

**From:** [REDACTED]  
**To:** "areen.ibranossian@lacity.org" <areen.ibranossian@lacity.org>  
**Sent:** Wednesday, February 4, 2015 9:14 AM  
**Subject:** Neighborhood Queries

Hello Councilman Krekorian. My name is Dr. [REDACTED].  
I understand a handful of my neighbors have made many attempts to reach your office unsuccessfully. I haven't had too much time to get involved due to the nature of my work as well as being bicoastal.  
I am disappointed to hear so many of my friends and neighbors have been turned away by your office.  
I would like to help if there is some kind of communication misconception or other obstacle that may be hindering any possible resolution to everyone's concerns. My schedule can allow for some untimely responses to things but I do want to offer my help in this matter. I do share my neighbors' concerns in regards to what seems to be a slow and painful extermination of our neighborhood's characteristics and demolition of houses that are large contributors to what make our neighborhoods what they are. I know it has been disheartening to those that have reached out to your office and have been ignored. Am I to understand you they were coming to you with talk of an HPOZ? I would like to help. I do look forward to hearing from your office.

Best.  
[REDACTED]

**From:** Areen Ibranossian <areen.ibranossian@lacity.org>  
**To:** [REDACTED]  
**Sent:** Wednesday, February 10, 2015 6:23 PM  
**Subject:** Re: Neighborhood Queries

Mr. [REDACTED]

We understand that you and your neighbors have concerns about development and want to see restrictions, but an HPOZ may not be the right answer and there might be other options. Please don't misconstrue this to mean that we are not open to the idea or are saying we don't care, my point is that as the elected office representing the entire community, we cannot be the ones to originate the idea or inception of the HPOZ as it would not be fair.

Other options include the Residential Floor Area (RFA) expansion that we are working on to expand into Valley Village from Studio City and working with your neighborhood council to make amendments to the specific plan.

I have indeed seen a photo of the purposed project. As to your other queries, I am happy to answer your questions, but I am not the expert in planning and land use issues. Karo and Doug from my office handle planning issues, I am involved in this issue since it has risen to this level.

Thanks.  
areen

**From:** x [REDACTED]  
**To:** "areen.ibranossian@lacity.org" <areen.ibranossian@lacity.org>  
**Sent:** Wednesday, February 8, 2015 11:14 AM  
**Subject:** Neighborhood Queries

It's beginning to sound like your office does not support or even encourage HPOZ's, and much prefers the demolition route and the allowance of new developments that do not have a place in the neighborhood.

We were not expecting this kind of reaction nor did we ever imagine it would be this difficult for any reasonable person to take a look at a photo and not be completely astonished by the approval of such a structure to be built on a street containing 45 to 80 year old buildings.

We are at the beginning stages of discussing things in response to what is happening to our environment. Sadly, a lot of which could have been prevented but we can only move forward.

None of us want to keep losing these buildings. None of us live in a newly developed neighborhood because that is not what we want.

People should be given the choice and go where they choose. Not be forced into it because all of those choices were taken away and not protected. We continue to ask what is it that is being done about all of it.

Best.  
[REDACTED]

**TO THE ADMINISTRATIVE RECORD,  
PLUM LOS ANGELES CITY COUNCIL**

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

Community organization SAVEVALLEYVILLAGE gives **FULL SUPPORT IN FAVOR OF THE APPEAL.**

The following will provide substantial evidence as to the logical grounds and validity of the appeal.

**NO. 1: CEQA SECTION 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.

(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.

**Note:** Authority cited: **Section 21083, Public Resources Code.**

Reference: Sections **21000, 21082** and **21083**, Public Resources Code.

- Further research into the Planning Department's review process revealed there are no guidelines. Each individual planner supposedly having their own method on how they choose to obtain this 'evidence'. There is NO clear defined process, guideline, testing, surveys or any other kind of investigative study done to make these determinations. Herein this document are CALIFORNIA PUBLIC RESOURCES CODES:

# TO THE ADMINISTRATIVE RECORD, PLUM LOS ANGELES CITY COUNCIL

Case: TT-72725-CN-1A  
ENV-2014-2510-MND

## CALIFORNIA PUBLIC RESOURCES CODE

**21083.** (a) The Office of Planning and Research shall prepare and develop proposed guidelines for the implementation of this division by public agencies. The guidelines shall include objectives and criteria for the orderly evaluation of projects and the preparation of environmental impact reports and negative declarations in a manner consistent with this division.

(b) The guidelines shall specifically include criteria for public agencies to follow in determining whether or not a proposed project may have a "significant effect on the environment." The criteria shall require a finding that a project may have a "significant effect on the environment" if one or more of the following conditions exist:

- (1) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.
- (2) The possible effects of a project are individually limited but cumulatively considerable. As used in this paragraph, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

**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.**



**TO THE ADMINISTRATIVE RECORD,  
PLUM LOS ANGELES CITY COUNCIL**

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

**NO. 2: CEQA SECTION 15070. DECISION TO PREPARE A NEGATIVE OR  
MITIGATED NEGATIVE DECLARATION**

A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

- (a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- (b) The initial study identifies potentially significant effects, but:
  - (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
  - (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

- Further research into the case file fails to provide any kind of documentation relating to the initial study done that would lead the lead agency to believe the project has no significant effect on the environment. Furthermore, there was no documentation in the case file reflecting ANY kind of study, results, statistics, anything relating to any type of substantial evidence to support the findings.

**CEQA SECTION 15072 NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR  
MITIGATED NEGATIVE DECLARATION**

- No Notice was posted on site.

**TO THE ADMINISTRATIVE RECORD,  
PLUM LOS ANGELES CITY COUNCIL**

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

**NO. 3: AQMD RULE 1403. ASBESTOS EMISSIONS FROM DEMOLITION/  
RENOVATION ACTIVITIES**

(d) Requirements

(1) Demolition and Renovation Activities

The owner or operator of any demolition or renovation activity shall comply with the following requirements:

(A) Facility Survey

(i) The affected facility or facility components shall be thoroughly surveyed for the presence of asbestos prior to any demolition or renovation activity.

(B) Notification

The District shall be notified of the intent to conduct any demolition or renovation activity.

(I) Demolition or Renovation Activities

The notification shall be submitted to the District no later than 10 working days before any demolition

(D) Removal Procedures

(G) On-Site Representative

(H) On-Site Proof

- The applicant failed to comply with the rules of AQMD as stated above.

For your reference, the full AQMD RULE can be found here:

<http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf?sfvrsn=4>

This put the community in danger. Adjacent properties with windows open has dust, debris, and asbestos on their belongings, window screens, plants, cars and in their personal environment. This is completely unacceptable and not the proper way to enter a community. A gas line was broken which put the entire block at risk. Is it of no concern how the entire block could have been completely destroyed because of one persons actions and failure to obey the rules?

The balance between negative impact has severely outweighed the positive impact in regards to the specifics of this project. This project has been perceived as a preview of coming attractions; and the community chooses to OPT OUT now; before it is too late. The community chooses to be PROACTIVE and not REACTIVE.

# TO THE ADMINISTRATIVE RECORD, PLUM LOS ANGELES CITY COUNCIL

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

The Conservation Element of Los Angeles is enacted to ensure the concerns about public health, quality of life, environmental protection and other issues spawned laws, court actions and requirements which changed jurisdictional authority and mandated implementation programs to protect natural resources.

## **NO. 4: THE CONSERVATION ELEMENT OF THE CITY OF LOS ANGELES**

**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. (II-9)

### **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.

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

**Policy 1:** continue to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities. (II-14)

**Responsibility:** departments of \*Building and Safety and \*City Planning, Environmental Affairs and the \*lead agency responsible for city project implementation.

**Conclusion.** The city has an important role in preserving, protecting, enhancing, creating and monitoring habitats to ensure the maintenance of the rich local biodiversity. Its primary means are acquisition, management of publicly owned sites, permit processing, data collection, regulatory authority and cooperative efforts with other entities.(II-34)

### **Continuing issues:**

**N** Reduce the amount of release of toxic waste into air, land and water. (II-46)

**N** Loss of scenic features. (II-48)

**Objective:** protect and reinforce natural and scenic vistas as irreplaceable resources and for the aesthetic enjoyment of present and future generations.

**Policy:** continue to encourage and/or require property owners to develop their properties in a manner that will, to the greatest extent practical, retain significant existing land forms and unique scenic features and/or make possible public view or other access to unique features or scenic views.

**Responsibility:** departments of \*Building and Safety, \*City Planning and \*Public Works and other agencies involved in city development permit review and/or processing.

**TO THE ADMINISTRATIVE RECORD,  
PLUM LOS ANGELES CITY COUNCIL**

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

**NO. 5: DEMOLITION OF BUILDINGS / LABC CHAPT 33 P/BC 2008-039**

**A.**

**3. PLAND AND SPECIFICATIONS REQUIRED**

(a) ..as necessary, to show that the demolition work will be conducted without creating a hazardous condition.

**4. PRE-INSPECTION REQUIRED**

A pre-inspection performed by a Building INSpector at the site of the proposed demolition will be required before a demolition permit may be issued.

- It wasn't until 7/28/15-----43 days AFTER the demolition occurred, that a correction notice was found on the ground, under broken glass and trash on the sidewalk near the site.



