

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

ORIGINAL

APPEAL TO THE: Los Angeles City Council
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: Board of Bldg & Safety Comm'rs File 140089; ENV-2014-962-MND

PROJECT ADDRESS: 10830 Chalon Road

FINAL DATE TO APPEAL: November 7, 2014

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

APPELLANT INFORMATION – Please print clearly

Name: James and Helen Zukin

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

Address: 800 Tarcuto Way

Los Angeles, CA Zip: 90077

Telephone: (310) 854-4444 E-mail: zukin@kiesel-law.com

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

REPRESENTATIVE INFORMATION

Name: _____

Address: _____

_____ Zip: _____

Telephone: _____ E-mail: _____

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

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

Entire

Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
 - Master Appeal Form
 - Justification/Reason for Appealing document
 - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."
 –CA Public Resources Code § 21151 (c)*

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

Appellant Signature: Helen Zukin

Date: November 6, 2014

Planning Staff Use Only

Amount	Reviewed and Accepted by:	Date
Receipt No.	Deemed Complete by	Date

Determination Authority Notified

Original Receipt and BTC Receipt (if original applicant)

EXHIBIT A

EXHIBIT "A"
APPEAL OF BOARD OF BUILDING AND SAFETY COMMISSIONERS FILE 140089
(CEQA CASE ENV-2014-962-MND)

I. INTRODUCTION

James and Helen Zukin (the "**Zukins**") appeal to the Los Angeles City Council (the "**City Council**") the decision of the Board of Building and Safety Commissioners ("**BBSC**") approving a Haul Route and adopting a mitigated negative declaration ("**MND**") for the construction of a large new residence (the "**Project**"), including 9,802 cubic yards ("**c.y.**") of soil export, at 10830 Chalon Road (the "**Project Site**"), requested by Tag Front (the "**Developer**") and approved by the BBSC on October 28, 2014. No determination letter has issued; nevertheless, the agenda for the October 28, 2014 BBSC hearing and Section 91.7006.7.4 of the Los Angeles Municipal Code ("**LAMC**") require an appeal within ten days of the action.¹

The Project Site comprises one parcel encompassing 23,377 square feet ("**s.f.**"; about 1/2 acre) on Chalon Road between Tarcuto Way and Sarbonne Road. The zoning is RE20-1-H and the General Plan Land Use designation is Very Low I Residential. The proposed Project consists of a three-story house of approximately 7,377 s.f., not including habitable basement floor area; a swimming pool and spa, including a deck; and a roof-top parking deck. Construction would include about 9,802 c.y. of grading, which the Developer proposes to haul via Chalon Road, south to Sarbonne Road and Bellagio Road to Sunset Boulevard and Interstate 405.

The MND, No. ENV-2014-962-MND, was completed in October 2014. As part of the Determination, the BBSC made findings under the California Environmental Quality Act ("**CEQA**") with respect to its approval of the entitlements for the Project including a finding that "the CEQA Documents are adequate under CEQA" for approval of the requested entitlements.

As described in greater detail below, the Zukins appeal the Determination because the findings and conclusions contained therein are not supported by substantial evidence. The Zukins own and reside at 800 Tarcuto Way, the neighboring property to the north and immediately down-slope of the northern portion of the Project Site and the proposed structures. Their existing residence is located near the property line, adjacent to areas where construction, including significant grading, appears likely to occur. Moreover, family members experience chronic respiratory illness and are therefore particularly sensitive to construction-related emissions, particularly diesel and dust particulate emissions. The Zukins are, therefore, aggrieved by the Determination.

II. GROUNDS FOR APPEAL

The BBSC erred and abused its discretion in approving the requested haul route including, but not limited to, the examples set forth below.

¹ LAMC §91.7006.7.4(5) states, "The decision of the board shall not be effective until 10 calendar days have elapsed from the date of the board's decision." It contains no provision for issuance of a written determination.

A. CONDITIONS OF APPROVAL NEITHER PROVIDE NOR ARE SUPPORTED BY SUBSTANTIAL EVIDENCE WITH RESPECT TO THE FINDINGS FOR THE PROJECT

As described in the comment letters provided by the Zukins and others, and as summarized below, the environmental analysis for the Project was grossly insufficient under CEQA and was misleading, and to the extent that the conditions of approval for the Project incorporate and rely upon that analysis, the conditions are not supported by substantial evidence and cannot support the findings in the Decision.

B. THE STAFF REPORT AND DETERMINATION MISLED THE PUBLIC REGARDING THE NATURE AND SCOPE OF THE PROJECT, WHICH ALSO THWARTED EFFECTIVE CEQA REVIEW.

The project description for the MND does not make the extent of the Project clear, and does not state which components of the Project—all construction activities, hauling only, grading and hauling, and whether only site preparation or also development of the house—are evaluated (to the extent that any substantive analysis of impacts occurs at all). As a preliminary matter, the Project Description is replete with omissions and inconsistencies that render impossible an understanding of the whole of the Project, as well as whether the impact analyses adequately addresses—if at all—the effects of the Project. "An accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977). Here, however, the project description falls far short, resulting in the failure of several analyses to adequately evaluate the Project's significant effects. While not clearly stated, the analysis appears to include grading and hauling. However, none of these elements are clearly and consistently articulated in the project description: for example, the number and size of caissons the residence or other structures will require and whether the soil associated with drilling is included in the excavation and haul quantities. This is further complicated, as described below, by the lack of any discussion regarding the assumptions of any of the purported quantitative analyses such as air quality, greenhouse gases, noise, and traffic. Certain Project components appear only in certain issue areas, leaving the reader to search the document for and infer the elements that collectively comprise the Project and which of those elements the analysis is intended to address.

Omitting or burying key information in appendices prevents an understanding of a Project and its impacts and renders a CEQA analysis legally defective. An MND should not force commenters to excavate the relevant points cited from masses of material "like pigs hunting for truffles." *Guatay Christian Fellowship v. County of San Diego*, 670 F.3d 957, 987 (9th Cir. 2011); *Environmental Planning and Information Council v. County of El Dorado*, 131 Cal. App. 3d. 350, 357 (1982) (finding an EIR deficient because it required information to "be painstakingly ferreted out" to determine the impacts). By omitting key information, this MND mislead the public and decisionmakers as to the reality of the impacts and subverted an accurate consideration of the actual environmental impacts of the Project.

Further, "[o]nly through an accurate view of the project may affected outside and public decision-makers balance the proposal's benefit against its environmental cost, consider

mitigation measures . . . and weigh other alternatives in the balance." *County of Inyo, supra*, 71 Cal. App. 3d at 192-93. The examples described in this appeal demonstrate foundational discrepancies among the project description and other sections of the MND, and severely compromise what little substantive analysis actually exists. As the deficiencies in the project description here prevented meaningful analysis of the Project, the MND fails in its central purpose, and the City must revise the MND to provide a complete analysis of the Project components.

C. CEQA AND OTHER ENVIRONMENTAL FINDINGS

The California Environmental Quality Act requires substantial evidence in the administrative record to support the conclusions of any environmental impact analysis and any findings regarding those conclusions. Substantial evidence includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Pub. Res. Code §21082.2; 14 Cal. Code Regs. ("Guidelines") §15384. As shown in the City's Initial Study Checklist for the project, the MND concludes that no significant air quality, noise, or traffic impacts ultimately would result from grading and hauling activities. MND, pp. 14–18. However, the MND provides no information besides baldly conclusory statements to support each of these determinations. *See* MND, pp. 21-22 (air quality, providing no quantitative analysis), 34–35 (noise, providing no quantitative analysis), 38–39 (providing no analysis of construction-related traffic at all). Moreover, during the October 28, 2014 hearing, staff and Commissioners of the BBSC made several statements regarding preparation of the MND by the Planning Department, and effectively *disclaimed the MND as reflecting their independent judgment*, contrary to CEQA.

1. The BBSC's Adoption of the MND Did Not Reflect the BBSC's Independent Judgment.

The Decision includes CEQA findings by the BBSC that the Project would not have a significant impact on the environment, and other required findings under CEQA include the MND reflecting the *independent judgment and analysis of the BBSC*. CEQA Guidelines §15074(b). However, after testimony by the Zukins' counsel, and during discussions regarding preparation of the MND, at least one Commissioner—Commissioner Hovaguimian—opined that the Department of City Planning should address the MND, and that the BBSC was not justified in commenting on the MND. Other comments indicated no knowledge at all of the contents of the MND: for example, President Ambatielos asked staff whether discussion of air quality issues actually occurred in the MND, as well as whether such discussions were typical of MNDs in general.² Other discussion of the MNDs that accompanied haul route applications indicated that the BBSC had no involvement in preparation of the MNDs and no knowledge of their substance, and did not substantively alter them in response to public comments. Consequently, the MNDs cannot reflect the BBSC's independent judgment, as CEQA requires, and *any finding by the BBSC is not merely unsupported, but is contradicted by the record*.

² In response to President Ambatielos' question, staff referenced the mitigation measures included in the front of the MND, and did not respond to the comment posed by Council for the Zukins—namely, that the MND contained no substantive *analysis*.

2. The Air Quality Analysis in the Final EIR Failed to Provide any Quantitative Analysis to Support its Conclusions.

The MND provided no quantitative analysis to support any conclusions regarding air quality impacts. *See* MND, pp. 21-22 (air quality), nor does the MND expressly reference or rely upon any external analysis. These omissions are all the more puzzling because each of these impact categories is based on numeric thresholds and therefore requires quantitative analysis. For example, the City's *CEQA Thresholds Guide* relies upon the numeric thresholds of the South Coast Air Quality Management District ("SCAQMD"), the regional agency charged with regulating air quality in the air basin that includes Los Angeles, for construction-related air quality analysis. At a minimum, an impact determination supported by substantial evidence requires the following:

- A discussion of the existing conditions;
- A clear statement of the analytical assumptions of the analysis (e.g., the number and types of equipment and workers, and assumptions regarding activities and grading volumes assumed per day);
- The method of calculating pollutants;
- A comparison of the calculated values and the numeric thresholds; and, where appropriate,
- The effect of any mitigation measures (i.e., the reductions in pollutants anticipated, and the effect of those reductions on the analysis).

As the MND provides virtually none of this information for any of its impact analyses, the conclusions of its impact discussion simply are not supported by substantial evidence in the record, and reliance by the City on those conclusions constitutes an illegal abuse of discretion. Moreover, the failure to evaluate impacts prevents consideration of reasonable mitigation measures such as more limited construction and/or hauling hours, or reductions in the number of daily or hourly truck trips.

The Zukins' comment letter identified this omission, and provided substantial evidence to support a fair argument that a significant impact could occur with respect to particulate emissions. The Zukins provided an analysis, including detailed calculations, by an established environmental consultant (Pomeroy Environmental Consulting): this analysis demonstrated that significant impacts with respect to construction-related particulate emissions (diesel and dust) could occur, even with implementation of the mitigation measures identified in the MND. Similarly, the Zeilenga letter, also in the record, provided substantial evidence to support a fair argument that a significant impact could occur with respect to Localized Significance Thresholds. However, *the BBSC never substantively addressed or rectified these omissions, and never provided any evidence—let alone substantial evidence—to refute the evidence provided by the Zukins and Mr. Zeilenga.*

3. Noise

As stated in the Zukins' letter and in testimony by the Zukins' counsel, the same lack of any evidence to support the conclusions of the air quality analysis of the MND applies to

the noise analysis. See MND, pp. 34–35 (noise). Moreover, as with air quality, substantial evidence supports a fair argument that a significant impact would occur. In this case, that evidence comes from the City’s *CEQA Thresholds Guide* itself, which specifies anticipated noise levels from a range of construction equipment, and these noise levels significantly exceed the numeric thresholds established in the same document. Consequently, ***a fair argument still exists that significant construction-related noise impacts would occur***, and the record contains no evidence—let alone substantial evidence—to the contrary.

4. Traffic

As detailed in the Zukins’ previous letter to the BBSC, as well as in the Zeilenga letter to the BBSC, the traffic analysis in the MND is marred by serious and significant shortcomings, including failures to model actual anticipated traffic and failures to qualitatively account for cumulative construction-related traffic in the Bel Air neighborhood. Even staff acknowledged the multiple projects and discussed “getting involved in cumulative impacts, with everything that’s going on.” These shortcomings result in an understatement of impacts, and a lack of analysis that fails to provide any evidence—let alone substantial evidence—to support the MND’s conclusions. See MND, pp. 38–39 (providing no analysis of construction-related traffic at all).

Additionally, as the Bel Air neighborhood includes no sidewalks, residents regularly use the streets for walking. Therefore, construction vehicles create and exacerbate the potential for conflicts among heavy vehicles and pedestrians. Moreover, many truck drivers may be new to or inexperienced in the area, with its narrow, winding roads, increasing the potential for collisions with other vehicles and with people. Moreover, the Zeilenga letter incorporated by reference substantial evidence demonstrating a significant cumulative traffic impact as a result of hauling and other construction activities in the Bel Air neighborhood. However, the MND does not provide any substantive discussion of this issue, leaving its impact conclusions unsupported by any evidence.

