needs to be revisited and addressed.

The plan is also intended to guide development in order to create a healthful and pleasant environment. Goals, Objectives, and Policies are created to meet the existing and future needs and desires of the North Hollywood community through the year 2010.

Impact?	Explanation	Mitigation Measures	
g.	LESS THAN SIGNIFICANT IMPACT	Since the proposed project would comply with local, state, and federal regulations, no impact with respect to these regulations would occur. However, to reduce the impact to landfills, a measure is recommended to ensure compliance with local regulations to solid waste. The mitigation measures will ensure full and adequate compliance with federal, state and local statutes and regulations related to solid waste.	
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE			
a.	LESS THAN SIGNIFICANT IMPACT	The mitigation measures proposed in this document are expected to reduce any potential impacts to a less-than-significant level.	
b.	LESS THAN SIGNIFICANT IMPACT	Overall, with the implementation of the proposed mitigation measures in the environmental review, the project's incremental contribution to cumulative impacts is anticipated to be less than significant.	
c.	LESS THAN SIGNIFICANT IMPACT	As mitigated, the project would not have the potential to result in substantial adverse effects on human beings and impacts would be less than significant.	

The demolition occurred while the Tract Map was in its appeal period.

This raises the issue as to whether an applicant can gain the benefit of having taken unlawful action, which makes the enforcement of the conditions impossible.

One should not profit or gain valuable land use entitlements from engaging in wrongful or unlawful acts.

Any entitlements after the fact are infected and stained by the applicant's breach of known advance conditions.



The LOS ANGELES MUNICIPAL CODE states:

SEC. 11.5.7. SPECIFIC PLAN PROCEDURES.

A. Definition, Purpose and Objectives. A specific plan is a regulatory land use ordinance specifically designated in the ordinance as a specific plan. A specific plan shall provide by ordinance regulatory controls or incentives for the systematic execution of the General Plan and shall provide for public needs, convenience and general welfare.

B. Relationship To Provisions of Specific Plans. If any procedure established in a specific plan conflicts with any procedure set forth in this section, the provisions of this section shall prevail.

SEC. 12.31. INTERPRETATION – PURPOSE – CONFLICT.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties.

Where this chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this chapter shall control.

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The LOS ANGELES MUNICIPAL CODE states:

SEC. 16.05. SITE PLAN REVIEW.

A. Purpose. The purposes of site plan review are to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements.

E. Directors Authority.

4. The Director shall not approve or conditionally approve a site plan review for a development project unless he or she does one of the following in accordance with the requirements of CEQA and the State and City CEQA Guidelines:
 - a. Approve a proposed Negative Declaration or Mitigated Negative Declaration.
 - b. Certify completion of an EIR.

F. In granting an approval, the Director, or the Area Planning Commission on appeal, shall find:

1. that the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan;
2. that the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties; and
3. that any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

SEC. 17.01. TRACT MAPS – GENERAL PROVISIONS.

B. Purpose. The purpose of this article is to regulate and control the division of land, within the City of Los Angeles, to provide for the dedication of land, the payment of fees in lieu thereof, or a combination of both, for the acquisition and development of park and recreation sites and facilities to serve the future inhabitants of the subdivision, to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of Tentative Maps and Final Maps, and the procedure to be followed in securing the official approval of the City of Los Angeles on such maps, consistent with the applicable general and specific plans as well as the public health, safety and welfare.

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The LOS ANGELES MUNICIPAL CODE states:

SEC. 17.03. ADVISORY AGENCY.

A. Authority and Duties. The Advisory Agency is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions, of requiring the dedication of land, the payment of fees in lieu thereof, or a combination of both, for the acquisition and development of park and recreation sites and facilities, and is hereby authorized to approve, conditionally approve, or disapprove Tentative Maps of proposed subdivisions, private streets and such maps as are provided for herein, to prescribe the design, kinds, nature and extent of improvements required to be installed in connection therewith and to report directly to the subdivider the action taken on the Tentative Map.

SEC. 17.05. DESIGN STANDARDS.

C. Conformance To General Plan. Each Tentative Map shall substantially conform to all other elements of the General Plan.

SEC. 17.06. TENTATIVE TRACT MAP AND APPEALS

2. Action of Advisory Agency. The Advisory Agency shall approve, conditionally approve or disapprove the Tentative Map within 50 calendar days after the filing of the Map with the City or within such additional time as mutually agreed upon by the Advisory Agency and the Subdivider.

(a) The Advisory Agency may disapprove a Tentative Map because of the flood hazard, inundation, lack of adequate access, lack of adequate water supply or fire protection, insufficient sewerage facilities, potentially hazardous geological conditions or non-compliance with the requirements of this article, the Subdivision Map Act, or the standards, rules or regulations adopted by the Commission pursuant to the provisions of Section 17.05 of this Code.