**NOT APPROVED - CORRECTION NOTICE**

City of Los Angeles  
Department of Building and Safety

JOB ADDRESS <b>5258 N. HERMITAGE AV</b>		PERMIT NO. <b>15019-20000-00498</b>	
JOB DESCRIPTION		FOR REINSPECTION CALL <b>3U</b>	
APPLICANT OR AGENT		INSPECTOR <b>P. VELA</b>	DISTRICT
ADDRESS		BUREAU <b>INSPECTION</b>	
CITY	STATE	ZIP	DATE <b>7/28/15</b>
<p>Before the work or installation by this permit can be approved, concealed, energized, or used, the following deficiencies shall be corrected. Call for reinspection when all corrections have been made.</p> <p> <input type="checkbox"/> BUILDING      <input type="checkbox"/> ELECTRICAL      <input type="checkbox"/> GRADING      <input type="checkbox"/> PLUMBING  <input type="checkbox"/> HEAT-REFRIG      <input type="checkbox"/> BOILERS      <input type="checkbox"/> ELEVATORS      <input type="checkbox"/> _____         </p>			
<b>1) Call for Demo inspection &amp; Sewer</b>			
<b>2) Call for inspection</b>			

**TO THE ADMINISTRATIVE RECORD,  
PLUM LOS ANGELES CITY COUNCIL**

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

**NO. 5: DEMOLITION OF BUILDINGS / LABC CHAPT 33 P/BC 2008-039**

**B. INSPECTION**

- 1. CALL FOR INSPECTION.** A call for inspection must be made at least 24 hours before work is to be started.
- 3. FIELD CARD.** The "Demolition Inspection Record" Form No. LADBS B-8b must be posted on the job site.

**E. DANGEROUS CONDITIONS DURING DEMOLITION**

Should a dangerous condition develop during the demolition of a structure, the demolition contractor shall immediately barricade the dangerous area, notify the Department of Building and Safety and take immediate steps to minimize the hazard. No further demolition work shall be done until approval to proceed is given by the Department of Building and Safety.

- More than one dangerous condition developed during this demolition. No contractor called or notified anyone. It was the community who had called Building and Safety, who never arrived, and the community who called City Council, who never returned more than 3 dozen phone calls, and it is unknown who notified AQMD. Thankfully, AQMD did arrive on site and immediately shut the illegal project down. No one from Building and Safety responded or appeared at the site. Community members continued to call Council member Krekorian's office for weeks after the demolition occurred. Not one phone call returned, not one email replied to.



**TO THE ADMINISTRATIVE RECORD,  
PLUM LOS ANGELES CITY COUNCIL**

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

**NO. 6: LAMC SEC 12.32**

**2. Q Qualified Classification.**

**(a) Purpose.** provision may be made in a zoning ordinance that the property not be utilized for all the uses ordinarily permitted in a particular zone classification and/or that the **development of the site shall conform to certain specified standards, if the limitations are deemed necessary to:**

- (1) Protect the best interests of and assure a development more compatible with the surrounding property or neighborhood;**
- (2) Secure an appropriate development in harmony with the objectives of the General Plan; or**
- (3) Prevent or mitigate potential adverse environmental effects of the zone change.**

**(b) Q Classification.**

(2) Prior to the issuance of permits for the construction of buildings or structures authorized by the Qualified enactment, the plans for them shall be submitted to and approved by the Director as being in full compliance with all limitations and standards set forth in the ordinance.

- The best interest of the surrounding properties has not been regarded. There does not appear to be anything harmonious with our Specific Plan. This level of impact this project has caused has brought the idea of Community-controlled redevelopment: California law allows neighborhoods to organize their own redevelopment areas - to ensure something like this never happens again.

**TO THE ADMINISTRATIVE RECORD,  
PLUM LOS ANGELES CITY COUNCIL**

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

**NO. 7: LAMC SEC 12.31 INTERPRETATION – PURPOSE – CONFLICT.**

In interpreting and 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.

**NO. 8: LAMC SEC. 16.05 SITE PLAN REVIEW.**

**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.

- *The promotion of public health, safety, comfort convenience and general welfare...The only who lived by these words was the community.*

Being that the applicant has failed to meet the requirements of the General Plan, Community Plan, is inconsistent with the current arrangement of existing buildings, and fails to provide improvement to existing residents, moving forward permitting such project would simply be against the law.

**TO THE ADMINISTRATIVE RECORD,  
PLUM LOS ANGELES CITY COUNCIL**

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

**NO. 9: 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.

**NO. 10: 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.

**TO THE ADMINISTRATIVE RECORD,  
PLUM LOS ANGELES CITY COUNCIL**

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

**NO. 11: THE NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
dated 11/14/2014 was not notarized as required.**

The public depends on our Councilman, with his specialized staff, to ensure important laws are not overlooked. This raises question as to the validity of the 11-10-14 notice of intent to adopt due to the lack of completion of the affidavit.

page 5 of 5

APPLICANT/CONSULTANT'S AFFIDAVIT

OWNER MUST SIGN AND BE NOTARIZED;

IF THERE IS AN AGENT, THE AGENT MUST ALSO SIGN AND BE NOTARIZED

I, JOE SALEM  
Owner (Owner in escrow)\*  
(Please Print)

I, DANIELA BERNHARD  
Consultant\*  
(Please Print)

Signed:   
Owner

Signed:   
Agent

being duly sworn, state that the statements and information contained in this Environmental Assessment Form are in all respects true and correct to the best of my knowledge and belief.

\*\*\*\*\*Space Below This Line for Notary's Use\*\*\*\*\*

ALL-PURPOSE ACKNOWLEDGMENT

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared  
(Insert Name of Notary Public and Title)

\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature (Seal)

**TO THE ADMINISTRATIVE RECORD,  
PLUM LOS ANGELES CITY COUNCIL**

**Case: TT-72725-CN-1A  
ENV-2014-2510-MND**

It is for the above, which represents a portion of the applicants violations and errs made that the unincorporated Association SAVEVALLEYVILLAGE supports the appellants in full.

We can only hope we have more citizens involved in their community, that continue to show great interest in their neighborhood and such pride of occupancy as the citizens of Valley Village.

Such communities should be embraced and utilized in the most positive manner possible...Taking advantage of the initiative taken by stakeholders...It is commendable and honorable.

We can lead by example and continue moving forward in a manner that best serves our residents; where social benefit is not in competition with private benefit.

SAVEVALLEYVILLAGE.COM





## SOUTH VALLEY AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801

(213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

Determination Mailing Date: JUL 28 2015

CASE: TT-72725-CN-1A  
Related Case: DIR-2014-2411-SPP  
CEQA: ENV-2014-2510-MND

Location: 5258 North Hermitage Avenue  
Council District: 2  
Plan Area: North Hollywood-Valley Village  
Zone: [Q]R3-1

Applicant: Joe Salem  
Representative: Thomas Lacobellis

Appellant: Jennifer Getz

At its meeting on July 9, 2015, the following action was taken by the South Valley Area Planning Commission:

1. Sustained the Findings and Conditions of the Deputy Advisory Agency.
2. Denied the appeal.
3. Adopted ENV-2014-2510-MND.

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

This action was taken by the following vote:

Moved: Commissioner Dierking  
Seconded: Commissioner Beatty  
Ayes: Commissioner Mather  
Absent: Commissioners Cochran and Kim

Vote: 3 - 0

**PLEASE ADD TO  
ADMINISTRATIVE RECORD**

  
Rhonda Ketay, Commission Executive Assistant I  
South Valley Area Planning Commission

**Effective Date/Appeals:** This action of the South Valley Area Planning Commission will be final within 10 days from the mailing date on this determination unless an appeal is filed within that time to the City Council. All appeals shall be filed on forms provided at the Planning Department's public counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).

Final Appeal Date: AUG 07 2015

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

Attachments: Deputy Advisory Agency's Determination Letter dated June 12, 2015

cc: Notification List  
Nelson R. Rodriguez

# APPEAL ATTACHED

Case: TENTATIVE TRACT NO. 72725-CN  
Related Case: DIR-2014-2411-SPP  
CEQA: ENV-2014-2510-MND

Address: 5258 Hermitage Ave.  
Valley Village, CA 91607

**· The reason for the appeal:**

The Applicant has caused harm, safety issues, and an overall disruption to our community. What has been inflicted on our community is inexcusable.

The Applicant should not be allowed to proceed on a project when he has ignored, neglected and violated established protocols, ordinances, codes, and accepted standards of doing business.

One should not profit or gain valuable land use entitlements having engaged in wrongful or unlawful acts.

The MND has not provided sufficient evidence as required by CEQA 15064 and 21168.5.

As stated in the Los Angeles Municipal Code, a community must consider its general overall welfare to promote health and safety. A community must also ensure the preservation of our neighborhood's unique characteristics.