5. The MND Contains Mitigation Measures that Staff Conceded are Unenforceable in their Current Form.

During the presentation to the BBSC, ***staff opined that Mitigation Measure VIII-40 (p. 5 of the MND) was unenforceable in the form written***: that is, the Department of Building and Safety (“DBS”), though charged by the measure with enforcing its provisions, had no authority to do so. Robert Steinbach specified that either the City’s Department of Transportation or the Bureau of Street Services was the appropriate body for enforcement. As a result of these discussions, the BBSC determined that with “clarification,” this measure was enforceable and adopted the MND on that, among other, bases. However, no mere clarification can shift responsibility for enforcement of mitigation measures—the measure must identify the appropriate body with the authority to ensure implementation, and the failure to do so here renders the measure unenforceable. To the extent the significance conclusions of the MND with respect to the traffic impacts rely on that unenforceable measure, those conclusions are not supported by substantial evidence, and ***a significant impact remains***. Statements by staff at the hearing indicate that this is a widespread and recognized problem, and suggested the need to

“break down an MND by agency and who has the authority to [enforce which provisions].” At a minimum, the City must modify the condition to ensure enforcement.

D. THE CITY IS REQUIRED BY CEQA TO REVISE AND RECIRCULATE THE MND, AND POSSIBLY TO PREPARE AN EIR.

Given the near complete lack of evidence to support the conclusions of the MND, and for the reasons described above, the Board should deny the proposed haul route and instruct staff to revise and recirculate the MND to adequately inform the public and decisionmakers of the scope of the grading and hauling activities and their environmental effects.

Further, an agency must prepare an EIR instead of an MND if substantial evidence in the record supports a "fair argument" that a significant impact *may* result from a project. *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 75 (1974). The fair argument test is a low threshold. *Porterville Citizens for Responsible Hillside Development v. City of Porterville*, 157 Cal.App.4th 885 (2007). Here, however, *no evidence—let alone substantial evidence—supports the significance conclusions of the MND*. As the data provided by Mr. Zeilenga and the Zukins are uncontested by the MND or the record, the BBSC had no alternative information on which to rely, and a contrary conclusion is wholly unsupported. Consequently, the City likely should prepare an EIR to evaluate noise and vibration effects, at a minimum, as well as other construction-related impacts.

III. CONCLUSION

For the reasons stated above and those presented in comment letters and during the hearing before the BBSC, the Zukins respectfully requests that the City Council overturn the Decision and all entitlements previously approved on its basis, and refuse to adopt the MND. In the alternative, City Council should refrain from taking action on the Project, and should instead direct staff to revise and recirculate the MND to correct the numerous deficiencies identified here and in other submittals by Zukins and others.

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

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CITY OF LOS ANGELES
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ERIC GARCETTI
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DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

November 6, 2014

BOARD FILE: 140089
C.D.: 5

HHP Investments, L.P.
P.O. Box 765 P
Beverly Hills, CA 90213

JOB ADDRESS: 10830 WEST CHALON ROAD
TRACT: TR 9745; BLK 1; LOT 3 (Arb 1 & Arb 2)
TRACT: TR 7656; BLK 2; LOT 12 (Arb 3 & Arb 4)

The Board of Building and Safety Commissioners, at its meeting of October 28, 2014, gave consideration to the application by Tag Front, to export 9,802 cubic yards of earth, from the above-referenced property.

The Board took the following actions:

1. FIND that with the imposition of the mitigation measures described in the MND, and incorporated herein as project conditions, there is no substantial evidence that the proposed project will have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental quality Act.
2. ADOPT the Mitigated Negative Declaration ENV-2014-962-MND.
3. APPROVE the application subject to all conditions specified in the Department's report dated October 18, 2014 with the following condition:
 - a. Item C.13 shall be added as follows:

Provide a truck placard with the project address.

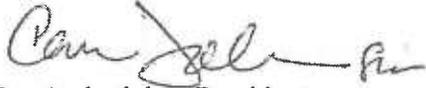
This action becomes effective and final when ten calendar days have elapsed from the date of the Board's action, unless an appeal is filed to the City Council pursuant to Section 91.7006.7.4 of the Los Angeles Municipal Code.

Page 2

Job Address: 10830 WEST CHALON ROAD

Board File: 140089

When a proposed Negative or Mitigated Negative Declaration has been approved, Public Resources Code Section 21152(a) requires that a Notice of Determination ("NOD") be filed within five working days after the effective date of the decision. The filing of the NOD with the County Clerk starts a 30-day statute of limitations on court challenges to the approval of the project pursuant to Public Resources Code Section 21167. Failure to file the notice results in the statute of limitations being extended to 180 days.



Van Ambatielos, President

BOARD OF BUILDING AND SAFETY COMMISSIONERS

NOT VALID WITHOUT STAMP AND SIGNATURE

CJ:mct
140089.FAL

c: Sr. Grading Inspector S. Valenzuela
Noah Muhlstein
Tag Front
Emanoel Sadighpour
Ronnie Baker
Gary Hunt
Neill Brower

October 28, 2014

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
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201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

October 18, 2014

BOARD FILE NO. 140089
C.D.:5 (Councilmember P. Koretz)

Board of Building and Safety Commissioners
Room 1080, 201 North Figueroa Street

APPLICATION TO EXPORT 9,802 CUBIC YARDS OF EARTH

PROJECT LOCATION: 10830 WEST CHALON ROAD

TRACT: TR 9745 TR 7656

BLOCK: BLK 1 BLK 2

LOT: 3 (Arb 1 & Arb 2) 12 (Arb 3 & Arb 4)

OWNER:

HHP Investments, L.P.
P.O. Box 765 P
Beverly Hills, CA 90213

APPLICANT:

Tag Front
1117 N. Sherbourne Drive
West Hollywood, CA 90069

The Department of Transportation (DOT) and the Department of Public Works (DPW) have reviewed the subject haul route application and have forwarded the following recommendations to be considered by the Board of Building and Safety Commissioners (Board) in order to protect the public health, safety and welfare.

CONDITIONS OF APPROVAL

Additions or modifications to the following conditions may be made on-site at the discretion of the Grading Inspector, if deemed necessary to protect the health, safety, and welfare of the general public along the haul route.

Failure to comply with any conditions specified in this report may void the Board's action. If the hauling operations are not in accordance with the Board's approval, The Department of Building and Safety (DBS) shall list the specific conditions in violation and shall notify the applicant that immediate compliance is required. If the violations are not corrected or if a second notice is issued by DBS for violations of any of the conditions upon which the approval was granted, said approval shall be void. Inasmuch as Board approval of the import-export operations is a condition precedent to issuing a grading permit in a "hillside" designated area, violation of this condition may result in the revocation of the grading permit issued in reliance of this approval.

A. PERMITS AND BONDS REQUIRED BY THE DEPARTMENT OF PUBLIC WORKS:

PERMIT FEE MUST BE PAID BEFORE THE DEPARTMENT OF BUILDING AND SAFETY WILL ISSUE A GRADING PERMIT.

1. Under the provisions of Section 62.201 of the Los Angeles Municipal Code, the following permit fee shall be required:
 - a) A total of 9,802 cubic yards of material moved 2.0 miles within the hillside area at a rate of \$0.29 per cubic yard per mile results in a fee of \$3,000.00.
2. The required permit fee shall be paid at the Street Services Investigation and Enforcement Division office, 1149 South Broadway, Suite 350, Los Angeles, California, 90015, telephone (213) 847-6000.
3. Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of \$50,000.00 shall be required from the property owner to cover any road damage and any street cleaning costs resulting from the hauling activity.
4. Forms for the bond will be issued by Susan Sugay, Bond Processor, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 351, Van Nuys, CA 91401; telephone (818) 374-5082.

B. GENERAL CONDITIONS:

1. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind, at the sole discretion of the grading inspector.

2. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
3. The Traffic Coordinating Section of the Los Angeles Police Department shall be notified at least 24 hours prior to the start of hauling, (213) 486-0688/486-0690.
4. Loads shall be secured by trimming or watering or may be covered to prevent the spilling or blowing of the earth material. If the load, where it contacts the sides, front, and back of the truck cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area, the load is not required to be covered, pursuant to California Vehicle Code Section 23114 (e) (4).
5. Trucks and loads are to be watered at the export site to prevent blowing dirt and are to be cleaned of loose earth at the export site to prevent spilling.
6. Streets shall be cleaned of spilled materials during grading and hauling, and at the termination of each workday.
7. The owner/contractor shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
8. The owner/contractor shall comply with all regulations set forth by the State of California Department of Motor Vehicles pertaining to the hauling of earth.
9. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.
10. The owner/contractor shall notify the Street Services Investigation and Enforcement Division, (213) 847-6000, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division prior to effecting any change.
11. No person shall perform any grading within areas designated "hillside" unless a copy of the permit is in the possession of a responsible person and available at the site for display upon request.
12. A copy of this report, the approval letter from the Board and the approved grading plans shall be available on the job site at all times. A request to modify or change the approved routes must be approved by the Board of Building and Safety Commissioners before the change takes place.
13. The grading permit for the project shall be obtained within twelve months from the date of action of the Board. If the grading permit is not obtained within the specified time, re-application for a public hearing through the Grading Division will be required.

14. A log noting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
15. This approval pertains only to the City of Los Angeles streets. Those segments of the haul route outside the jurisdiction of the City of Los Angeles may be subject to permit requirements and to the approval of other municipal or governmental agencies and appropriate clearances or permits is the responsibility of the contractor.
16. **The applicant shall defend, indemnify and hold harmless the City of Los Angeles (City), its agents, officers, or employees, from any claim, action, or proceeding against the City to attack, set aside, void or annul this approval, which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.**
17. **A copy of the first page of this approval and all Conditions and/or any subsequent appeal of this approval and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the City's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.**

C. SPECIFIC CONDITIONS

An authorized Public Officer may make additions to, or modifications of, the following conditions if necessary to protect the health, safety, and welfare of the general public.

1. The hauling operations are restricted to the hours between 9:00 a.m. and 3:00 p.m. on Mondays through Fridays. No hauling allowed on Saturdays, Sundays or holidays. Haul vehicles may not arrive at the site before the designated start time.
2. Hauling of earth shall be completed within the maximum time limit of 90 hauling days.
3. Staging is allowed on site only.
4. The approved haul vehicles are 10 wheeler dump trucks.
5. Total amount of dirt to be hauled shall not exceed 9,802 cubic yards.

6. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction. Six additional signs will be placed at the following locations:
 - A. Two on Chalon Road in advance Sarbonne Road.
 - B. One on Sarbonne Road in advance of Bellagio Road.
 - C. One on Bellagio Road north of the intersection of Sarbonne Road and Bellagio Road.
 - D. One on Barnaby Road in advance of Bellagio Road.
 - E. One on Ambazac Way in advance of Bellagio Road.

7. Minimum of three flag attendants, each with two-way radios, will be required during hauling hours to assist with staging and getting trucks in and out of the project area. One flag attendant will be placed at the following locations:
 - A. The entrance of the project site.
 - B. The intersection of Chalon Road and Sarbonne Road.
 - C. The intersection of Sarbonne Road and Bellagio Road.

Flag persons and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."

(The intent of two-way radio communication is to permit the flag attendants to temporarily cease hauling to allow emergency or utility vehicles safe access.)

8. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along streets in haul route.

9. The recommended route is as follows:

LOADED TRUCKS:

Exit project site eastbound on Chalon Road, turn right (south) on Sarbonne Road, right (west) on Bellagio Road, left (south) on Bellagio Way, right (west) on Sunset Boulevard, right (north) on Sepulveda Way, right (north) on Sepulveda Boulevard, enter northbound I-405 Freeway at Moraga Drive, transition eastbound US-101 Freeway, transition eastbound CA-134 Freeway, exit northbound on Figueroa Street and continue to Scholl Canyon Landfill.

EMPTY TRUCKS:

From the disposal site, travel westbound on CA-134 Freeway, transition westbound on US-101 Freeway, transition southbound I-405 Freeway, exit southbound on Church Lane, turn left (east) on Sunset Boulevard, left (north) on Bellagio Way, right (east) on Bellagio Road, left (north) on Sarbonne Road, left (west) on Chalon Road and continue to the project site.

10. The applicant shall provide a staked sign at the site containing the contact information for the Senior Street Services Investigator (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor. The letters shall be a minimum of 3 inches in height.

D. ENVIRONMENTAL CONDITIONS

A Mitigated Negative Declaration (MND) was prepared for this project by the Department of City Planning (ENV-2014-962-MND). Each mitigation measure identified in the MND is incorporated herein by reference as though fully set forth, and compliance with each is expressly made a condition of this project approval.

E. MANDATORY FINDINGS AND RECOMMENDED ACTIONS

1. On July 28, 2014, the Department of City Planning issued the above described MND No. (ENV-2014-962-MND).
2. FIND that this project will not have a significant effect on the environment under the above described MND No. (ENV-2014-962-MND) because on the basis of the whole of the record before the Lead Agency, including any comments received, the Lead Agency FINDS that with the imposition of the mitigation measures described in the MND, and incorporated herein as project conditions, there is no substantial evidence that the proposed project will have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the MND reflects the independent judgment of the lead agency, the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in the files of the Los Angeles Department of Building and Safety Commission Office.
3. ADOPT the Mitigated Negative Declaration (ENV-2014-962-MND).