SEC. 17.57. APPROVAL OF MAP SHALL NOT AUTHORIZE VIOLATION OF OTHER LAWS.

Neither the approval or conditional approval of any Parcel Map shall constitute or waive compliance with any other applicable provision of this Code, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of this Code.

CALIFORNIA GOVERNMENT CODE states:

66473. A local agency shall disapprove a map for failure to meet or perform any of the requirements or conditions imposed by this division or local ordinance enacted pursuant thereto; provided that a final map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map; and provided further that such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed.

COUNCIL FILE: 95-0830 states:

9-14-99 - This day's Council session - Motion - Wachs Mover 1999 / Ferraro / Feuer -



The Valley Village Specific Plan was adopted by the City Council in 1993 in order to curtail adverse impacts created by commercial and multiple residential uses in a traditionally single family zoned neighborhood. Such impacts have been excessive traffic, crowded parking on adjoining resident ail streets, inappropriate and undesirable commercial uses that are incompatible with the surrounding area, and commercial and residential developments built to a scale that are incompatible with adjoining residential neighborhoods.

To curtail such negative impacts, the plan prohibits certain commercial uses, restricts the height of any building near single family zone neighborhoods, restricts the use of balconies and rooftop recreation area,s prohibits ay new off-site or roof top signs, provides landscape standards for new development, and guarantees street improvements for any new project to be at standards as set up in the municipal code.

Members of the Valley Village community have indicated that further protections are necessary, including: language to provide more parking for multiple family and commercial projects, further restrictions on signage, building design standards, utility under grounding, prohibitions of certain commercial uses, additional provisions for landscape improvements, and restrictions on the location and camouflaging of satellite dishes and cellular telecommunication facilities in Valley Village.

THEREFORE MOVE, that the Planning Dept consult with representatives of the Valley Village community, and the Council Offices representing Valley Village, to address the above mentioned concerns, and, with the assistance of the City Attorney, amend the Valley Village Specific Pan accordingly.

There hasn't been mention of “Members of the Valley Village community have indicated” in more than 16 years!

This indicates that Lead Agencies have failed to apply the communities requests, concerns, demands, or take any of the communities issues into consideration as development has progressed. It is most certainly noticeable - and we continue to pay for it.

The lack of protection combined with the lack of enforcement has resulted in irregular, patchy and inconsistent neighborhoods. Let it be known that there has certainly NOT BEEN a lack of participation or a lack of interest from the Community.... We continue to go unnoticed and continue to be ignored.

The request herein is simple. Use the plan as it was intended to be used. It was initiated and created specifically to protect a vulnerable neighborhood. It has proven to be abused, misused, and disregarded in part.

The ‘old’ buildings have withstood decades and decades of earthquakes, accidents, natural disasters when new construction has failed. There is a structural integrity that cannot be duplicated.

If City Council truly ‘works with the community first’ as they have stated to do, then this appeal is just stating the obvious - that people in your district were negatively affected, laws were broken, and accountability needs to be enforced.

Environmental Remediation & Demolition

Asbestos waste can only be disposed of at designated landfills which are authorized to accept asbestos.

The local Health Department or local EPA authority should be able to provide a list of licensed disposal sites.

Asbestos should be kept wet while it is being containerized in order to prevent the release of asbestos fibers and must be stored in leak-proof containers.

Asbestos can be stored in multiple plastic bags with a cumulative thickness of at least 12 mils.

It can also be stored in a single plastic bag or in multiple plastic bags with a cumulative thickness of less than 12 mils as long as the cumulative thickness is at least six mils and the plastic bags containing the asbestos waste are sealed in a fiberboard or steel drum.

All containers used to store asbestos waste must be labeled with appropriate hazardous waste warnings.

All containers used to transport regulated asbestos-containing material must be labeled with the name of the waste generator and the location where the waste was generated.

It is also important to ensure that the outsides of containers are not contaminated with asbestos debris clinging to the surface.



Nothing in the case file gave any evidence as to what preventative measures were taken to minimize loose material from impacting the environment and affected areas.

Nothing in the case file gave any evidence as to ensuring waste material was stored in in leak tight containers as required by law.

Nothing in the case file gave any evidence as to where the waste was taken to, ensuring it went to the appropriate facility.

If the applicant did keep the demolition wet to minimize asbestos floating around during demolition as he said he did, did he then place the the asbestos-containing waste material in leak tight containers as required by law? Because neighbors who were witnessing the demolition state he did neither.