**· The specific points at issue are described herein.**

**· The public's grievances are described herein.**

**· The reasons we believe the decision-maker erred/abused their discretion are described herein.**

# LIST OF EXHIBITS

EX-A.....	LAMC SEC 12.32(G)(2)
EX-A1.....	Valley Village Specific Plan
EX-A2.....	North Hollywood Community Plan
EX-A3.....	CEQA SEC 21168.5
EX-B.....	Permit Report
EX-B1.....	Permit 15019-20000-00496
EX-B2.....	Permit 15030-10000-03449
EX-B3.....	EPA Requirements
EX-B4.....	EPA Document
EX-B5.....	LAMC Ordinance 183312
EX-C.....	AQMD FAQ
EX-C1.....	AQMD RULE 1403.
EX-C2.....	CEQA SEC 15021.
EX-C3.....	CEQA SEC 15064.
EX-C4.....	CEQA SEC 15064.4
EX-D.....	CA Natural Resources Agency
EX-D1.....	CA Fish & Game Code
EX-E.....	Soil Compaction & Trees
EX-F.....	Migratory Bird Treaty Act
EX-G.....	CA Public Resources Code
EX-H.....	CEQA SEC 15025.
EX-I.....	LAMC
EX-J.....	Health & Safety Code
EX-K.....	CA Government Code
EX-K1.....	CA Government Code
EX-L.....	Code Of Ethics
EX-M.....	Motion / Council File: 15-0728
EX-M1.....	Motion / Council File: 14-0268-S4
EX-N.....	NOTICE OF VIOLATIONS

In accordance with provisions of Section 17.03 of the Los Angeles Municipal Code (LAMC), the Advisory Agency adopted Mitigated Negative Declaration ENV-2014-2510-MND as the environmental clearance and approved Tentative Tract No. 72725-CN composed of one lot to develop five new condominium units as shown on map stamp-dated September 4, 2014 in the North Hollywood-Valley Village Community Plan. This unit density is based on the [Q]R3-1 Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Advisory Agency or a City Planner call (818) 374-9903. The Advisory Agency's approval is subject to the following conditions:

In accordance with the provisions of Section 17.03 of the Los Angeles Municipal Code, the Advisory Agency is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions. The Advisory Agency is authorized to approve, conditionally approve, or disapprove Tentative Tract Maps of proposed subdivisions, to prescribe the design, kinds, nature and extent of improvements.

One should not profit or gain valuable land use entitlements from engaging in wrongful or unlawful acts. The community is aggrieved by Applicant's having ignored, neglected and violated established protocols, ordinances, codes, and accepted standards of doing business. WE are an established, traditional, close-knit neighborhood and value the character and culture we have nurtured over the years. By not taking this into consideration before embarking on the project, the Applicant has caused a great deal of disruption to our neighborhood.

We believe the decision makers erred by not enforcing the **North Hollywood-Valley Village Specific Plan** on several accounts:

- TO ASSURE THAT THE DEVELOPMENT OF THE AREA IS IN ACCORDANCE WITH THE PROVISIONS OF THE NORTH HOLLYWOOD COMMUNITY PLAN;
- TO ASSURE THAT ALL RESIDENTIAL USES ARE CONSISTENT WITH THE GENERAL CHARACTER OF THE EXISTING DEVELOPMENTS WITHIN THE VALLEY VILLAGE AREA OF THE NORTH HOLLYWOOD COMMUNITY PLAN AREA.
- TO PRESERVE THE QUALITY AND EXISTING CHARACTER OF THE VALLEY VILLAGE AREA.
- TO MINIMIZE ADVERSE ENVIRONMENTAL EFFECTS OF DEVELOPMENT AND PROMOTE THE GENERAL WELFARE.
- Preservation and enhancement of the positive characteristics of existing residential neighborhoods
- Lack of open space in apartment projects. • Complement any unique existing developments/uses.
- Preserve and enhance the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.
- The Community Plan ensures that sufficient land is designated for housing, commercial and industrial needs as well as educational, cultural, social and aesthetic needs of the residents of the community.

#### **PURPOSE OF THE COMMUNITY PLAN**

- Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of housing opportunities with compatible new housing.
- To encourage the preservation and enhancement of the varied and distinctive residential character of the community, and to preserve the stable single-family residential neighborhoods.

(cont →)

Furthermore, the proposed project falls in the [Q]R3-1 zone.  
AMC SEC 12.32 states to PROTECT THE BEST INTEREST INTEREST OF and ASSURE A DEVELOPMENT MORE COMPATIBLE WITH THE SURROUNDING PROPERTY OR NEIGHBORHOOD.  
It also states its purpose is to PREVENT OR MITIGATE POTENTIAL ADVERSE ENVIRONMENTAL EFFECTS OF THE ZONE CHANGE.

EQA Guidelines **SEC 21168.5 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.*

Multiple requests have been made to the Department since December 2014 requesting the research and evidence upon which the Department relied when concluding their findings in the **ENV-2014-2520-MND**. This information has never been provided to us.

Please see 'EXHIBIT A, A1, A2, A3' attached hereto.



**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That a 15-foot radius property line return be dedicated at the intersection of Hermitage Avenue and Weddington Street adjoining the tract.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

2. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work prior to obtaining the Zoning clearance.
  - b. Provide a copy of DIR case DIR-2014-2511-SPP. Show compliance with all the conditions/requirements of the DIR case as applicable.

The permits on record are dated 2/25/2015 and 4/23/2015.

We believe the decision makers erred by issuing a demolition permit under the false pretense that the Applicant had complied with the rules and regulations required by the AQMD. There are also regulations and safety measures imposed by the ENVIRONMENTAL PROTECTION AGENCY, including asbestos requirements and proper disposal of waste and hazardous material generated by demolition, that when followed as required by law, result in minimal effects on both the community and the environment.

The community is exceedingly aggrieved by this because of the impact this demolition had on our environment and community. Our safety was put at risk and our health was put at risk by the Applicant's reckless behavior and disrespect of the laws.

The Applicant's submission to the Department in 2014 is recorded as 'VOID'. It was superseded by the application on 5/20/2015, which makes it fall under the aegis of Ordinance No. 183312, requiring the Applicant to post 30 days notice. The community has been aggrieved by the failure to comply which resulted in risks to the safety of the community and unnecessary harm to our environment that could have been avoided had the project followed the guidelines of the required ordinances and regulations.

GRADING PERMIT doc no 14030-20000-05391 has had "STATUS PENDING" since 9/2/2014. The only "SITE PLAN" that has been submitted as required by LAMC 91.106.3.2.1. was submitted on 2/6/2015 with a demolition permit ISSUED on 4/23/15.

Please see 'EXHIBIT B, B1, B2, B3, B4, B5' attached hereto.

4. **PRE-INSPECTION REQUIRED.** A pre-inspection performed by a Building Inspector at the site of the proposed demolition will be required before a demolition permit may be issued.

Nothing was posted on site, on the LADBS website or available from the Department reflecting a PRE-INSPECTION report had been done as required PRIOR to demolition.

**AQMD's Rule 1403** states the purpose of this rule is to specify work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials (ACM).

- The notification shall be submitted to the District no later than 10 working days before any demolition

Please see 'EXHIBIT C, C1' attached hereto.

The California Public Records Act gives citizens the right to inspect all public records of the government bodies subject to the Act.

According to the Public records Act, this includes any writing containing information relating to "the conduct of the public's business," regardless of the information's physical form. The Act covers handwriting, typewriting, photostats, photographs, maps and electronic records.

Multiple attempts were made at obtaining records from the Department that would reflect documentation consistent with the provisions of AQMD and LADBS Document No.: P/BC 2008-039

**B. INSPECTION**

1. **CALL FOR INSPECTION.** A call for inspection must be made at least 24 hours before work is to be started.
2. **PROTECTION DEVICE INSPECTION.** All required protection devices must be in place and inspected and approved by the Building Inspector prior to starting any work.
3. **FIELD CARD.** The "Demolition Inspection Record" Form No. LADBS B-8b must be posted on the job site. This card must be signed by the inspector approving the method of demolition to be used before work is started. A separate approval signature is required for each demolition method used. If the method of demolition is to be changed during the course of the job, the inspector must be called and a new approval signature obtained before the new method is **started**.
4. **SEWER CAP INSPECTION.** When the sewer has been capped, it shall not be covered until an inspection has been made by the Department. This inspection shall be requested at least 24 hours before the inspection is needed.

No FIELD CARD was posted on the site, no Demolition Inspection Report was posted on site. There was no indication this had been approved by any Department which would have permitted a safe and legal demolition, which is required PRIOR to demolition.

There is also no record of a SEWER CAP INSPECTION or any records reflecting compliance was met PRIOR to demolition.

Where is the underlying research on which the MND report was approved? It has been requested from Department of Planning on numerous occasions and appears to be unavailable.

## E. DANGEROUS CONDITIONS DURING DEMOLITION

Should a dangerous condition develop during the demolition of a structure, the demolition contractor shall immediately barricade the dangerous area, notify the Department of Building and Safety and take immediate steps to minimize the hazard. No further demolition work shall be done until approval to proceed is given by the Department of Building and Safety.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. For efficient handling of information internally and in the internet, conversion to this new format of code related and administrative information bulletins including MGD and RGA that were previously issued will allow flexibility and timely distribution of information to the public.