CODE:

SEC. 91.7006. CONDITIONS PRECEDENT TO ISSUING A GRADING PERMIT.

Section 91.7006.7. Limitation of Export and Import

5. At the public hearing, the Board of Building and Safety Commissioners shall consider the views of the applicant and all other affected persons. The board shall then grant or conditionally grant approval of export and import operations or, in the event it determines that the grading activity, including the hauling operation, will endanger the public health, safety and welfare, it shall deny the request. Where conditions of the permit are recommended by the Department of Public Works, including the condition that a bond be posted pursuant to Section 62.202 of the Los Angeles Municipal Code, such conditions shall be made a part of any permit which may be issued. The decision of the board shall not be effective until 10 calendar days have elapsed from the date of the board's decision.

6. Any affected person, including the applicant, who is dissatisfied with the decision of the board, may appeal the board decision within 10 days to the City Council by filing an appeal with the city clerk on forms which the city clerk provides. The City Council shall hear and make its determination on the appeal not later than the 30th day after the appeal has been filed. The decision of the City Council on the matter shall be final. If the City Council fails to act on any appeal within the time limit specified in this section, the action of the board on the matter shall be final.

RAYMOND S. CHAN, C.E., S.E.
General Manager

October 28, 2014


Jason Healey
Staff Engineer, Commission Office

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

LEAD CITY AGENCY
 City of Los Angeles

COUNCIL DISTRICT
 CD 5 - PAUL KORETZ

PROJECT TITLE
 ENV-2014-962-MND

CASE NO.

PROJECT LOCATION
 10830 W CHALON ROAD

PROJECT DESCRIPTION

The proposed project includes the demolition of an existing 64-years old, single-family dwelling and the construction of a 27'-4", three story (lower two partially subterranean), and 7,733 square foot single family home, 9062 square foot pool deck and motor court, and 12,185 square foot landscaping. The project's retaining walls will have cumulative heights that will range from 10 to 35 feet. There are 24 existing mature trees (not protected species), 18 of them will be removed. As proposed, the project requires an approval of a haul route to permit the exporting of 9,802 cubic yards of soil.

NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY

Mehdi Rafaty
 1117 N. Sherbourne Dr. West Hollywood, CA 90069

FINDING:

The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measure(s) outlined on the attached page(s) will reduce any potential significant adverse effects to a level of insignificance

(CONTINUED ON PAGE 2)

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

Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt the mitigated negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.

NAME OF PERSON PREPARING THIS FORM

TITLE

TELEPHONE NUMBER

NAOMI GUTH

City Planner

(213) 978-1171

ADDRESS

SIGNATURE (Official)

DATE

200 N. SPRING STREET, 7th FLOOR
 LOS ANGELES, CA. 90012



07/28/14

MITIGATED NEGATIVE DECLARATION
ENV-2014-962-MND

I-30. Aesthetics (Hillside Site Design, Undeveloped Site)

- Environmental impacts, such as alteration of existing or natural terrain may result from project implementation. However, these impacts will be mitigated to a less than significant level by the following measures:
- Grading shall be kept to a minimum.
- Natural features, such as prominent knolls or ridge lines, shall be preserved.
- The project shall comply with the City's Hillside Development Guidelines.

I-120. Aesthetics (Light)

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

I-130. Aesthetics (Glare)

- Environmental impacts to adjacent residential properties may result from glare from the proposed project. However, the potential impacts will be mitigated to a less than significant level by the following measure:
- The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

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

-
- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

IV-10. Habitat Modification (Nesting Native Birds, Hillside or Rural Areas)

- The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). The following measures are as recommended by the California Department of Fish and Game:
- If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
- a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- b. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.
- c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.

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- d. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

IV-30. Wildlife Corridor

- Environmental impacts from project implementation may result in: 1) conversion and/or disturbance of existing animal habitat area on-site and proximal to the site, and 2) disruption of access corridors between habitat areas. However, these impacts will be mitigated to a level of insignificance by the following measures:
- Post-construction landscape treatment shall be implemented to insure preservation of habitat for wildlife. Where habitat has been preserved, use of native plant materials shall be required.

IV-50. Tree Report

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- Prior to the issuance of a grading 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.

IV-60. Tree Preservation (Grading Activities)

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- "Orange fencing" or other similarly highly visible barrier shall be installed outside of the drip line of locally protected and significant (trunk diameter of 8 inches or greater) non-protected trees, or as may be recommended by the Tree Expert. The barrier shall be maintained throughout the grading phase, and shall not be removed until the completion and cessation of all grading activities.

IV-70. Tree Removal (Non-Protected Trees)

- Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

V-20. Cultural Resources (Archaeological)

- Environmental impacts may result from project implementation due to discovery of unrecorded archaeological resources. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- If any archaeological materials are encountered during the course of project development, all further development activity shall halt and:
- The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
- Project development activities may resume once copies of the archaeological survey, study or report are submitted to: SCCIC Department of Anthropology, McCarthy Hall 477, CSU Fullerton, 800 North State College Boulevard, Fullerton, CA 92834.
- Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
- A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

V-30. Cultural Resources (Paleontological)

- Environmental impacts may result from project implementation due to discovery of unrecorded paleontological resources. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:

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- a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.
- Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.
- A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

V-40. Cultural Resources (Human Remains)

- Environmental impacts may result from project implementation due to discovery of unrecorded human remains.
- In the event that human remains are discovered during excavation activities, the following procedure shall be observed:
 - a. Stop immediately and contact the County Coroner: 1104 N. Mission Road, Los Angeles, CA 90033. 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
 - b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
 - c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
 - d. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
 - e. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
 - f. If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.
- *Discuss and confer* means the meaningful and timely discussion careful consideration of the views of each party.

VI-10. Seismic

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

VI-30. Erosion/Grading/Short-Term Construction Impacts (Hillside Grading Areas)

- Environmental impacts may result from the visual alteration of natural landforms due to grading. However, this impact will be mitigated to a less than significant level by the following measures:
 - The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division.
 - Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

VI-50. Geotechnical Report

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- Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

VI-60. Landslide Area

- Environmental impacts may result due to the proposed project's location in an area with landslide potential. However, these potential impacts will be mitigated to a less than significant level by the following measures:
- Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any landslide and soil displacement, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

VIII-10. Explosion/Release (Existing Toxic/Hazardous Construction Materials)

- Due to the age of the building(s) being demolished, toxic and/or-hazardous construction materials may be located in the structure(s). Exposure to such materials during demolition or construction activities could be hazardous to the health of the demolition workers, as well as area residents, employees, and future occupants. However, these impacts can be mitigated to a less than significant level by the following measure:
- **(Asbestos)** Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
- **(Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- **(Polychlorinated Biphenyl – Commercial and Industrial Buildings)** Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.

VIII-40. Hillside Construction Staging and Parking Plan

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- Prior to the issuance of a grading or building permit, the applicant shall submit a Construction Staging and Parking Plan to the Department of Building and Safety and the Fire Department for review and approval. The plan shall identify where all construction materials, equipment, and vehicles will be stored through the construction phase of the project, as well as where contractor, subcontractor, and laborers will park their vehicles so as to prevent blockage of two-way traffic on streets in the vicinity of the construction site. The Construction Staging and Parking Plan shall include, but not be limited to, the following:
- No construction equipment or material shall be permitted to be stored within the public right-of-way.
- If the property fronts on a designated Red Flag Street, on noticed "Red Flag" days, all the workers shall be shuttled from an off-site area, located on a non-Red Flag Street, to and from the site in order to keep roads open on Red Flag days.
- During the Excavation and Grading phases, only one truck hauler shall be allowed on the site at any one time. The drivers shall be required to follow the designated travel plan or approved Haul Route.
- Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, or removal of graded soil shall be limited to off-peak traffic hours, Monday through Friday only. No truck deliveries shall be permitted on Saturdays or Sundays.

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- All deliveries during construction shall be coordinated so that only one vendor/delivery vehicle is at the site at one time, and that a construction supervisor is present at such time.
- A radio operator shall be on-site to coordinate the movement of material and personnel, in order to keep the roads open for emergency vehicles, their apparatus, and neighbors.
- During all phases of construction, all construction vehicle parking and queuing related to the project shall be as required to the satisfaction of the Department of Building and Safety, and in substantial compliance with the Construction Staging and Parking Plan, except as may be modified by the Department of Building and Safety or the Fire Department.

VIII-70. Emergency Evacuation Plan

- Environmental impacts may result from project implementation due to possible interference with an emergency response plan. However, these potential impacts will be mitigated to a less than significant level by the following measure:
- Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

IX-10. Groundwater Quantity (Dewatering System)

- Environmental impacts to groundwater quantity may result from implementation of the proposed project through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capacity. The Department of Building and Safety requires, when feasible, that applicants modify the structural design of a building so as not to need a permanent dewatering system. When a permanent dewatering system is necessary, the Department of Building and Safety require the following measures to mitigate the impacts to a less than significant level:
- Prior to the issuance of any permit for excavation, the applicant shall, in consultation with the Department of Building and Safety, submit a Dewatering Plan to the decision-maker for review and approval. Such plan shall indicate estimates for how much water is anticipated to be pumped and how the extracted water will be utilized and/or disposed of.
- Extracted groundwater shall be pumped to a beneficial on-site use such as, but not limited to: 1) landscape irrigation; 2) decorative fountains or lakes; 3) toilet flushing; or 4) cooling towers.
- Return water to the groundwater basin by an injection well.

XVI-30. Transportation (Haul Route)

- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- **(Hillside and Subdivisions):** Projects involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.
- **(Hillside Projects):**
- All haul route hours shall be limited to off-peak hours as determined by Board of Building and Safety Commissioners.
- The Department of Transportation shall recommend to the Building and Safety Commission Office the appropriate size of trucks allowed for hauling, best route of travel, the appropriate number of flag people.
- The Department of Building and Safety shall stagger haul trucks based upon a specific area's capacity, as determined by the Department of Transportation, and the amount of soil proposed to be hauled to minimize cumulative traffic and congestion impacts.
- The applicant shall be limited to no more than two trucks at any given time within the site's staging area.

XVI-40. Safety Hazards

- Environmental impacts may result from project implementation due to hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses. However, the potential impacts can be mitigated to a less than significant level by the following measure:
- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

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

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:

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- The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - Use of landscape contouring to minimize precipitation runoff
 - A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

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

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:
 - If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
 - Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
 - Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
 - A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
 - Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

XVII-90. Utilities (Solid Waste Recycling)

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

XVII-100. Utilities (Solid Waste Disposal)

- All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

XVIII-10. Cumulative Impacts

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- There may be environmental impacts which are individually limited, but significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. However, these cumulative impacts will be mitigated to a less than significant level through compliance with the above mitigation measures.

XVIII-20. Effects On Human Beings

- The project has potential environmental effects which cause substantial adverse effects on human beings, either directly or indirectly. However, these potential impacts will be mitigated to a less than significant level through compliance with the above mitigation measures.

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

LEAD CITY AGENCY City of Los Angeles	COUNCIL DISTRICT CD 5 - PAUL KORETZ
--	---

PROJECT TITLE ENV-2014-962-MND	CASE NO.
--	-----------------

PROJECT LOCATION
10830 W CHALON ROAD

PROJECT DESCRIPTION
 The proposed project includes the demolition of an existing 64-years old, single-family dwelling and the construction of a 27'-4", three story (lower two partially subterranean), and 7,733 square foot single family home, 9062 square foot pool deck and motor court, and 12,185 square foot landscaping. The project's retaining walls will have cumulative heights that will range from 10 to 35 feet. There are 24 existing mature trees (not protected species), 18 of them will be removed.
 As proposed, the project requires an approval of a haul route to permit the exporting of 9,802 cubic yards of soil.

NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY
 Mehdi Rafaty
 1117 N. Sherbourne Dr. West Hollywood, CA 90069

FINDING:
 The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measure(s) outlined on the attached page(s) will reduce any potential significant adverse effects to a level of insignificance
 (CONTINUED ON PAGE 2)

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

Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt the mitigated negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.

NAME OF PERSON PREPARING THIS FORM	TITLE	TELEPHONE NUMBER
NAOMI GUTH	City Planner	(213) 978-1171

ADDRESS	SIGNATURE (Official)	DATE
200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012		07/28/14

I-30. Aesthetics (Hillside Site Design, Undeveloped Site)

- Environmental impacts, such as alteration of existing or natural terrain may result from project implementation. However, these impacts will be mitigated to a less than significant level by the following measures:
- Grading shall be kept to a minimum.
- Natural features, such as prominent knolls or ridge lines, shall be preserved.
- The project shall comply with the City's Hillside Development Guidelines.

I-120. Aesthetics (Light)

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

I-130. Aesthetics (Glare)

- Environmental impacts to adjacent residential properties may result from glare from the proposed project. However, the potential impacts will be mitigated to a less than significant level by the following measure:
- The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

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

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

IV-10. Habitat Modification (Nesting Native Birds, Hillside or Rural Areas)

- The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). The following measures are as recommended by the California Department of Fish and Game:
- If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
- a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- b. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.
- c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.