Page 6 of 6

The Applicant's reckless behavior caused a gas line to break during illegal demolition. The Department Of Building and Safety was notified by neighbors, but DBS did not address the issue or visit the site. Only because of an entirely separate phone call to the AQMD was the project shut down due to failure to comply with several ordinances and failure to comply with PRE-DEMOLITION requirements. This put the entire community and block at risk and in danger. The Department erred not only ensuring proper compliance had been followed PRIOR to issuing a demolition permit, but no one from the Department of Building and Safety came to the site when safety hazards were reported multiple times. The Applicant continued moving forward with demolition, AFTER being notified by the AQMD and the County Public Health Department, with ANOTHER illegal removal of an existing mature tree containing live local wildlife.

## DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

10. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. Limit the proposed development to a maximum of five (5) dwelling units.
  - b. Provide a minimum of twelve (12) parking spaces.
  - c. That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
  - d. The applicant shall install an air filtration system to reduce the effects of diminished air quality on occupants of the project.
  - e. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

The community is aggrieved by the decision-makers' permission to authorize a new five-unit condominium project accompanied by a MINIMUM of 12 parking spaces; in the place of the land's INITIAL AND PREVIOUS USE of a single-family home with a one-car garage.

The EPA estimates a single-passenger vehicle generates **more than 4.7 metric tons of emissions** in one year.

The average carbon footprint of a two-person household in zip code 91607 averages out to be **more than 31,234 pounds of emissions** in one year.

Permitting a MINIMUM of 12 additional cars into our neighborhood contributes over **56.40 METRIC TONS** and over **187,404 POUNDS OF EMISSIONS** into our community.

Please see Exhibit J attached hereto

**SECTION 15183.5. TIERING AND STREAMLINING THE ANALYSIS OF GREENHOUSE GAS EMISSIONS**  
**The statute encourages ... local governments to make land use decisions that will help the state achieve its climate goals**

The community is aggrieved by the decision-makers' permission to authorize the construction of more cement walls when the Planning Department has stated that we are in critical need of more open space, scenic views, more natural resources and more character preservation.

Please see 'EXHIBIT D' attached hereto.

The "**Constituent's Bill of Rights**" ensures that constituents are included in all land-use decisions in their neighborhood.

Every citizen has these specific rights. They are the very thing the city has implemented and required for a healthy community to sustain; privacy, spaciousness, fresh air, sunlight and good design; the things that are ultimately what benefit the City Of Los Angeles.

**30** out of **32** buildings on this block were built between **1934** and **1976**. It is this character that has contributed to the stability of the neighborhood and what has ultimately brought neighbors together. The approval of the project causes harm to our community and affects the general welfare of the people.

**DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES**

11. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770 in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition No(s). 12 and 13 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post construction/ maintenance) to ensure continued implementation of the above mentioned mitigation items.
12. Prior to the recordation of the final map, the subdivider will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

The community has been unable to locate any documentation referencing the intervention of any Advisory Agency providing periodic status reports on the implementation of mitigated items as required for any PRE-CONSTRUCTION which has taken place since June 15, 2015.



**Air Pollution (Demolition, Grading and Construction Activities)**

- MM-4 All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- MM-5 The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling and at all times provide reasonable control of dust caused by wind.
- MM-7 All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- MM-8 All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- MM-9 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- MM-10 Trucks having no hauling activity shall not idle but be turned off.

**Air Quality (Objectionable Odors – Commercial Trash Receptacles)**

- MM-11 Open trash receptacles shall be relocated a minimum of 50-feet from the property line of any residential zone or use. Trash receptacles located within an enclosed building shall not be required to observe this minimum buffer.

The community is aggrieved by the above 'MM''s due to the Applicant's failure to utilize any dust covers to reduce dust emissions, failure to wet the house down, and neglected to comply with notifying the public as required. Additionally, Applicant allowed excessive idling of machines and trucks and lack of protection to contain debris and dust. Trash, debris and overflowing construction materials discarded along the west side of the fence were less than one foot away from the sidewalk, creating a disturbance in the public's right of way.

Please see 'EXHIBIT C,C1,C2,C3' attached hereto.

**Tree Removal (Tree Report)**

MM-13 Prior to the issuance of a grading permit or building permit, the applicant shall prepare and submit a Tree Report prepared by a Tree Expert as defined in Section 17.02, indicating the location, size, type and condition of all existing trees on the site. Such report shall also contain a recommendation of measures to ensure the protection, relocation or replacement of affected trees during grading and construction activities.

Numerous requests have been made to obtain the required Tree Report from the Department. The community has been unable to locate any documentation that would support the removal of a mature tree that contained live juvenile birds, bird eggs and adult birds along with their nests. Existing wildlife in the tree that was not properly cared for or relocated as required by the **Migratory Bird Treaty Act**. The maximum benefits are obtained through mature trees.

We are aggrieved by the removal of old growth trees in favor of young trees which lack the root system & benefits provided by mature trees.

Studies demonstrate that after one-half century, compaction still afflicts soils. Recovery times for significant compaction is at least two human generations. Soils do not "come back" from compaction.

The community is aggrieved by this decision because neglecting to relocate wildlife is no different than a blatant disrespect for life in general. This has been made clear by the Applicants behavior more than once. Efforts should have been made by the Department to consider the views held by members of the public in all areas affected as stated in the **CEQA Guidelines SEC 15064**, in addition to ensuring compliance was met by the Applicant.

Please see 'EXHIBIT E' attached hereto.

The Migratory Bird Treaty Act makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations.

<http://www.fws.gov/laws/lawsdigest/migtrea.html>.

CA Department of Fish and Wildlife Section 2801 2802.

Please see 'EXHIBIT F' attached hereto.

**Increased Noise Levels (Demolition, Grading and Construction Activities)**

- MM-33 Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
- MM-34 Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- MM-35 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

The community is aggrieved by MM-33, MM-34 and MM-35 because construction activity took place whenever Applicant desired. Several neighbors work from home and were unable to carry out their tasks as a result of noise, street interference, emissions and pollution generated from multiple machines with no apparent muffling devices.

**Utilities (Local Water Supplies – New Residential)**

The proposed project demands an increase of more than five toilets, ten faucets, laundry washing machines and dishwashing machines. It is unreasonable to make the determination that the replacement of a single-family home to a five-unit multiple-story condominium does not significantly affect the environment or surrounding properties and occupants. To demand this amount of water during our State's record-breaking drought is not reasonable.

**CALIFORNIA NATURAL RESOURCES AGENCY SECTION 15183.5**

..local governments to make land use decisions that will help the state achieve its climate goals.

**Village Specific Plan**

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

**(California Land Use Practice, sec 4-7 edited by Ann H. Davis)**

Increasingly, traditional use-based zoning is also being discussed as one of the contributions to greenhouse gas emissions.

**(California Land Use Practice, sec 4-14 edited by Ann H. Davis)**

The U.S. Supreme Court held that a zoning ordinance may be unconstitutional as applied to a particular property if no practical use could be made of the land as zoned, OR if benefit to the public welfare within the area or the city was not promoted.

**PUBLIC RESOURCES CODE**

**21082.2** (a) The lead agency shall determine whether a project may have a significant effect on the environment **based on substantial evidence in light of the whole record.**

The Guidelines that implement that California Environmental Quality Act (CEQA) are enforced to institute a statewide policy of environmental protection. Projects for which there exist feasible and environmentally superior mitigation measures or alternatives should not be approved.

**CALIFORNIA GOVERNMENT CODE 65915.**

(3) (A) An Applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income;

Please see 'EXHIBIT G' attached hereto.

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

- CM-1 All demolition, grading and construction activities shall conform to the following:
- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
  - b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
  - c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
  - d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust
  - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

The premature and illegal demolition that took place on June 15, 2015 would make it impossible for the Applicant to comply with provision CM-1 which states: ALL DEMOLITION SHALL CONFORM TO THE FOLLOWING PRIOR TO THE ISSUANCE OF A GRADING OR BUILDING PERMIT, OR THE RECORDATION OF THE FINAL MAP.

If the Applicant has complied with the above Covenant Agreement (Planning Department General Form CP-6770), the community has thus far been unable to obtain a copy of such agreement. Assuming it was signed and properly filed in accordance with the Construction Mitigated Conditions, as stated in multiple pages herein, the CM-1 conditions were not met.



**DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS**

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

The Davis-Bacon Act defines "demolition" as "construction" when the demolition involves knowledge that there will be subsequent construction. This knowledge implies that there is documented evidence of the expected subsequent construction.

In this case, the Applicant neglected to comply with subsection C-1 initiating the construction process without the final recordation of the map.

All of the conditions that fall under this section are not in alignment with the Valley Village Specific Plan or the North Hollywood Community Plan.

The existing block does not consist of any condos, nor is it affordable to the class of citizens that occupy this neighborhood.

Let this be record of the community's involvement in all plan use decisions as stated by the Mayor's implementation of the Constituent Bill Of Rights.

We are aggrieved by the introduction of modern box-like architecture in our established, traditional neighborhood.

The Department has erred by neglecting to provide the public with the SPECIFIC conditions as to how this project complies with both the VALLEY VILLAGE SPECIFIC PLANS and the NORTH HOLLYWOOD COMMUNITY PLAN.