- d. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

IV-30. Wildlife Corridor

- Environmental impacts from project implementation may result in: 1) conversion and/or disturbance of existing animal habitat area on-site and proximal to the site, and 2) disruption of access corridors between habitat areas. However, these impacts will be mitigated to a level of insignificance by the following measures:
- Post-construction landscape treatment shall be implemented to insure preservation of habitat for wildlife. Where habitat has been preserved, use of native plant materials shall be required.

IV-50. Tree Report

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- Prior to the issuance of a grading 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.

IV-60. Tree Preservation (Grading Activities)

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- "Orange fencing" or other similarly highly visible barrier shall be installed outside of the drip line of locally protected and significant (trunk diameter of 8 inches or greater) non-protected trees, or as may be recommended by the Tree Expert. The barrier shall be maintained throughout the grading phase, and shall not be removed until the completion and cessation of all grading activities.

IV-70. Tree Removal (Non-Protected Trees)

- Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

V-20. Cultural Resources (Archaeological)

- Environmental impacts may result from project implementation due to discovery of unrecorded archaeological resources. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- If any archaeological materials are encountered during the course of project development, all further development activity shall halt and:
- The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
- Project development activities may resume once copies of the archaeological survey, study or report are submitted to: SCCIC Department of Anthropology, McCarthy Hall 477, CSU Fullerton, 800 North State College Boulevard, Fullerton, CA 92834.
- Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
- A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

V-30. Cultural Resources (Paleontological)

- Environmental impacts may result from project implementation due to discovery of unrecorded paleontological resources. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:

- a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.
- Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.
- A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

V-40. Cultural Resources (Human Remains)

- Environmental impacts may result from project implementation due to discovery of unrecorded human remains.
- In the event that human remains are discovered during excavation activities, the following procedure shall be observed:
 - a. Stop immediately and contact the County Coroner: 1104 N. Mission Road, Los Angeles, CA 90033. 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
 - b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
 - c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
 - d. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
 - e. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
 - f. If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.
- *Discuss and confer* means the meaningful and timely discussion careful consideration of the views of each party.

VI-10. Seismic

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

VI-30. Erosion/Grading/Short-Term Construction Impacts (Hillside Grading Areas)

- Environmental impacts may result from the visual alteration of natural landforms due to grading. However, this impact will be mitigated to a less than significant level by the following measures:
- The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division.
- Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

VI-50. Geotechnical Report

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- Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

VI-60. Landslide Area

- Environmental impacts may result due to the proposed project's location in an area with landslide potential. However, these potential impacts will be mitigated to a less than significant level by the following measures:
- Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any landslide and soil displacement, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

VIII-10. Explosion/Release (Existing Toxic/Hazardous Construction Materials)

- Due to the age of the building(s) being demolished, toxic and/or hazardous construction materials may be located in the structure(s). Exposure to such materials during demolition or construction activities could be hazardous to the health of the demolition workers, as well as area residents, employees, and future occupants. However, these impacts can be mitigated to a less than significant level by the following measure:
- **(Asbestos)** Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
- **(Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- **(Polychlorinated Biphenyl – Commercial and Industrial Buildings)** Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.

VIII-40. Hillside Construction Staging and Parking Plan

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- Prior to the issuance of a grading or building permit, the applicant shall submit a Construction Staging and Parking Plan to the Department of Building and Safety and the Fire Department for review and approval. The plan shall identify where all construction materials, equipment, and vehicles will be stored through the construction phase of the project, as well as where contractor, subcontractor, and laborers will park their vehicles so as to prevent blockage of two-way traffic on streets in the vicinity of the construction site. The Construction Staging and Parking Plan shall include, but not be limited to, the following:
- No construction equipment or material shall be permitted to be stored within the public right-of-way.
- If the property fronts on a designated Red Flag Street, on noticed "Red Flag" days, all the workers shall be shuttled from an off-site area, located on a non-Red Flag Street, to and from the site in order to keep roads open on Red Flag days.
- During the Excavation and Grading phases, only one truck hauler shall be allowed on the site at any one time. The drivers shall be required to follow the designated travel plan or approved Haul Route.
- Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, or removal of graded soil shall be limited to off-peak traffic hours, Monday through Friday only. No truck deliveries shall be permitted on Saturdays or Sundays.

- All deliveries during construction shall be coordinated so that only one vendor/delivery vehicle is at the site at one time, and that a construction supervisor is present at such time.
- A radio operator shall be on-site to coordinate the movement of material and personnel, in order to keep the roads open for emergency vehicles, their apparatus, and neighbors.
- During all phases of construction, all construction vehicle parking and queuing related to the project shall be as required to the satisfaction of the Department of Building and Safety, and in substantial compliance with the Construction Staging and Parking Plan, except as may be modified by the Department of Building and Safety or the Fire Department.

VIII-70. Emergency Evacuation Plan

- Environmental impacts may result from project implementation due to possible interference with an emergency response plan. However, these potential impacts will be mitigated to a less than significant level by the following measure:
- Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

IX-10. Groundwater Quantity (Dewatering System)

- Environmental impacts to groundwater quantity may result from implementation of the proposed project through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capacity. The Department of Building and Safety requires, when feasible, that applicants modify the structural design of a building so as not to need a permanent dewatering system. When a permanent dewatering system is necessary, the Department of Building and Safety require the following measures to mitigate the impacts to a less than significant level:
- Prior to the issuance of any permit for excavation, the applicant shall, in consultation with the Department of Building and Safety, submit a Dewatering Plan to the decision-maker for review and approval. Such plan shall indicate estimates for how much water is anticipated to be pumped and how the extracted water will be utilized and/or disposed of.
- Extracted groundwater shall be pumped to a beneficial on-site use such as, but not limited to: 1) landscape irrigation; 2) decorative fountains or lakes; 3) toilet flushing; or 4) cooling towers.
- Return water to the groundwater basin by an injection well.

XVI-30. Transportation (Haul Route)

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- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- **(Hillside and Subdivisions):** Projects involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.
- **(Hillside Projects):**
- All haul route hours shall be limited to off-peak hours as determined by Board of Building and Safety Commissioners.
- The Department of Transportation shall recommend to the Building and Safety Commission Office the appropriate size of trucks allowed for hauling, best route of travel, the appropriate number of flag people.
- The Department of Building and Safety shall stagger haul trucks based upon a specific area's capacity, as determined by the Department of Transportation, and the amount of soil proposed to be hauled to minimize cumulative traffic and congestion impacts.
- The applicant shall be limited to no more than two trucks at any given time within the site's staging area.

XVI-40. Safety Hazards

- Environmental impacts may result from project implementation due to hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses. However, the potential impacts can be mitigated to a less than significant level by the following measure:
- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

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

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:

MITIGATED NEGATIVE DECLARATION

ENV-2014-962-MND

- The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - Use of landscape contouring to minimize precipitation runoff
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

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

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:
 - If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
 - Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
 - Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
 - A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
 - Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

XVII-90. Utilities (Solid Waste Recycling)

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

XVII-100. Utilities (Solid Waste Disposal)

- All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

XVIII-10. Cumulative Impacts

- There may be environmental impacts which are individually limited, but significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. However, these cumulative impacts will be mitigated to a less than significant level through compliance with the above mitigation measures.

XVIII-20. Effects On Human Beings

- The project has potential environmental effects which cause substantial adverse effects on human beings, either directly or indirectly. However, these potential impacts will be mitigated to a less than significant level through compliance with the above mitigation measures.

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

LEAD CITY AGENCY: City of Los Angeles	COUNCIL DISTRICT: CD 5 - PAUL KORETZ	DATE: 07/01/2014
RESPONSIBLE AGENCIES: Department of City Planning		
ENVIRONMENTAL CASE: ENV-2014-962-MND	RELATED CASES:	
PREVIOUS ACTIONS CASE NO.:	<input type="checkbox"/> Does have significant changes from previous actions. <input type="checkbox"/> Does NOT have significant changes from previous actions	
PROJECT DESCRIPTION: CONSTRUCTION OF NEW ONE-FAMILY DWELLING WHICH REQUIRES A HAUL ROUTE		
ENV PROJECT DESCRIPTION: The proposed project includes the demolition of an existing 64-years old, single-family dwelling and the construction of a 27'-4", three story (lower two partially subterranean), and 7,733 square foot single family home, 9,062 square foot pool deck and motor court, and 12,185 square foot landscaping. The project's retaining walls will have cumulative heights that will range from 10 to 35 feet. There are 24 existing mature trees (not protected species), 18 of them will be removed. As proposed, the project requires an approval of a haul route to permit the exporting of 9,802 cubic yards of soil.		
ENVIRONMENTAL SETTINGS: The subject site is irregularly-shaped with a total lot area of approximately 28,980 square feet in area, on the west side of Chalon Road, and east of Bel Air Country Club. Physical relief between Chalon Road and the west side canyon is 50 to 60 feet and the average slope is 43%. The site is partially graded and is a developed hillside lot with one single-family house built in 1950 and a garage. Slope gradients range from flatter than 5:1 along the western property line to 1.5:1 below the existing residence. The subject site is designated Very Low I Residential on the Bel Air- Beverly Crest Community Plan land use map and zoned RE20-1-H. Abutting properties to the north, south, and east are within the RE20-1-H zone and Very Low I residential land use designation. To the west, the project faces Bel Air Country Club with A1-1-H zoning. Vehicular access to the site will be taken from Chalon Road on the east side of the property which is designated a Local street. The property is within the Hillside Ordinance, Liquefaction, Hillside Grading Area, Very High Fire Hazard Severity, Fire Brush Clearance Zone areas.		
PROJECT LOCATION: 10830 W CHALON ROAD		
COMMUNITY PLAN AREA: BEL AIR - BEVERLY CREST STATUS: <input checked="" type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan	AREA PLANNING COMMISSION: WEST LOS ANGELES	CERTIFIED NEIGHBORHOOD COUNCIL: BEL AIR - BEVERLY CREST
EXISTING ZONING: RE20-1-H	MAX. DENSITY/INTENSITY ALLOWED BY ZONING: 1 D.U. / 20,000 sq ft (LAMC)	
GENERAL PLAN LAND USE: VERY LOW I RESIDENTIAL	MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION: 1Unit	LA River Adjacent: NO

PROPOSED PROJECT DENSITY:
1Unit

Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

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

	City Planner	(213) 978-1171
Signature	Title	Phone

Evaluation Of Environmental Impacts:

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

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

Environmental Factors Potentially Affected:

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

<input checked="" type="checkbox"/> AESTHETICS <input type="checkbox"/> AGRICULTURE AND FOREST RESOURCES <input checked="" type="checkbox"/> AIR QUALITY <input checked="" type="checkbox"/> BIOLOGICAL RESOURCES <input checked="" type="checkbox"/> CULTURAL RESOURCES <input checked="" type="checkbox"/> GEOLOGY AND SOILS	<input type="checkbox"/> GREEN HOUSE GAS EMISSIONS <input checked="" type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS <input checked="" type="checkbox"/> HYDROLOGY AND WATER QUALITY <input type="checkbox"/> LAND USE AND PLANNING <input type="checkbox"/> MINERAL RESOURCES <input type="checkbox"/> NOISE	<input type="checkbox"/> POPULATION AND HOUSING <input type="checkbox"/> PUBLIC SERVICES <input type="checkbox"/> RECREATION <input checked="" type="checkbox"/> TRANSPORTATION/TRAFFIC <input checked="" type="checkbox"/> UTILITIES AND SERVICE SYSTEMS <input checked="" type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE
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INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

Background

PROPONENT NAME:

Mehdi Rafaty

PHONE NUMBER:

(310) 734-8477

APPLICANT ADDRESS:

1117 N. Sherbourne Dr. West Hollywood, CA 90069

AGENCY REQUIRING CHECKLIST:

Department of City Planning

DATE SUBMITTED:

03/21/2014

PROPOSAL NAME (if Applicable):

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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I. AESTHETICS			
a.	Have a substantial adverse effect on a scenic vista?		✓
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?		✓
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?		✓
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	✓	
II. AGRICULTURE AND FOREST RESOURCES			
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?		✓
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?		✓
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?		✓
d.	Result in the loss of forest land or conversion of forest land to non-forest use?		✓
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?		✓
III. AIR QUALITY			
a.	Conflict with or obstruct implementation of the applicable air quality plan?		✓
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		✓
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		✓
d.	Expose sensitive receptors to substantial pollutant concentrations?	✓	
e.	Create objectionable odors affecting a substantial number of people?		✓
IV. BIOLOGICAL RESOURCES			
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	✓	
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		✓
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		✓
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	✓	
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	✓	
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		✓
V. CULTURAL RESOURCES			

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a.	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				✓
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓		
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		
d.	Disturb any human remains, including those interred outside of formal cemeteries?		✓		

VI. GEOLOGY AND SOILS

a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.		✓		
b.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?		✓		
c.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?		✓		
d.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?		✓		
e.	Result in substantial soil erosion or the loss of topsoil?		✓		
f.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		✓		
g.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
h.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓

VII. GREEN HOUSE GAS EMISSIONS

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

VIII. HAZARDS AND HAZARDOUS MATERIALS

a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		✓		
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		✓		