**CALIFORNIA GOVERNMENT CODE SEC 65400. (a)** *requires the planning agency to implement either the general plan or ELEMENTS 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...*

*• EIRs shall include identification of all significant effects, alternatives, and potential mitigation measures.*

**15126.2 CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS.**

*include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land, health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services.*

THE COMMUNITY VIEWS THESE SPECIFICS TO BE OF GREAT IMPORTANCE. THEY ARE ULTIMATELY WHAT DETERMINES THE CHARACTER OF OUR NEIGHBORHOOD. WE HAVE ENCLOSED ALL RELEVANT DOCUMENTATION WHICH WILL INDICATE SPECIFICALLY WHY THIS PROJECT DOES NOT WORK IN OUR NEIGHBORHOOD, IN ADDITION TO THE ILLEGALITIES & HARM CAUSED THUS FAR.



**BUREAU OF ENGINEERING - STANDARD CONDITIONS**

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

Bureau of Engineering has no records of anything pertaining to this project or address, as stated in the following email message:

*On 8/3/15 11:47 AM, eng.bondcontrol@lacity.org wrote:  
I've searched every permit in the bureau for that address and nothing shows up. Please contact 311 for other Departments.  
I am with the Bureau of Engineering and I am only able to help you with permits within this bureau.*

*Thank you.*

TENTATIVE TRACT NO. 72725-CN

PAGE 21

**NOTES:**

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

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

The community does not approve permitting the 'maximum number of units' for this project. The community does not see an overall benefit to our neighborhood by rewarding the Applicant with valuable bonuses or extras after experiencing first-hand his work ethic.

The community does not believe it is any type of enhancement to the neighborhood, nor does it or serve the public directly or indirectly. It causes harm, disturbance and poses a negative impact on the environment.

The community n has been unable to locate record of approval from the Board of Public Works for the removal of existing mature trees on site.

We are aggrieved by the increased population density created by replacing ONE single-family residence with FIVE condominium units.

We are aggrieved by the apparent lack of consideration for the character & culture of our neighborhood.

**FINDINGS OF FACT (CEQA)**

The Environmental Staff Advisory Committee issued Mitigated Negative Declaration No. ENV 2014-2510-MND on November 13, 2014. The Advisory Agency certifies that Mitigated Negative Declaration No. ENV-2014-2510-MND reflects the independent judgment of the lead agency, and determined this project, when mitigated, would not have a significant effect upon the environment.

The public fiercely objects to the above statement made by the Department. The Department has neglected to provide sufficient evidence required to conclude their determinations.

The Department found that potential impacts could result from:

- Aesthetics (landscaping, light and glare);
- Air Quality (construction, odors)
- Biology (tree removal);
- Cultural Resources (archaeological, paleontological, human remains);
- Geology (seismic, liquefaction, construction);

The community has repeatedly requested the findings from the Department qualified to make the determinations of significance to the environment. We have not been provided with anything to date.

Please see 'EXHIBIT C3, H' attached hereto.

The Advisory Agency, to mitigate the above impacts, required Condition Nos. 11, 12, and 13, as conditions of approval for the Parcel Map and determined the project would not have a significant impact upon the environment. Other identified potential impacts not mitigated by these conditions are subject to existing City ordinances (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such impacts on all projects.

The provisions of CALIFORNIA PUBLIC RESOURCES CODE 21081.6 state the lead agency must specify the location and custodian of the documents or other material **which constitute the record of proceedings upon which its decision is based.**

**21082.** states the public agency shall adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations pursuant to this division.

The decision makers have not provided any documentation with reference to their adopted regulation as to how the evaluation was done to make a determination.

**21082.2** states the record shall be based on SUBSTANTIAL EVIDENCE and NOT ON argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

It is not reasonable nor is it realistic for the proposed project to NOT HAVE a significant impact on the environment.

The resources used by a Single-Family home vs. 5 condominiums with multiple bedrooms and bathrooms exhaust natural resources, put a substantial amount of stress on our environment, in addition to not aligning with the existing environment. The decision makers have not considered any of the community's concerns and how this infringes on our neighborhood. The decision makers have also not considered the LEGAL REQUIREMENTS that would never allow a project like this to even get as far as it has.

Please see 'EXHIBIT G' attached hereto.

The Initial Study prepared for the project identifies no potential adverse impacts on fish or wildlife resources as far as earth, air, water, plant life, animal life, risk of upset are concerned. Furthermore, the project site, as well as the surrounding area is presently developed with structures and does not provide a natural habitat for either fish or wildlife. In light of the above, the project qualifies for the De Minimis Exemption for Fish and Game fees (AB 3158).

The Department has neglected to provide the specifics of their 'study' that leads them to their "NO IMPACT" conclusion. The decision makers have abused their discretion by not providing the public any substantial evidence to support their findings. Please see '**EXHIBIT A3**' attached hereto.

The above reference to concluding this project as qualifying for the DE MINIMIS EXEMPTION FOR FISH & GAME FEE has absolutely NO relevance or is applicable to the Departments 'study'. The decision maker erred by applying a completely irrelevant code in attempting to justify a 'study' that was supposedly conducted but had no substantial evidence, using De Minimis Exemption, which applies only to Historic Buildings and Archeological site projects managed by the CDF.

The Findings of Exemption stated in the De Minimis Exemption require those findings to be determined by the California Department of Forestry and Fire Protection and usually that decision is supported by the fact that the project is focused on the management by CDF of its historical resources and archaeological resources.

Please see '**EXHIBIT G1**' attached hereto.

Before illegally demolished, the natural habitat of the property was indeed a natural habitat to more than 7 birds nests. 3 of which contained bird eggs, the others juvenile birds and habitat for adults. This violates the Migratory Bird Treaty Act.

Multiple requests have been made to the Department since December 2014 requesting the research and evidence upon which the Department relied when concluding their findings in the **ENV-2014-2520-MND**. This information has never been provided to us.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 11.

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

The provisions of CALIFORNIA PUBLIC RESOURCES CODE 21081.6 state the lead agency must specify the location and custodian of the documents or other material **which constitute the record of proceedings upon which its decision is based.**

The decision maker has erred by not providing SUBSTANTIAL EVIDENCE as required in SEC 21082.2 PUBLIC RESOURCES CODE.

Please see 'EXHIBIT G' attached hereto.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Tentative Tract No. 72725-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

The Department erred by thus far approving the map despite the Applicants failure to meet or perform the requirement and conditions imposed by this division and other local ordinances enacted as stated in CALIFORNIA GOVERNMENT CODE SEC 66473.

Please see 'EXHIBIT K1' attached hereto.

Please see 'EXHIBIT N' attached hereto.

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

The adopted North Hollywood-Valley Village Community Plan designates the subject property Medium Residential with the corresponding zone of R3. The project site contains 7,575 net square-feet and is zoned [Q]R3-1. The Q Condition limits the density of development to one dwelling unit for every 1,200 square feet of land area in the project site. The proposed five condominiums are consistent with the Q Condition, the R3 zone and are therefore consistent with the General Plan.

The Department erred by not applying the Q conditions of the North Hollywood-Valley Village Specific Plans that protect the best interest of the neighborhood or sections (a)1, 2 and 3.

Please see '**EXHIBIT A**' attached hereto.

Please see '**EXHIBIT A1, A2**' attached hereto.



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

The adopted North Hollywood-Valley Village Community Plan designates the subject property Medium Residential with the corresponding zone of R3. The property contains 7,575 net square feet and is zoned [Q]R3 with the Q Condition limiting the density of development to one dwelling unit for every 1,200 square feet of land area in the project site. The proposed development of five residential condominiums is allowed and below the maximum density allowed under the current adopted zone, Q limitation, and the land use designation.

At its meeting of April, 9, 2015, the South Valley Area Planning Commission took the following action to deny the appeal for Case No. DIR-2014-2511-SPP-1A and sustain the entire Determination of the Director of Planning by approving a Project Permit Compliance for the Valley Village Specific Plan. The case was appealed because the appellant believed the existing structures, erected in the 1940's, are historically significant. The Commission denied this appeal because the structures are not designated as a historic resource or a historical/cultural monument, and therefore the project does not meet the threshold of possible negative impact for this provision of CEQA.

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

Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

The Department has erred by making determinations about historical significance that they are not qualified to make, nor is it in their jurisdiction to make those conclusions. The Mayor appointed Cultural Heritage Commission or the States Historic Department are elected appointed with what is to be assumed creditable experience to make those determinations.

Due to the illegal demolition of the property the hearing to determine cultural significance on this property will be concluded as unknown, due to the loss of opportunity to be heard and/or designated.

The proposed project is not consistent with the General OR specific plans.

Please see '**EXHIBIT A,A1,A2,A3**' attached hereto.

The Department has also erred in the failure to provide the SUBSTANTIAL EVIDENCE AS REQUIRED that would specify their findings justifying this project not meeting the threshold of negative impact.

Please see '**EXHIBIT A,A1,A2,A3**' attached hereto.

Please see '**EXHIBIT C2,C3,C4**' attached hereto.

Please see '**EXHIBIT D,G,H,K,K1**' attached hereto.

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

The site is one of a few under improved properties in the vicinity. The development of this tract is an infill of an otherwise multi-family residential neighborhood. As such, the site is physically suitable for the proposed condominium type of development.

The Department has erred by stating: "*the site is one of a few under improved properties in the vicinity.*"

What substantial evidence has been provided to determine the definition of "under improved"?

The above conclusion made describing '*the development as an infill*' does not provide substantial evidence supporting a determination of this being a 'suitable project'.

Please see LAMC section 11.57, 12.24, 16.05, 17.0 in '**EXHIBIT I**'

Research of the neighborhood would have concluded findings to provide a specific working class of citizens occupying the block and neighborhood. NONE of which interested or capable of affording 'condos' which are intended to sell for over a million dollars. 30 out of 32 buildings on the block are rent-control in addition to them being the major contributors of the character to the block.

Please see '**EXHIBIT D1,M,M1**' attached hereto.

Please see '**EXHIBIT A,A1,A2**' attached hereto.

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

The site is one of the few under improved properties in the area. The development of this tract is an infill of an otherwise multi-family residential neighborhood zoned R3 between Chandler Boulevard on the north and Magnolia Boulevard on the south. As such, the site is physically suitable for the proposed density of development.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone.

The Department has erred by stating: "*the site is one of a few under improved properties in the vicinity.*"

What substantial evidence has been provided to determine the definition of "under improved"?

The above conclusion made describing '*the development as an infill*' does not provide substantial evidence supporting the determination that this is "physically suitable'. The project's density would be the only one of its kind on the entire block, making it incompatible with the neighborhood.

Please see '**EXHIBIT D1,M,M1**' attached hereto.

Please see '**EXHIBIT A,A1,A2**' attached hereto.

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

The Initial Study prepared for the project identifies a potential adverse impact on fish or wildlife resources as far as plant life is concerned.

The Department has erred by neglecting to mention what specifically the ;proposed improvements' are to and how they contribute to the overall welfare of our community.

They have also erred by neglecting to provide the results from their 'initial study' in making the assumption that the project is 'not likely to cause substantial environmental damage or substantially and avoidably injure wildlife and their habitat.

This project has ALREADY CAUSED HARM AND DAMAGE by removing a mature tree illegally, and violating the migratory bird act treaty. Juveniles, unborn and adult birds were killed during the reckless excursion.

Please see 'EXHIBIT D1,F' attached hereto.

Please see 'EXHIBIT,M,M1' attached hereto.

Please see 'EXHIBIT A,A1,A2' attached hereto.

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

Again, the Department has erred by failing to provide research that would indicate this neighborhood does not provide habitat to wildlife. If the Constituents Bill Of Rights was properly enforced and the Planning Department included the community in its land use decisions as required, they would know our neighborhood has a significant amount of wildlife and every tree and fauna in the neighborhood is inhabited by one creature or another.

This project has resulted in the extermination of perfectly beneficial landscape and habitat used by both local wildlife and the community.

This project has ALREADY CAUSED HARM AND DAMAGE by removing a mature tree illegally, and violating the migratory bird act treaty. Juveniles, unborn and adult birds were killed during the reckless excursion.

Please see 'EXHIBIT D1,F' attached hereto.

Please see 'EXHIBIT,M,M1' attached hereto.

Please see 'EXHIBIT A,A1,A2' attached hereto.

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

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

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

The Department has erred by assuming this project poses no potential public health problems.

The Department has neglected to provide the community with substantial evidence to support their claim.

In addition to it being completely unreasonable to not expect any health problems arising out of this project.

One neighbor left his window open less than one inch which brought in piles and piles of debris from the illegal demolition.

Please see 'EXHIBIT B3, B4, C, C1,C3, C4, D, J ' attached hereto.

On the topic of the SEWER, Applicant did not comply with the required sewer cap requirements.

Please see 'EXHIBIT N' attached hereto.

## CONCLUSION



The community has herein pointed out the disrespectful approach the Applicant has taken in regards to coming into our neighborhood.

That aside, we feel the specific points addressed on negative community impact have been described in detail, with proper reference to State legislation, the City of Los Angeles's own regulations, rules and obligatory standards that have been overlooked and/or not taken into consideration.

New ordinances have been in effect where it has been finally acknowledged that: *development proposals are targeting property with existing residential development already in place. 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 and destroying the existing sense of community. The City should develop mechanisms that preserve as many RSO units as is feasible.*

The other substantial concern is the character and culture of our neighborhood. The City has also acknowledged there is an urgent need to preserve what very little is left of our city's culture and history. This is done through the preservation of existing structures -- ones that are currently occupied by longtime local residents, who chose this neighborhood for a reason. Thirty out of 32 buildings on the block were built between 1934 and 1975, a combination of single family dwellings and apartment buildings, none of which resembles anything remotely close to the appearance of this project.

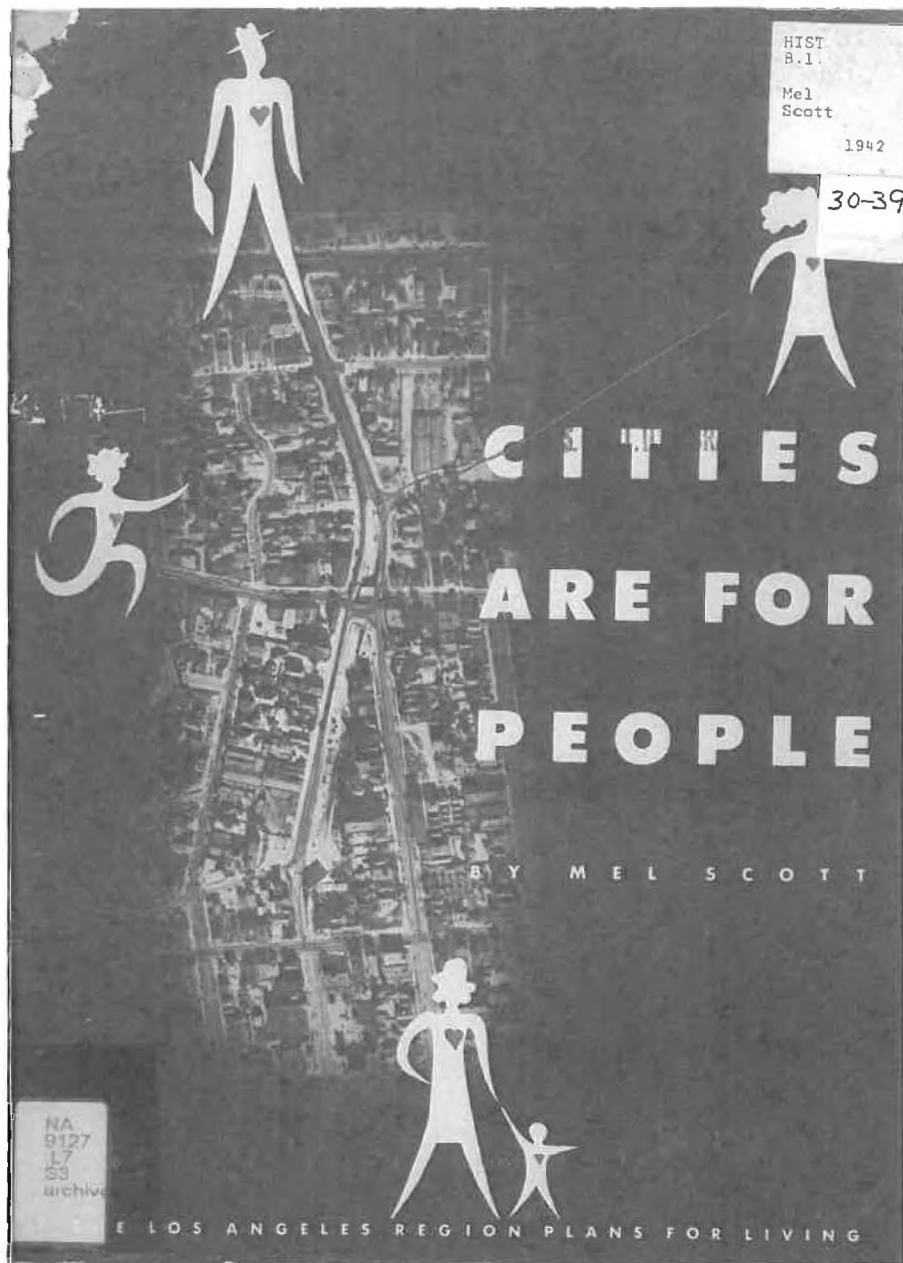
This project also requires a demand for utilities, water, and other resources our city simply cannot afford to spare. Approving the project permits to more than quadrupling negative impacts and imposing them onto the existing community.

The city is supposed to PROTECT THE BEST INTEREST OF THE NEIGHBORHOOD.  
PREVENT ADVERSE ENVIRONMENTAL EFFECTS.

The city is NOT SUPPOSED TO APPROVE A PROJECT IF THERE ARE FEASIBLE ALTERNATIVES.  
Lead Agencies are supposed to take immediate steps to identify any critical thresholds for the health and safety of the people and take all coordinated actions necessary to prevent such thresholds being reached.

There has been no substantial, or any evidence demonstrating how this project WILL NOT negatively impact the community indirectly, or directly.

RESOURCES,  
SUPPORTING DOCUMENTATION  
& MEDIA



### **WHAT MAKES A GOOD NEIGHBORHOOD?**

A home satisfies our requirements for living when it is pleasing in appearance, conveniently arranged, sunny, spacious, restful, quiet and safe. If we think of the neighborhood, like the home, as a place designed for living, we shall want it to be as orderly, attractive, and restful as a well-planned home.