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h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?		✓		
IX. HYDROLOGY AND WATER QUALITY					
a.	Violate any water quality standards or waste discharge requirements?			✓	
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?		✓		
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			✓	
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			✓	
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
f.	Otherwise substantially degrade water quality?				✓
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓	
j.	Inundation by seiche, tsunami, or mudflow?			✓	
X. LAND USE AND PLANNING					
a.	Physically divide an established community?				✓
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓
XI. MINERAL RESOURCES					
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓
XII. NOISE					
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	

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e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

XIII. POPULATION AND HOUSING

a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

XIV. PUBLIC SERVICES

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

XV. RECREATION

a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

XVI. TRANSPORTATION/TRAFFIC

a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				✓
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b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	✓			
e.	Result in inadequate emergency access?		✓		
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓

XVII. UTILITIES AND SERVICE SYSTEMS

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓	
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	✓			
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	✓			
g.	Comply with federal, state, and local statutes and regulations related to solid waste?	✓			

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	✓			
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	✓			
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	✓			

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

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

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

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

The project as identified in the project description may cause potentially significant impacts on the environment without mitigation. Therefore, this environmental analysis concludes that a Mitigated Negative Declaration shall be issued to avoid and mitigate all potential adverse impacts on the environment by the imposition of mitigation measures and/or conditions contained and expressed in this document; the environmental case file known as **ENV-2014-962-MND**. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impact(s) on the environment (after mitigation) **will not:**

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

ADDITIONAL INFORMATION:

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

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org> ; City Planning - and Zoning Information Mapping Automated System (ZIMAS) cityplanning.lacity.org/ or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps - <http://gmw.consrv.ca.gov/shmp/> Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE:	TELEPHONE NO.:	DATE:
NAOMI GUTH	City Planner	(213) 978-1171	07/16/2014

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

I. AESTHETICS		
a.	NO IMPACT	Although the site is on a vegetated hillside property, it is not located in the vicinity of scenic vistas, and therefore will not have any impacts on any scenic vistas.
b.	NO IMPACT	The project is not located within, adjacent to, or within close proximity to any known scenic resources, nor is it located within a city or state designated scenic highway. Therefore, the project will have no impact on scenic resources.
c.	NO IMPACT	The proposed project site is currently improved with a two-story dwelling unit built in 1950. The proposed project will be three stories, and will be built almost at the same location of the existing building. The height of the proposed building is 27.3 feet and the roof level would be below the Chalon Road level. The adjacent buildings to the north and northeast are located in a higher level of the proposed project and therefore, the project will not include light-blocking structures to a shadow-sensitive use.
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>The proposed development project is not likely to contain light sources beyond the lighting typical of residential development. However, there are no regulations currently in place that address the issue of nighttime illumination levels. If left unchecked, a significant impact may occur on adjacent residences if new development introduces new sources of substantial light or glare which would be incompatible with the existing levels. Mitigation measures will reduce any light and glare impacts to less than significant levels.</p>
II. AGRICULTURE AND FOREST RESOURCES		
a.	NO IMPACT	The proposed project site does not contain properties identified as prime farmland, unique farmland, or farmland of Statewide Importance as identified by the California Resource Agency, and the project will therefore have no impact on agricultural resources.

Impact?	Explanation	Mitigation Measures	
b.	NO IMPACT	The proposed project site is not currently zoned for agricultural uses, and does not contain properties that have a Williamson Act Contract in effect.	
c.	NO IMPACT	The proposed project site is not currently zoned for forest land, timberland, or timberland zoned timberland production. The subject site is within an area designated for very low density residential uses and open space. There will be no impact on forest land or timberland.	
d.	NO IMPACT	The proposed project site is in a neighborhood which is designated for very low density residential uses. The existing building was built in 1950 and the surrounding buildings mostly are developed around the same time or earlier. Therefore the proposed project will not directly or indirectly result in the conversion of any forest land to non-forest use.	
e.	NO IMPACT	The proposed project site is within a neighborhood which is designated for very low density residential uses, and will not directly or indirectly result in the conversion of any farmland to non-agricultural use or forest land to non-forest use.	
III. AIR QUALITY			
a.	NO IMPACT	The proposed project involves the demolition of a single-family building and construction of a new single-family building, comprising no net decrease or increase of dwelling units, and is therefore not expected to conflict with or obstruct the implementation of the South Coast Air Quality Management District (SCAQMD).	
b.	NO IMPACT	The project does not propose to deviate from any requirements of the SCAQMD which establishes rules and regulations enforcing Federal and State air quality standards.	
c.	LESS THAN SIGNIFICANT IMPACT	Project site is located within the South Coast Air Quality Management District, a known non-attainment zone. The proposed project involves no net increase in the number of dwelling units and is not expected to result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is non-attainable under an applicable federal or state ambient air quality standard. Operational emissions related to traffic generated by the project will be less than	

Impact?	Explanation	Mitigation Measures
	<p>significant because there will be no net increase in the number of dwellings. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The project will not cause the SCAQMD's recommended threshold levels to be exceeded. Operational emission impacts will be at a less-than-significant level.</p>	
<p>d. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>Project site is located within the South Coast Air Quality Management District, a known non-attainment zone. The proposed project involves no net increase in the number of dwelling units and is therefore not expected to contribute to pollutant concentrations or expose surrounding residences to substantial pollutant concentrations. However, short term impacts on sensitive receptors may result during the construction phases of the single-family dwelling.</p>	<p>III-10</p>
<p>e. NO IMPACT</p>	<p>Single-family homes are generally not considered substantial point sources of objectionable odors. Therefore, the proposed project is unlikely to result in new sources of objectionable odors affecting a substantial number of people.</p>	
<p>IV. BIOLOGICAL RESOURCES</p>		
<p>a. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>The proposed project site is currently improved with a two story building. Per the Tree map, dated December 14, 2012, there are 24 existing trees on the project site, 18 of them will be removed, five of which range in height 20 feet and more, Per this map, none of the trees are protected species. It is not known whether or not these trees are habitat for any protected species of wildlife. Since the project site is next to Bel-Air Country Club green open space, the site might serve as a buffer between existing development and more natural habitat areas. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act</p>	<p>IV-10</p>

Impact?	Explanation	Mitigation Measures
	<p>(MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86). The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Therefore environmental impacts are potentially significant unless mitigation measures are incorporated to reduce impacts to below the level of significance.</p>	
b.	<p>NO IMPACT</p> <p>The subject site has not been identified as being a Significant Ecological Area (City of Los Angeles, Environmental and Public Facilities Map 1996). No impacts will result as the subject site has been developed for more than 64 years and does not contain any riparian habitat or other sensitive natural community.</p>	
c.	<p>NO IMPACT</p> <p>No impacts will occur as the subject site does not contain any wetlands.</p>	
d.	<p>POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p> <p>The subject site is located in a developed and urbanized region that is mostly segmented and lacks the continuity that is consistent with those known to support any non-avian candidate, sensitive, or special-status species. However, per the Tree map, dated December 14, 2012, there are 24 existing trees on the project site, 18 of them will be removed. It is not known whether or not these trees are habitat for any protected species of wildlife. Since the project site is next to Bel-Air Country Club green open space, the site might serve as a buffer between existing development and more natural habitat areas. The removal of eighteen trees may interfere with the movement of native residents or migratory wildlife species.</p>	<p>IV-30, IV-70</p>
e.	<p>POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p> <p>The tree map submitted by the applicant, dated December 14, 2012, indicates that there are 24 existing trees on the subject site. None are identified to belong to the City's list of protected trees. Since the tree map has not been prepared by a tree expert, it is</p>	<p>IV-50, IV-60</p>

Impact?	Explanation	Mitigation Measures
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		required that prior to the issuance of a grading or building permit, the applicant, prepare and submit a Tree Report, prepared by a tree Expert as defined in Section 17.02.	
f.	NO IMPACT	According to Biological Resource Areas Maps (Coastal and Southern Geographical Area) in the Los Angeles CEQA Thresholds Guide (2006), the project site is not designated as an Open Space/Habitat area, nor is it located in, or in the vicinity of a significant ecological area that may require protection. There are no relevant active ordinances protecting biological resources that may prevent this project from being approved at this time. No impacts to any indicated plans are anticipated.	

V. CULTURAL RESOURCES

a.	NO IMPACT	The existing single-family house was built in 1950. The building is not designated as a historic resource or historic / cultural monument. The building lacks features that would qualify as an example of an architectural style significant in Los Angeles, and hence is not eligible for listing as a historic resource. Additionally, the subject site not identified as being a site or an area of historical significance.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The subject site is not in the vicinity of an Archaeological Survey Area and an Archaeological Site (City of Los Angeles, Environmental and Public Facilities Maps 1996, Prehistoric & Historic Archaeological Sites and Survey Areas Map), hence there is less than significant impact expected due to the project. However, since the proposed project will include excavation, unknown archaeological resources may exist below the surface, and these resources could be encountered during site preparation.	V-20
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The subject site is not identified as being located in a Vertebrate Paleontological Area (City of Los Angeles, Environmental and Public Facilities Maps 1996, Vertebrate Paleontological Resources Map). There are no unique geological features located on or near the project site. As a result, the proposed project would not result in any direct or indirect impacts to unique geologic features. However, there is a remote	V-30

Impact?	Explanation	Mitigation Measures
	possibility that unsuspected vertebrate fossil remains could exist below the ground surface and could be encountered during excavation.	
d. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The subject site is not in the vicinity of Archaeological Survey Areas (City of Los Angeles, Environmental and Public Facilities Maps 1996, Prehistoric & Historic Archaeological Sites and Survey Areas Map) or within the immediate surroundings of a known burial site. Therefore, no significant impacts are expected. However, there may be a possibility for the discovery of unrecorded human remains during the proposed excavation activity.	V-40
VI. GEOLOGY AND SOILS		
a. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The subject site is in the vicinity of the Hollywood Fault Zone (USGS), and within the Earthquake-Induced Landslide and Liquefaction Area, but is not located in an Alquist-Priolo Zone (ZIMAS). Due to the intense seismic environment of Southern California, there is always a potential for blind thrust faults, or otherwise unmapped faults that do not have a surface trace, to be present. Since the subject site is located within a landslide zone, new development will be required to comply with the seismic safety requirements in the California Building Code (CBC) and the California Geological Survey Special Publication 117 (Guidelines for Evaluating and Mitigating Seismic Hazards in California [1997]), which provide guidance for evaluating and mitigating earthquake-related hazards as approved by the Los Angeles Department of Building and Safety. Also complying with the conditions noted at the Geology and Soils Report Approval Letter, dated August 9, 2013 by the Los Angeles Department of Building and Safety during site development will reduce the impact to a less than significant level.	VI-10
b. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The subject site is within the vicinity of the Hollywood Fault Zone per USGS maps. It is located within the Earthquake-Induced Landslide and Liquefaction Area. Any development that occurs within the geographical boundaries of Southern California has	VI-10

Impact?	Explanation	Mitigation Measures
	<p>the potential of exposing people and/or structures to potentially substantial adverse effects involving potential blind thrust faults, the rupture of a known and/or unknown earthquake faults, or strong seismic ground shaking. New development will be required to comply with the seismic safety requirements in the California Building Code (CBC) and the California Geological Survey Special Publication 117 (Guidelines for Evaluating and Mitigating Seismic Hazards in California [1997]), which provide guidance for evaluating and mitigating earthquake-related hazards as approved by the Los Angeles Department of Building and Safety. In addition, complying with the conditions noted at the Geology and Soils Report Approval Letter, dated August 9, 2013 by the Los Angeles Department of Building and Safety during site development will reduce the impact to a less than significant level.</p>	
<p>c. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>The subject site is located in a liquefaction zone according to ZIMAS. Per the submitted Geotechnical Engineering Investigation, dated April 5, 2013, groundwater was not encountered during exploration of test pits to a maximum depth of 10 feet. Since the proposed excavation in some areas will go below 10 feet, impacts due to potential liquefaction would be potentially significant. Complying with the conditions noted at the Geology and Soils Report Approval Letter, dated August 9, 2013 by the Los Angeles Department of Building and Safety during site development and mitigation measures will reduce the impact to a less than significant level.</p>	<p>VI-30</p>
<p>d. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>The subject site is located within a designated landslide hazard zone per ZIMAS, NavigateLA, and the submitted Geotechnical Engineering Investigation, dated April 5, 2013. Moreover, the subject site is located within Hillside Grading and Hillside Ordinance area per ZIMAS. Therefore, there is a potential for landslide impacts. Complying with the conditions noted at the Geology and</p>	<p>VI-60</p>