The factors that make a neighborhood a good place in which to live will be easier for us to appreciate, however, if we contrast them with factors that are undesirable.

"THIS BOOK URGES ALL CITIZENS TO PARTICIPATE EQUALLY IN COMMUNITY PLANNING, SINCE ONLY THOSE PLANS WHICH REPRESENT THE ASPIRATIONS OF THE GREAT MAJORITY OF CITIZENS, SUCCEED ULTIMATELY IN A DEMOCRATIC SOCIETY. EACH OF US HAS A CIVIC RESPONSIBILITY TO STUDY THE COMMUNITY CAREFULLY, LEARNING ITS GOOD POINTS AND ITS BAD. ONLY BY SEEING THE COMMUNITY AS IT REALLY IS CAN WE HOPE TO IMPROVE IT." PAGE 4



Photograph by Julius Schulman

### PRIVACY

Every family has an intimate life of its own that it does not care about sharing with the neighbors, good friends though they may be. The home has always been a symbol of this unique and necessary exclusiveness. Garden walls, thick hedges, and ample side yards separating one house from another are means of guaranteeing to the family the desired freedom from unwelcome interference and distractions.



### CONVENIENCE

Why should not a neighborhood be as efficiently arranged as a modern kitchen? In a well-planned neighborhood there is a place for everything and everything is in its place—the school, the playground, the market and its parking space, the apartment house section, and the church. It is but a short walk to any one of these essential community features from every home in the neighborhood.



### SPACIOUSNESS

This is what we mean when we talk of "breathing space" in the neighborhood. The front yard and the back yard ordinarily do not give us the sense of freedom and the outdoors that we all crave at times. Large open spaces—playing fields surrounded by trees—can give us a taste of nature in the heart of the city, as well as opportunity for fun, relaxation, and exercise.

"THE NEED NOW IS TO RELATE ALL FURTHER IMPROVEMENTS TO BROAD, REGIONAL PLANS SO THAT EVERY STREET, HOME, PARK, AND PUBLIC BUILDING MAY FORM PART OF A COMPLETELY HARMONIOUS COMMUNITY." PAGE 4

### LACK OF PRIVACY

A semi-public life is the lot of those who live too close to one another. Not only do the neighbors overhear private conversations; morning, noon, or night their radios or pianos are apt to be an annoyance. There are two equally irksome solutions to the problem: one can move away, or one can draw the blinds and carry on all conversations in a whisper.



### INCONVENIENCE

Seven blocks to the nearest store! Steep streets to climb after a hard day's work! The school nearly a mile away! No bus or street car line within a half a mile! Any one of these conditions would make a neighborhood a difficult place in which to live. All of them combined would make it practically intolerable—yet we have such neighborhoods in our region.



### CROWDING

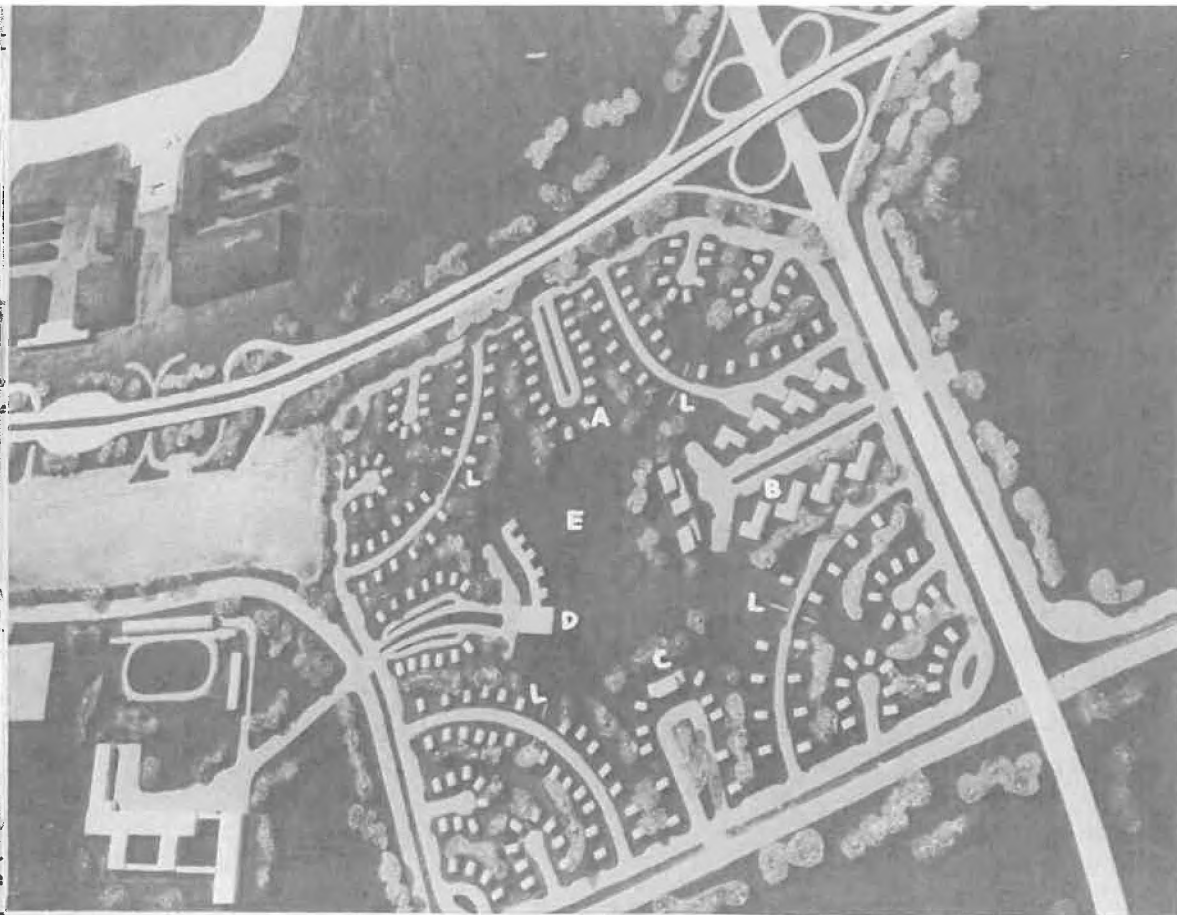
When we find long, narrow lots in rectangular blocks, we find houses close together. If there are small houses on the rear of the lots, the result is crowding—little yard space and an uncomfortable nearness of neighbors. In such surroundings we long for enjoyable open space. Occasional vacant lots are no substitute for planned spaciousness.



Photographs by L. A. County Museum

“IT HAS BEEN PROVEN THAT OUR HOME IS NOT SOMETHING APART FROM THE NEIGHBORHOOD. THE WHOLE NEIGHBORHOOD, NOT JUST THE HOUSE WE LIVE, IS OUR HOME. IF THE NEIGHBORHOOD NO LONGER SEEMS A DESIRABLE PLACE IN WHICH TO LIVE, OUR HOUSE, TOO, WILL SEEM UNDESIRABLE”.





#### THIS NEIGHBORHOOD WAS PLANNED

This is a neighborhood in which all of us would enjoy living. It has a large central playground only two or three minutes from most of the homes (E), a grammar school equipped to be used for neighborhood plays and dances (D), a shopping center close at hand (B), and a community church (C). In fact, this neighborhood is such a pleasant place that we should seldom be tempted to leave it.

Contrary to what we might think, it is not an expensive neighborhood. The homes are all moderate in cost, and the people who live in them earn no more than people who live in less inviting neighborhoods.

Because it contains nearly everything people require to satisfy their common needs, it is called a self-contained neighborhood. Unlike the gridiron district that we have just studied, it has a definite size and was carefully planned to simplify daily living for the people who call it "home." Approximately square, it measures one-half mile on a side and is, therefore, a quarter of a square mile in area. The distance from most of the houses to the school or to the stores is about a quarter of a mile—not too far either for small children or elderly persons to walk.

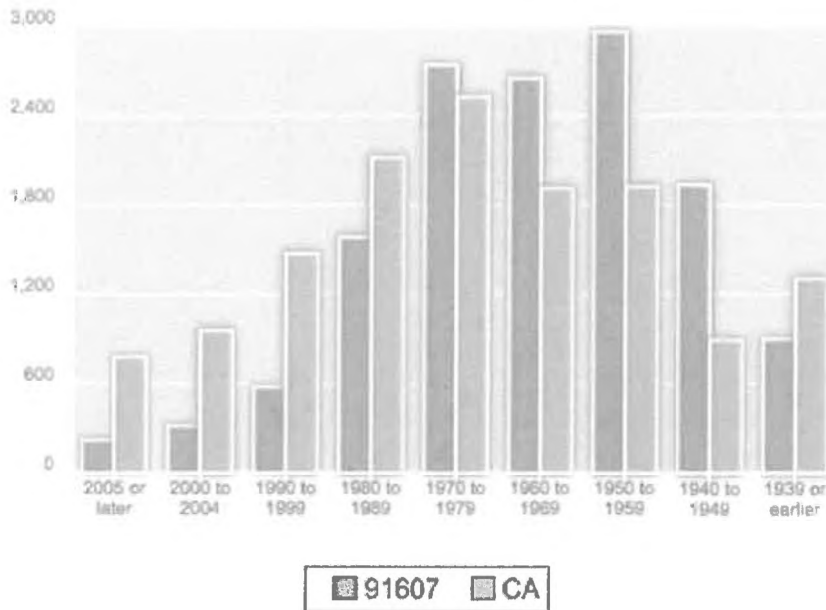
62

- PRIVACY
- SPACIOUSNESS
- FRESH AIR & SUNLIGHT
- GOOD DESIGN

CITY PLANNERS CONCLUDED THAT EVERY CITIZEN NOT ONLY SHOULD HAVE THESE SPECIFIC RIGHTS, BUT THAT THESE ARE REQUIRED FOR A HEALTHY COMMUNITY TO SUSTAIN; THAT THEY ARE ULTIMATELY WHAT BENEFIT THE CITY OF LOS ANGELES.