Impact?	Explanation	Mitigation Measures
	Soils Report Approval Letter, dated August 9, 2013 by the Los Angeles Department of Building and Safety during site development and mitigation measures will reduce the impact to a less than significant level.	
e. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The proposed project will export approximately 9,802 cubic yards of dirt. The project is located in a Hillside Grading Area (ZIMAS & NavigateLA). The project grading, clearing or excavation is below the 20,000 cu.yd. threshold. However since the average slope is more than 40% , during short-term construction activities, the property will be subject to increased loss of topsoil due to wind and water erosion. Proper grading practices during the construction phases in accordance with City regulations will minimize soil erosion and the loss of topsoil, and will reduce the impact to a less than significant level.	VI-30
f. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The subject site is located in a liquefaction zone (ZIMAS) and a landslide zone (ZIMAS). The project proposes to construct a three-story building requiring excavation up to 30 feet below existing surface grade in some areas. The proposed project is located on a lot with 50-foot to 60-foot differentials in elevation and topography and average 43% slope. Also the construction involves excavation and export of 9,802 cubic yards of soil. Construction activities in the site with significant differential may result in a destabilization of slopes. Complying with the conditions noted at the Geology and Soils Report Approval Letter, dated August 9, 2013 by the Los Angeles Department of Building and Safety during site development and mitigation measures will reduce the impact to a less than significant level.	VI-50
g. NO IMPACT	Expansive soils are primarily composed of clays, which increase in volume when water is absorbed and shrink when dry. According to the Geologic Compilation of Quaternary Surficial Deposits in Southern California, Los Angeles 30' X 60' Quadrangle (2012), the soil in this area is made up of: 1-Alluvial-fan deposits (Holocene)—Unconsolidated bouldery, cobbly, gravelly, sandy, or silty alluvial	

Impact?	Explanation	Mitigation Measures
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		<p>deposits on active and recently active alluvial fans and in some connected headward channel segments and 2-Old colluvium (late to middle Pleistocene)—Slightly to moderately consolidated silt, clay and sand, locally containing abundant angular rock fragments; surfaces dissected to varying degrees; can show slight to moderately developed pedogenic soil locally. The Geotechnical Engineering Investigation, dated April 5, 2013 confirms that the underlying soil samples were a mix of fill, Alluvium, Soil-Colluvium, and bedrock. Therefore, it is not likely that the project site is located on expansive soil and is expected to have no impact. The project will be required to adhere to the International Building Code and the California Building Code, which includes structural and materials standards as well as foundation design requirements based upon onsite soil conditions that would mitigate effects of adverse soil conditions.</p>	
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h.	NO IMPACT	<p>No septic tanks are proposed as part of this project. The project is expected to be serviced by the City's existing sewer system. However, if the City's existing sewer system does not have the capacity to service the proposed development, the project may be delayed by the Department of Building and Safety until adequate service can be provided.</p>	
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VII. GREEN HOUSE GAS EMISSIONS

a.	NO IMPACT	<p>The proposed project involves no net increase in the number of dwelling units and therefore will not likely contribute to long-term increases in greenhouse gases (GHGs) as a result of traffic increase (mobile sources) and minor secondary fuel combustion emissions from space heating, etc.</p>	
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b.	LESS THAN SIGNIFICANT IMPACT	<p>The proposed project involves the construction of a single-family dwelling which will replace the existing single-family residence. There will be no net increase in the number of units, and it is therefore not expected to generate additional GHG emissions. Short-term GHG emissions will derive from construction activities. However, impacts from construction activity and long-term operation will be less than significant.</p>	
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VIII. HAZARDS AND HAZARDOUS MATERIALS

Impact?	Explanation	Mitigation Measures	
a.	NO IMPACT	The construction of a single-family dwelling, pool, garage, deck, and retaining walls will not require the routine transport, use, or disposal of materials which are flammable or hazardous outside of the day-to-day household materials.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The subject site is not within a hazardous Waste/Border Zone. Also, the subject site is not identified as within a Methane Buffer Zone (ZIMAS). The existing building, constructed in 1950, may contain asbestos containing material (ACM) and lead-based paint. Lead-based paint is of concern both as a source of exposure and as a major contributor to lead in interior dust and exterior soil. In addition, sediment resulting from construction activities carries with it work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life. Therefore, short-term impacts may result during the demolition and construction periods and environmental impacts are potentially significant unless mitigation measures are incorporated to reduce impacts to below the level of significance.	VIII-10
c.	NO IMPACT	The subject site is not within one-quarter mile of an existing school. The closest school is the Community Magnet Charter School located at 11301 Bellagio Rd (more than 0.34 mile). Moreover, the operation and maintenance of the proposed single-family structure will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, odor, or waste and would not require the daily use of chemicals outside of the day-to-day household materials. Therefore the proposed project is not expected to result in emissions of hazardous materials within one-quarter mile of an existing or proposed school or other sensitive receptors.	
d.	NO IMPACT	The subject site is currently improved with a single-family dwelling, and is not identified as a hazardous waste site subject to corrective action, a site listed pursuant to Section 25356 of the Health and Safety Code, a site included in the Abandoned Site Assessment Program nor is it a hazardous Waste/Border Zone	

Impact?	Explanation	Mitigation Measures	
e.	NO IMPACT	property. No impacts will occur. The subject site is not located within, adjacent to, or within proximately of an airport land use. The closest airports are the Santa Monica Airport (approximately 4.3 miles), the Van Nuys private Airport (approximately 8.9 miles), and the LAX international airport (approximately 9 miles). Therefore no impact will occur.	
f.	NO IMPACT	The proposed project is not located within the vicinity of a private airstrip. Therefore no impacts are anticipated to occur.	
g.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The proposed single-family dwelling will not interfere with any emergency response plan or emergency evacuation plan specifying the appropriate actions to be undertaken with regard to emergency situations such as warning systems, evacuation plans/procedures, and emergency action plans. The subject site is on Chalon Road which is not an emergency access route, however temporary construction activities may result in an impairment of access through Chalon Road.	VIII-40
h.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The proposed project is located in a very high fire hazard severity zone (ZIMAS). As such, the project may expose people and/or structures to a significant loss, injury, or death involving wildland fires.	VIII-70
IX. HYDROLOGY AND WATER QUALITY			
a.	LESS THAN SIGNIFICANT IMPACT	The purposed project of a single-family dwelling is in an urban area. There is a potential impact during the proposed project's long term operations due to pollutants contained in water runoff from the site which may be carried into storm drains and discharged into the stormwater runoff control system. These include: oil, grease, metals, and hydrocarbons from streets, parking lots, and driveways, dirt from unpaved areas, herbicides, pesticides and fertilizer from landscaped areas and animal waste. Construction-related activities of the proposed project also have the potential to contribute to pollutants in water runoff from the site. However, the proposed project will comply with the City's stormwater management provisions per Los Angeles Municipal Code (L.A.M.C.) Section 64.70, including implementation of the Best Management Practices	

Impact?	Explanation	Mitigation Measures
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		therein, and the potential impact is less than significant.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>The proposed project site is located on a lot with 50-foot to 60-foot differentials in elevation and an average slope of 43%. The proposed project involves excavating the slope to a depth of 30 feet below the existing surface grade in some areas. The site exploration did not encounter any groundwater, based on excavation 10 test pits to a maximum depth of 10 feet (Geotechnical and Solis Engineering Exploration, dated April 5, 2013). However, since the depth of the project below the existing surface would be more than the depth of excavation tests, and since the subject site is located in a liquefaction zone, mitigation measures and complying with the conditions noted at the Geology and Soils Report Approval Letter, dated August 9, 2013 by the Los Angeles Department of Building and Safety during site development are incorporated to reduce impacts to below the level of significance.</p>	IX-10
c.	LESS THAN SIGNIFICANT IMPACT	<p>The subject site does not contain any natural and/or significant drainage features, such as streams or rivers. Water runoff generated by the project will be carried into existing storm drains and discharged into the storm water runoff control. The project may, over time, cause minor erosion or siltation on- or off-site, but it is not expected to be substantial. Construction of the project involves excavation to a depth of 32 feet and therefore has the potential to alter drainage patterns which could result in erosion on site. However, any potential impacts will be mitigated to a level of insignificance by incorporating stormwater pollution control measures, as required by L.A.M.C. Section 64.70.</p>	
d.	LESS THAN SIGNIFICANT IMPACT	<p>The subject site is in an urbanized area. Water runoff would drain into the existing storm drain system. Grading and excavation activities may alter drainage patterns, which may result in impacts related to flooding on-or off-site. The proposed project will comply with the City's stormwater management provisions per L.A.M.C. Section 64.70, including implementation of the Best Management Practices therein, and therefore, impacts</p>	

Impact?	Explanation	Mitigation Measures
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		related to flooding on-and off-site will be reduced to a less-than-significant level.	
e.	LESS THAN SIGNIFICANT IMPACT	The amount of runoff water is expected to decrease compared to existing conditions, and therefore not contribute to an increase in runoff that would exceed the capacity of the storm drain system. As discussed in IX.a., c., and d., above, there is a potential for short-term construction activities and long-term operations to effect water runoff from the site. The project will comply with the City's stormwater management provisions per L.A.M.C. 64.70, and therefore short-term construction-related impacts and long-term operational impacts related to the amount of runoff and the capacity of the storm drain system will be reduced to a less-than-significant level.	
f.	NO IMPACT	The proposed project may have impacts on water quality from various sources, as discussed in I.X.a. above. As the proposed project is a retail space and medical office use, no other sources of water pollutants are known or are likely. Therefore, the proposed project would not degrade water quality by sources other than those discussed above, and no impact would occur.	
g.	NO IMPACT	The subject site is not located in a 100-year flood plain (Environmental and Public Facilities Maps 1996 & Navigate LA) or in a Flood Zone (ZIMAS & Navigate LA). No impact will occur.	
h.	NO IMPACT	The subject site is not located in a 100-year flood plain (Environmental and Public Facilities Maps 1996 & Navigate LA) or in a Flood Zone (ZIMAS & Navigate LA). No impact will occur.	
i.	LESS THAN SIGNIFICANT IMPACT	The subject site is not located in a flood control basin but is in a potential inundation area (Environmental and Public Facilities Maps 1996). The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172081 effective 7/3/98 to reduce the impact(s) to a less than significant.	
j.	LESS THAN SIGNIFICANT IMPACT	The subject site is not located near any body of water. The nearest one is Stone Canyon Reservoir which is located more than 1.5 mile away. The proposed project site is not located in a Tsunami Area (Navigate LA), or in a flood control basin, or an area potentially impacted by a	

Impact?	Explanation	Mitigation Measures
	<p>Tsunami; however it is located in a potential inundation area (Environmental and Public Facilities Maps 1996). Nonetheless, there are a number of active and potentially active faults off of the coast in a regional proximity to the project area that have the capacity of generating a tsunami. Given a large enough magnitude off-shore earthquake, it is possible that the project site could be impacted; however, the adoption and implementation of the proposed plan, in combination with the City's standard grading and building permit requirements, would not expose people or structures to potential substantial risk due to seiche, tsunami, or mudflow. Therefore, these impacts are less than significant, and no mitigation measures are required.</p>	
X. LAND USE AND PLANNING		
a. NO IMPACT	<p>The project involves the replacement of a single-family home with a single-family home in an area that is already developed with similar use and the associated infrastructure. The project will not divide an established community.</p>	
b. NO IMPACT	<p>The subject site is within the Bel Air - Beverly Crest Community Plan Area and is currently zoned RE20-1-H, allowing development density of one-family dwelling per minimum lot area of 20,000 square feet, Hillside Development (LAMC). The subject site is 28,980 square feet and allows one single-family-home. Thus, the single-family project is consistent with the L.A.M.C. In addition, the project proposes the continuation of a use which will have no impact upon any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.</p>	
c. NO IMPACT	<p>The project site is currently improved with a single-family building, and is located in an urbanized region. According to biological resource areas maps (coastal and southern geographical area) in the Los Angeles CEQA thresholds guide (2006), the project site is not designated as an open space/habitat area, nor is it located in, or in the vicinity of a significant ecological area that may require protection. There are no relevant active ordinances protecting biological resources that may prevent this project from being approved at this time and no impacts to any indicated plans are</p>	

Impact?	Explanation	Mitigation Measures
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anticipated.