### Year house built



- 2005 or later: 224
- 2000 to 2004: 321
- 1990 to 1999: 579
- 1980 to 1989: 1,584
- 1970 to 1979: 2,740
- 1960 to 1969: 2,652
- 1950 to 1959: 2,964
- 1940 to 1949: 1,934
- 1939 or earlier: 898

<http://www.city-data.com/zips/91607.html>

District 2 has the lowest amount of buildings left that were built before 1939, than any other district. As of Monday, minus 1 more.



The black striped on top of the red are shown to indicate the emergency we are in for OPEN SPACE AND GREEN. **RED IS BAD. RED WITH BLACK LINES IS AN EMERGENCY.**

August 31, 2015

My name is Donna Gooley.

I am a resident of Valley Village and neighbor to property known as 5258 Hermitage Ave and one of the appellants to this case.

I share my neighbors concern for the lack of attention taken by the applicant and disregard for the laws that protect me, my neighbors and our street from harm.

The laws pertaining to safe LEAD practices were not followed.  
The laws pertaining to ASBESTOS removal were not followed.

Demolition laws were not followed. No one should be allowed or rewarded for breaking laws and putting others in danger. It is wrong and illegal.  
The disruption and disturbance the developer has caused to my neighborhood is unacceptable.

Please find the attached documentation indicative of the laws broken and unacceptable conditions the applicant brought with him to our neighborhood.

Regards,  
Donna Gooley

**COPY TO THE ADMINISTRATIVE RECORD**



# FACT SHEET

## EPA and HUD Move to Protect Children from Lead-Based Paint Poisoning; Disclosure of Lead-Based Paint Hazards in Housing

### SUMMARY

The Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) are announcing efforts to ensure that the public receives the information necessary to prevent lead poisoning in homes that may contain lead-based paint hazards. Beginning this fall, most home buyers and renters will receive known information on lead-based paint and lead-based paint hazards during sales and rentals of housing built before 1978. Buyers and renters will receive specific information on lead-based paint in the housing as well as a Federal pamphlet with practical, low-cost tips on identifying and controlling lead-based paint hazards. Sellers, landlords, and their agents will be responsible for providing this information to the buyer or renter before sale or lease.

### LEAD-BASED PAINT IN HOUSING

Approximately three-quarters of the nation's housing stock built before 1978 (approximately 64 million dwellings) contains some lead-based paint. When properly maintained and managed, this paint poses little risk. However, 1.7 million children have blood-lead levels above safe limits, mostly due to exposure to lead-based paint hazards.

### EFFECTS OF LEAD POISONING

Lead poisoning can cause permanent damage to the brain and many other organs and causes reduced intelligence and behavioral problems. Lead can also cause abnormal fetal development in pregnant women.

### BACKGROUND

To protect families from exposure to lead from paint, dust, and soil, Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992, also

known as Title X. Section 1018 of this law directed HUD and EPA to require the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of most housing built before 1978.

### EFFECT ON STATES AND LOCAL GOVERNMENTS

This rule should not impose additional burdens on states since it is a Federally administered and enforced requirement. Some state laws and regulations require the disclosure of lead hazards in housing. The Federal regulations will act as a complement to existing state requirements.

- Sellers and landlords must give buyers and renters the pamphlet, developed by EPA, HUD, and the Consumer Product Safety Commission (CPSC), titled *Protect Your Family from Lead in Your Home*.



- Home buyers will get a 10-day period to conduct a lead-based paint inspection or risk assessment at their own expense. The rule gives the two parties flexibility to negotiate key terms of the evaluation.
- Sales contracts and leasing agreements must include certain notification and disclosure language.
- Sellers, lessors, and real estate agents share responsibility for ensuring compliance.

## Lead Tech Environmental:

### What are the odds that my house contains lead paint?

- In general, the older the home, the more likely it will contain lead paint. Approximately 57 million houses, apartments, and other residences across the U.S. contain lead based paint. Based on Lead Tech's experience inspecting homes in Southern California, we can make the following generalizations. While every house is unique, the residence's age usually dictates the following odds:
  - Before 1940:** 50% on the interior, and 80% or more on exterior;
  - 1940 -1950:** 30% on interior, and >50% on the exterior;

### Why should I inspect for lead paint?

Whether you're a resident or a contractor, exposure to lead can cause serious health problems

### Contractors:

If you are going to work on a residence built prior to 1978, you are required to follow the EPA's Renovation, Repair, and Painting Rule regulations.

Testing your projects will locate and identify those building components that contain lead based paint, or even better, identify all the paint as lead free. Pursuant to the Department of Housing & Urban Development ("HUD") document entitled Guidelines for The Evaluation and Control of Lead-Based Paint Hazards in Housing, 1997 edition.

## ENVIRONMENTAL PROTECTION AGENCY

- Older homes and buildings are more likely to contain lead-based paint.
- Homes built before 1978 probably contain lead paint.
- The most common way that lead gets into the body is through dust.
- The process of demolishing older housing generates dust that includes lead from interior and exterior lead-based paint.
- This lead dust eventually falls and settles on surfaces. Demolition workers inhale this lead dust and also track the lead dust to their homes and communities.

At a minimum, we suggest that surfaces should be wetted when possible to control the spread of leaded dust into the air.

### **How do I know if my house has lead-based paint?**

**Older homes**, child care facilities, and schools **are more likely to contain lead-based paint.**

**Assume your home contains lead.**

**Especially in older homes and buildings, this is the simplest and safest approach.**

For example, **87% of homes built before 1940 have some lead-based paint.**

Hire a certified professional to check for lead-based paint.

A certified inspector or risk assessor can conduct an inspection to determine whether your home or a portion of your home has lead-based paint and where it is located.

A certified risk assessor can tell you what actions to take to address any hazards.

**Lead-based Paint ALERT- 2010 EPA Rule –  
Be Aware of the Tougher Renovation Requirements**

**What is the Rule?**

**EPA's Renovation**, Repair and Painting Rule (RRP Rule), effective since April 22, 2010, **requires EPA Certification to perform work that may disturb lead-based paint in homes, multi-family properties**, child care facilities, schools, or other buildings where children are regularly present.

**This requirement applies to renovation, demolition**, repair, weatherization, window-replacement, and painting projects in **structures built prior to 1978, and requires contractors to follow specific work practices to prevent lead contamination.**

In addition, all contractors and property managers must now distribute the EPA-required informational pamphlet prior to starting work.

**Citizen or occupant lawsuits against property owners and contractors for any observed violations of the law are protected in the Rule**, so those involved with managing properties must be confident they understand and are complying with the Rule.



## Lead Tech Environmental states:

### How many products contain asbestos?

It has been estimated that 3,000 different types of commercial products contain asbestos.

In homes built prior to 1978, asbestos is most commonly found as thermal insulation on boilers and pipes. Unfortunately, it can also be found in many other household materials, which include:

- Blown-in attic insulation
- Vinyl floor tiles – usually 9" X 9" tiles contain asbestos, but all tile should be tested to be sure
- Glue that attaches floor tiles to concrete or wood (also called "mastic")
- Some forms of linoleum
- Window caulking/putty
- Roofing materials (penetration mastic, roof felt, shingles, transite pipes)
- HVAC duct insulation (usually found in corrugated or flat paper form)
- Siding material
- Acoustic ceilings
- Stucco
- Plaster
- Drywall mud
- Fiber cement siding (usually 1/8" thick and 8' X 4', brittle)
- Corrugated heavy duty panels

### How do asbestos fibers enter the body?

- **Inhalation** – Breathing air which has asbestos-containing fibers in it, is the primary route of damaging exposure. Some of the asbestos fibers reaching the lungs are eliminated in exhaled air and others are coughed from the lungs with mucous. The fibers reaching the deepest air passages of the lungs can produce the greatest damage.
- **Ingestion** – The digestive system can be exposed to asbestos fibers from drinking water and mucous cleared from the lungs. A small number of fibers may penetrate the cells that line the digestive system, but only a few will reach the bloodstream. These fibers will be released in the urine.
- **Through the Skin** – Asbestos fibers contacting the skin rarely pass through the skin into the body.
- 

### How can I find out if I have asbestos in my home?

- It is recommended that you hire a professional California OSHA Certified Asbestos Consultant to conduct an inspection and take samples of any suspect asbestos-containing material.