XI. MINERAL RESOURCES

a.	NO IMPACT	<p>The project site is located in an urban setting which already developed primarily with single-family residences, and is therefore not likely to be a suitable site for mining of any sort, surface or otherwise. There is no knowledge of the presence of mineral resources that would be of value to the region and residents of the State on the project site; subsequently, the project is not expected to result in the loss of availability of said mineral resources. The project site is not located in a known Oil Field (NavigateLA) or in a known area of mineral resources (Environmental and Public Facilities Maps 1996). Therefore, no impacts are anticipated.</p>	
b.	NO IMPACT	<p>The project site is not delineated on the City's General Plan Framework, Bel Air - Beverly Crest Community Plan, nor any other land use plan as a locally-important mineral resource recovery site. Therefore, no impacts are anticipated.</p>	

XII. NOISE

a.	LESS THAN SIGNIFICANT IMPACT	<p>A temporary increase in noise levels is expected to occur during the construction phase, due to the heavy construction equipment and related construction activity, and could be audible to the closest residents to the project site. However, the duration of construction activities on the proposed site are expected to be short-term. After the completion of construction, noise levels associated with the proposed project will be those typically for single-family residential development. Impacts will be less than significant.</p>	
b.	LESS THAN SIGNIFICANT IMPACT	<p>The project involves no net increase in the number of dwelling units. Groundborne vibration and noise levels in residential land uses are lower than those found in commercial or industrial land uses, and are unlikely to exceed existing levels and levels established in the General Plan or L.A.M.C. However, the proposed project is expected to create a temporary increase in groundborne vibration and/or groundborne noise during the construction phase, due to the heavy construction equipment and related construction activity, and could be audible to the closest residents to the project site. Nonetheless, the duration of construction</p>	

Impact?	Explanation	Mitigation Measures
	activities on the proposed site is expected to be short-term. The L.A.M.C. limits construction hours, therefore construction of the project will be typical of residential structures and impacts from excessive groundborne vibration and noise levels are anticipated to be less than significant.	
c. LESS THAN SIGNIFICANT IMPACT	The proposed project involves the demolition of a single-family building and construction of a new single-family building, resulting in no net increase in the number of dwellings. Therefore, the project is not likely to generate an increase in ambient noise levels and the impact will be less than significant.	
d. LESS THAN SIGNIFICANT IMPACT	A temporary increase in noise levels is expected to occur during the construction phase, due to the heavy construction equipment and related construction activity, and could be audible to the closest residents to the project site. However, the duration of construction activities on the proposed site are expected to be short-term. However, Chapter IV, Article 1, Section 41.40 of the LAMC establishes permitted construction/demolition hours of 7 AM to 9 PM – Monday through Friday, 8 AM to 6 PM on Saturdays or National Holidays, and no work permitted on Sundays. Mitigation measures to reduce noise from construction equipment will reduce any potentially significant noise impacts related to construction activity to less than significant.	
e. NO IMPACT	The proposed project is not located within an airport hazard zone (ZIMAS), nor is the project located in an airport land use plan, or within two miles of a public airport, or public use airport. The closest airports are the Santa Monica Airport (approximately 4.3 miles), the Van Nuys private Airport (approximately 8.9 miles), and the LAX international airport (approximately 9 miles). Therefore no impacts are anticipated to occur.	
f. NO IMPACT	The proposed project is not located within the vicinity of a private airstrip. Therefore no impacts are anticipated to occur.	
XIII. POPULATION AND HOUSING		

Impact?	Explanation	Mitigation Measures	
a.	NO IMPACT	The proposed project involves the construction of a single-family building on an approximately 28,980 square foot parcel of land. The project will replace a single-family building. While there will be no net increase in the number of units, there will be an increase in the building square footage. Nonetheless, the project is not expected to constitute a substantial population growth. The project site is located in an urban setting which is already developed primarily with single-family residences and there will be no impact.	
b.	NO IMPACT	The project involves demolition of a single-family building and new construction of a new single-family building, garage, and pool; comprising no net decrease or increase of dwelling units. Thus, there is no need for replacement housing elsewhere, and there will be no impact.	
c.	NO IMPACT	The project involves demolition of an existing single-family building and new construction of a single-family building. The number of people displaced by the project will not be substantial. Thus, there will not be a need to construct replacement housing elsewhere and there will be no impacts.	
XIV. PUBLIC SERVICES			
a.	LESS THAN SIGNIFICANT IMPACT	The subject site is served by Los Angeles Fire Department, Station 37 (Engine and Truck Company) located at 1090 Veteran Avenue (approximately 1.9 miles south of the project site), which is farther than the 1.5 mile maximum response distance for engine or truck companies for neighborhood land uses identified in the L.A. CEQA Thresholds Guide. The proposed project is located in a Very High Fire Hazard Severity and Fire Brush Clearance Zone and hillside area, but it is not proposing to use, manufacture, or store toxic, readily combustible, or otherwise hazardous material outside of the materials typically associated with residential uses. Moreover, the project's location would provide for adequate LAFD access (the Chalon street has width of minimum 20 feet clear and unobstructed with an approved turn around, and grade not exceeding 15 percent). The proposed project will be reviewed by the Los Angeles Fire Department and the project will comply with fire safety requirements.	

Impact?	Explanation	Mitigation Measures
	<p>The proposed project involves no net increase in the number of dwelling units and therefore will not likely require the addition of a new fire station or the expansion, consolidation or relocation of an existing facility to maintain service. The project will not likely generate the need to construct new or expanded fire protection facilities and the impact will be less than significant.</p>	
b. LESS THAN SIGNIFICANT IMPACT	<p>The subject site is served by the Los Angeles Police Department, West Los Angeles Area Division located at 1663 Butler Ave. (approximately 4.2 miles southwest). The proposed project will be reviewed by the Los Angeles Police Department, and will comply with public safety requirements and policies. There is no net population increase resulting from the related project, therefore there will not be any increase in the cumulative demand for police services anticipated at the time of project build-out compared to the expected level of service available. The impact will be less than significant.</p>	
c. LESS THAN SIGNIFICANT IMPACT	<p>The subject site is served by the Los Angeles Unified School District (LAUSD) and will comply with requirement to pay fees to support LAUSD. However, the proposed project involves demolition of an existing single-family dwelling and new construction of a single-family dwelling; therefore, will not likely generate the need to construct new or expanded school facilities. The impact will be less than significant.</p>	
d. LESS THAN SIGNIFICANT IMPACT	<p>The subject site will comply with requirement to dedicate land or pay fees to support park and recreation site acquisition and development, per LAMC Section 17.12. The proposed project involves demolition of an existing single-family dwelling and new construction of a single-family dwelling and therefore will not likely generate the need to construct new or expanded parks and recreation centers. The impact will be less than significant.</p>	
e. LESS THAN SIGNIFICANT IMPACT	<p>The proposed project involves demolition of an existing single-family dwelling and new construction of a single-family dwelling and therefore will not likely generate the need to construct new or expand other public service facilities. The impact will be less than significant.</p>	

Impact?	Explanation	Mitigation Measures
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XV. RECREATION

a.	LESS THAN SIGNIFICANT IMPACT	The subject site will comply with requirement to dedicate land or pay fees to support park and recreation site acquisition and development, per LAMC Section 17.12. The proposed project involves demolition of an existing single-family dwelling and new construction of a single-family dwelling will not likely generate substantial physical deterioration of parks and recreation facilities. The impact will be less than significant.	
b.	NO IMPACT	The project does not require the construction or expansion of public recreational facilities. There will be no net increase in the number of dwelling units. Therefore, there will be no impact.	

XVI. TRANSPORTATION/TRAFFIC

a.	NO IMPACT	The project will replace an existing single-family dwelling with a new single-family dwelling to the site. As such, the proposed project would not generate or cause a diversion or shift of more daily or p.m. peak hour vehicle trips on the street system.	
b.	NO IMPACT	The project proposes the demolition of an existing single-family dwelling and the construction of a single-family dwelling, garage, and pool. As such, the proposed project would not add any one-way vehicle trips to a Congestion Management Program (CMP) or more a.m. or p.m. peak hour trips to a freeway on- or off-ramp.	
c.	NO IMPACT	The project proposes the demolition of an existing single-family dwelling and the construction of a single-family dwelling, garage, and pool. The proposed project is not located within an airport hazard zone (ZIMAS), nor an airport land use plan, or within two miles of a public airport, or public use airport. The closest airports are the Santa Monica Airport (approximately 4.3 miles), the Van Nuys Private Airport (approximately 8.9 miles), and the LAX international airport (approximately 9 miles). As such the project would not result in a change in air traffic patterns including increases in traffic level or changes in location that would result in substantial safety risks.	

Impact?	Explanation	Mitigation Measures	
d.	<p>POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>The proposed project involves the construction of a motocourt with 10 parking spaces. The construction of the new driveway, which is on the northeast corner of the lot, will likely not increase hazards to the existing condition. Additionally, the proposed building is compatible with the existing residential area. Although the proposed project would not include any hazardous design features, construction activities, especially on a slope, could result in potential safety hazards to pedestrians and vehicles in the project vicinity. Incorporation of the proposed mitigation measures is expected to reduce the potential impacts to a level that is less-than-significant.</p>	<p>XVI-30, XVI-40</p>
e.	<p>LESS THAN SIGNIFICANT IMPACT</p>	<p>The project involves no net increase in the number of dwelling units. The subject site is on Chalon Drive, which is designated by the City's General Plan Transportation Element and Bel Air Community Plan, as a Local Street and none of the intersections nearest the site are arterial intersections that may affect traffic safety. As such, the project will not change emergency response patterns.</p>	
f.	<p>NO IMPACT</p>	<p>The proposed project site is within a neighborhood which is designated for very low density residential uses and not in an area that has any adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, and would not impede their implementation. Therefore, the proposed project will not have an impact on any existing alternative transportation policies, plans, and programs.</p>	
<p>XVII. UTILITIES AND SERVICE SYSTEMS</p>			
a.	<p>LESS THAN SIGNIFICANT IMPACT</p>	<p>The proposed project will connect to the City's existing wastewater treatment facilities. The project involves no net increase in the number of dwelling units. Therefore, the project is unlikely to result in development which exceeds the current wastewater treatment loads established by the Regional Water Quality Control Board. The impact will be less than significant.</p>	

Impact?	Explanation	Mitigation Measures	
b.	LESS THAN SIGNIFICANT IMPACT	The proposed project will connect to the City's existing water and wastewater treatment facilities. The project involves no net increase in the number of dwelling units. Therefore, the project is not expected to create a need to expand these existing facilities. The impact on water and wastewater treatment facilities will be less than significant.	
c.	LESS THAN SIGNIFICANT IMPACT	The project proposes the demolition of an existing single-family dwelling and the construction of a single-family dwelling, garage, and pool. Therefore, the project is not expected to result in increased demand on the City's stormwater drainage facilities. The impact on stormwater drainage facilities is anticipated to be less than significant.	
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project proposes the demolition of an existing single-family dwelling and the construction of a single-family dwelling, garage, and pool. The construction, use and maintenance of the building, pool, and landscaped areas have the potential to make a cumulatively considerable contribution to impacts on existing water supplies for the area. However, the incorporation of the proposed mitigation measures is expected to reduce the potential impacts to a level that is less-than-significant.	XVII-10, XVII-20
e.	LESS THAN SIGNIFICANT IMPACT	The project site is currently serviced by the City of Los Angeles Hyperion Wastewater Treatment Facility. The project proposes the demolition of an existing single-family dwelling and the construction of a single-family dwelling, garage, and pool. The proposed dwelling unit is expected to create only marginal increased demand on City's existing wastewater treatment facilities. The project will result in an increase in wastewater generation of approximately 380 gallons average daily flow (based on Exhibit M.2-12 of the Los Angeles CEQA Thresholds Guide), of which 150 gallons is net above the existing building's wastewater generation (50 gallons per every additional bedroom), and is less than the 4,000 gallons per day threshold of significance (M.2 Wastewater, Los Angeles CEQA Thresholds Guide). Moreover, the mitigation measures in section XVII d of this document are expected to further reduce the demand on	

Impact?	Explanation	Mitigation Measures
f. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>the City's existing facilities.</p> <p>The project proposes the demolition of an existing single-family dwelling and the construction of a single-family dwelling, garage, and pool. The proposed dwelling unit is expected to create only marginal increase in solid waste generation. Moreover, the waste produced by the long-term use of the property will be typical of the proposed residential use and would not create a special need for disposal of hazardous materials. Therefore, the long-term impacts of the proposed project are considered less than significant. However, potentially significant impacts in terms of solid waste generation may occur during the construction period for the project. Many of the building materials used during the construction process are considered hazardous and are not safe to be disposed of in a landfill; therefore the appropriate precautions must be taken to ensure that these materials are disposed of properly. The proposed mitigation measures will help to reduce these impacts to a level that is less than significant.</p>	XVII-90
g. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>A significant impact may occur if a project would generate solid waste that was not disposed of in accordance with applicable regulations. Solid waste generated on-site by the proposed project would be disposed of in accordance with all applicable federal, state, and local regulations related to solid waste, such as the California Integrated Solid Waste Management (ISWM) Act (also known as AB 939). The amount of project-related waste disposed of at area landfills would be reduced through recycling and waste diversion programs implemented by the City, in compliance with the City's Solid Waste Management Policy Plan (CISWMPP), which is the long-range solid waste management policy for the City, and the Source Reduction and Recycling Element (SRRE), which is the strategic action policy plan for diverting solid waste from landfills. The project would also comply with applicable regulatory measures, including the provisions of City of Los Angeles Ordinance No.</p>	XVII-100

Impact?	Explanation	Mitigation Measures
	<p>171,687 with regard to all new construction; the provision of permanent, clearly marked, durable, source sorted bins to facilitate the separation and deposit of recyclable materials; implementation of a demolition and construction debris recycling plan, with the explicit intent of requiring recycling during all phases of site preparation and building construction. With the implementation of the regulatory measures, waste generated by the project would not significantly alter the projected timeline for landfills within the region to reach capacity. Therefore, since the proposed project would comply with local, state, and federal regulations no impact with respect to these regulations would occur. However, to reduce the impact to landfills, a measure is recommended to ensure compliance with local regulations to solid waste.</p>	

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a.	<p>POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>The project proposes the demolition of an existing single-family dwelling and the construction of a single-family dwelling, garage, and pool, and is located in a low density urbanized region that is mostly segmented and lacks the continuity that is consistent with those known to support any non-avian candidate, sensitive, or special-status species. Moreover, the subject site has not been identified as being a Significant Ecological Area (City of Los Angeles, Environmental and Public Facilities Map 1996). The subject site lacks any riparian habitat or other sensitive natural community, and does not contain any wetlands. The subject is not identified as being a site or an area of historical significance, therefore it is unlikely that the proposed project will have impacts on important examples of the major periods of California history. Also, the subject site is not in the vicinity of an Archaeological Survey Area and an Archaeological Site (City of Los Angeles, Environmental and Public Facilities Maps 1996, Prehistoric & Historic Archaeological Sites and Survey Areas Map). However, there may be a possibility for</p>	<p>XVIII-10 Overall, with the implementation of the proposed mitigation measures in the environmental review, the project's incremental contribution to cumulative impacts is anticipated to be less than significant.</p>
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Impact?	Explanation	Mitigation Measures
	<p>the discovery of unrecorded archaeological resources during the proposed grading activity. The mitigation measures proposed in Section V of this document are expected to reduce any potential impacts to a less-than-significant level. The subject site and vicinity are not identified as being located in a Vertebrate Paleontological Area (City of Los Angeles, Environmental and Public Facilities Maps 1996, Vertebrate Paleontological Resources Map). It is possible that site excavation could uncover paleontological resources. However, the mitigation measures proposed in Section V of this document will ensure that if any previously unknown paleontological resources are discovered during the excavation period of construction, such resources will be handled properly and reduce any potential impacts to a level that is less-than-significant.</p>	
<p>b. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>A significant impact may occur if a project, in conjunction with other related projects in the area of the project site, would result in impacts that are less than significant when viewed separately, but would be significant when viewed cumulatively. The proposed project involves no net increase in the number of dwelling units. Furthermore, the project site is located in an urban setting which already developed primarily with single-family residences. Therefore, the possibility of resulting cumulative impacts in the vicinity is not likely. Any development activity which may occur is most likely to comply with all applicable federal, State, and City regulations that would preclude significant cumulative impacts with regard to geology and soils, cultural resources, hazards and hazardous materials, hydrology and water quality, and transportation and traffic. Compliance with City regulations would ensure that any cumulative impacts related to aesthetics and land use would be less than significant. Furthermore, an increase in area population resulting from the proposed project and other development activity in the area are</p>	<p>XVIII-10 Overall, with the implementation of the proposed mitigation measures in the environmental review, the project's incremental contribution to cumulative impacts is anticipated to be less than significant.</p>

Impact?	Explanation	Mitigation Measures
	<p>anticipated to be within City and SCAG forecasts; therefore, less than significant cumulative impacts to population and housing are anticipated. Similarly, the demands on public services such as fire and police protection, schools, parks, recreation, and solid waste generation resulting from the proposed project and other development activity in the area are anticipated to be less than significant as described herein. As service providers conduct ongoing evaluations to ensure that facilities are adequate to service the forecasted growth of the community, cumulative impacts on utilities are concluded to be less than significant with the application of mitigation measure proposed herein.</p>	
<p>c. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>A significant impact may occur if a project has the potential to result in significant impacts, as discussed in the previous sections of this document. As described throughout this analysis, with implementation of the recommended mitigation measures, the proposed project is not expected to result in any unmitigated significant impacts.</p>	<p>XVIII-20 As Mitigated, the project would not have the potential to result in substantial adverse effects on human beings and impacts would be less than significant.</p>



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August 27, 2014

Via E-Mail: Darlene.Navarrete@lacity.org
and Telecopier No. (213) 978-1343 and U.S. Mail

Ms. Darlene Navarrete
Los Angeles Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

Re: Project Location: 10830 W. Chalon Road
Project Title: ENV-2014-962-MND
Applicant/Proponent: Mehdi Rafaty

Dear Ms. Navarrete:

The Bel Air Homeowners Alliance (the "Alliance"), opposes the issuance of a haul route permit for export of 9,802 cubic yards of dirt, for the proposed hillside development project located at 10830 W. Chalon Road ("the Project"). The Alliance bases its opposition on the following grounds:

A. The Proposed MND Violates The California Environmental Quality Act ("CEQA"),
Public Resources Code Section 21000, et seq.

The City's reliance upon a Mitigated Negative Declaration ("MND") is a shortcut to CEQA's preference for the preparation of full Environmental Impact Reports ("EIRs"), wherever it can be "fairly argued," based on "substantial evidence," that a significant impact might occur. See *California Public Resources Code* ("PRC") section 21082.2 (d); 14 *Cal. Admin. Code* section 15064(f)(1); *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 186-187; *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 68, 75 and 82; and *No Oil Inc. v. City of Los Angeles* (1974) 12 Cal.3d 68, 75. Simply put, CEQA incorporates a "strong [legal] presumption in favor of requiring EIRs." See *Kostka, Practice Under CEQA*, section 6.37, pages 340-341, citing the cases above.

The Project violates CEQA, on several grounds, including the following:

(1) Misleading Project Description:

The MND Project Description, disclosing a total dirt export of 9,802 cubic yards, is misleading, in that it does not include substantial dirt export for drilling caissons/soldier piles on the Project site, which are required elements of the Project. See City's Geotechnical Approval letter, dated August 9, 2013, attached to the MND/Initial Study, pp. 1, and 4-5. Consequently, the estimated 2,000 truck trips (assuming 10 cubic yards per truck for 9,802 cubic yards = 2,000 trips (in and out)) is understated, and misleading.

(2) Failure to Disclose Required Caissons:

The City's MND/Initial Study/Geotechnical approval letter for the Project (dated July 9, 2013) fails to disclose the number of required caissons/soldier piles for construction of the Project, on a steep 43 degree hillside, that is deemed to be a landslide area by the City. Consequently, the public and the Board of Building and Safety Commissioners, the lead agency, are unable to calculate the total volume of potential dirt export, and thus unable to understand the total truck trips for hauling dirt that will result from the Project's construction.

(3) Undefined Haul Route:

The proposed Project fails to clearly define the proposed haul route for dirt export, in the Bel Air community, from Chalon Road to Sunset Blvd. Ever shifting haul routes from hearing to hearing, violates CEQA's requirement for a definite, stable and finite project description that does not evolve during the CEQA compliance process.

(4) Cumulative Truck Trips:

The Project will cause significant unmitigated cumulative impacts related to truck trips. The City's MND fails to disclose past, present and probable future truck trips in the Bel Air community (for dirt hauling and other construction-related truck trips, including large cement trucks), to which the proposed Project will incrementally add more than 2,000 truck trips. The failure to conduct such an analysis is a fatal omission in terms of cumulative truck congestion on Bel Air's already overly congested roads. The Department of Building and Safety's tentative steps to begin such an analysis, as described at the Board's recent August 26, 2014 public hearing by Mr. Jeff Napier, regarding the haul route permit for 10697 Somma Way, does not correct this legal error for purposes of statutory CEQA compliance, for any haul route permits approved now.

By this reference we incorporate this firm's comment letter submitted to the Board of Building and Safety Commissioners dated August 25, 2014, regarding the Project at 10697 West Somma Way (hereinafter the "Somma Way Project Opposition Letter"), in particular section

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Los Angeles Department of City Planning
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Page 3

III.B re truck traffic. By this reference, we also incorporate the traffic study attached thereto, at Exhibit K, by RK Engineering Group, dated August 19, 2014 (the "RK Expert Opinion Letter") (additional copies are available upon request).

The RK Engineering group actually conducted heavy truck trip counts in August 2014, to establish present truck volume in the Bel Air Community. The study concludes that the current volume of impacts is very significant and adverse, without adding any additional truck trips, such as truck trips for the proposed project at 10830 Chalon Road. The RK Group concludes that the volume of current plus project truck trips violates applicable standards established by the L.A. Department of Transportation (LADOT) and the highly respected Institute of Traffic Engineers (ITE).

We also incorporate the cumulative truck trip Matrix for current Bel Air construction projects, and the associated Bel Air Map, plotting those projects, which is attached hereto as Exhibit A. The Matrix of haul route permits (13 current or pending) and non-haul route projects (28 current or pending) were prepared by Daniel Love and Jamie Meyer. *See* the Alliance's Somma Way Opposition Letter, Exhibits E (Love Declaration) and F (Meyer Declaration).

(5) Emergency Wildland Fire Evacuation.

The Project May Contribute To Cumulative Adverse Impacts Relating To Emergency Fire Access And Evacuation. The City's Project MND/Initial Study admits that this Project is located in "a very high fire hazard severity zone (ZIMAS)," "which may expose people and/or structures to significant loss, injury or death, involving wildland fires." *See* MND/Initial Study, p. 30, § VIII(h). The Project MND also admits that:

"...temporary construction activities may result in impairment of access through Chalon Road." *See* MND/Initial Study, p. 30, § VIII(g).

The City's MND does not define "temporary," and certainly does not include hauling truck traffic related to the excavation of dirt for the required caissons and soldier piles specified at pp. 1, and 4-5 of the City's Geotechnical Approval Letter for the Project, attached to the MND.

The City's proposed mitigation measures are improperly deferred to the future, merely requiring the applicant to formulate a plan in the future, subject to Fire Department approval. The mitigation measure requires nothing more than "mapping" emergency exists, evacuation routes, and the location of nearest hospitals and fire departments." (*See* MND, p. 6, § VIII-70.) Those measures do not mitigate the obstruction of narrow roads caused by the high volume of construction trucks on in the Bel Air community, based on past, present and probable future project approvals by the Board of Building and Safety Commissioners. The proposed mitigation is so ephemeral as to defy any public assessment of its effectiveness.

The Alliance hereby expressly incorporates into this comment letter two expert opinion letters previously submitted to the Board of Building and Safety Commissioners on August 25, 2014, in this firm's Somma Way Project Opposition Letter, Exhibits G and H to said letter. Exhibit G is from Scott E. Franklin, a retired L.A. County Fire Captain, with Urban Wildland Fire Management; and Exhibit H is from Kevin Nestor, a retired Ventura County Fire Department Deputy Chief. Both of these individuals are experts in the field of urban wildland fire analysis and mitigation. (Additional copies of those expert reports are available upon request).

(6) Air Quality Impacts:

The Project May Cause Significant Localized Air Quality Impacts. The MND/Initial Study merely assumes that exporting 9,802 cubic yards of dirt, to remove a steep hillside, "should" not result in any significant adverse PM₁₀, PM₂₅, and/or NO₂ impacts. However, the City has not completed a Local Significance Threshold analysis ("LST Analysis") to draw any such conclusion, based on scientific data. Compare the LST analysis completed by Air Quality Dynamics, dated August 25, 2014, submitted by this firm with its Somma Way Project Opposition letter. By this reference, we expressly incorporate Section III.C of our recent Somma Way Project Opposition letter, and the LST Analysis attached thereto as Exhibit N and the geotechnical expert's letter, Leighton & Associates, regarding dirt export for 270 soldier piles for the Somma Way project, attached as Exhibit D.

If the City had disclosed the number of caissons/solider piles required for this Chalon Road project, the Alliance could have used the same expert analysis to calculate the estimated additional dirt export for the soldier piles/caissons for the Chalon Road Project, and thus potential construction related health impacts, including to localized air quality. Of course, City Staff should have required those calculations and disclosed them to the public in the MND Project description.

(7) Noise Impacts:

The Project Truck Trips Will Cause Significant Adverse Noise Impacts. The MND/Initial Study does not even identify "Noise" as a potentially significant impact. *See* MND, p. 13. The MND fails to do so despite disclosing plans to export an entire hillside, identified as a landslide, drill an unspecified number of caissons into the bedrock to stabilize the hillside, and export the dirt on large trucks, over an undisclosed period of time. The Noise discussion in the Initial Study addresses on-site construction noise, but entirely omits any analysis and/or mitigation regarding haul route truck trip noise, to export dirt or build the house.

The Alliance objects to the issuance of the proposed MND based on the absolute certainty, that this Project's 2,000 plus truck trips (not including truck trips to export caisson drilling dirt to the bedrock) will incrementally increase cumulative truck noise in the Bel Air community. By this reference, the Alliance expressly incorporates all of the Noise impact evidence attached to its August 25, 2014 Somma Way Project Opposition letter, including

Exhibit B (Levinson Declaration and attached videos B and D thereto); Exhibit F (Meyer Declaration); Exhibit I (Hyman Declaration); Exhibit L (Kaufman letter); Exhibit M (Erickson letter); Exhibit P (Kopald Declaration); Exhibit Q (Kaye letter); and Exhibit R (Powers' letter).

(8) Mitigation Measures Deferral:

The MND improperly defers the formulation of mitigation measures to the future, requiring the Applicant to prepare them.

(9) GHG Emissions:

The MND Improperly Assumes GHG Emissions for Truck Trips (For All Construction Activities) Are Not Affected. *See* MND, p. 13 and p. 28, § VII(b).

(10) Energy Use:

The MND Does not address energy use or wasteful energy use, and mitigation thereof.

B. The Proposed Project, Based On the Evidence Incorporated Herein, Violates City Municipal Code Section 91.7006.7.4(5).

City Municipal Code section 91.7006.7.4(5) states: The Board of Building and Safety Commissioners “shall” deny a haul route permit request where it “will endanger the public health, safety and welfare.”

The expert opinion evidence, sworn declarations, and MND admissions by City Planning Department Staff, are all substantial evidence that adverse health and safety impacts will occur, requiring denial of the proposed permit pursuant to section 91.7006.7.4(5).

C. Sensible Limits On Total Truck Hauling In the Bel Air Hills Should Be Adopted.

The City of Beverly Hills limits the total volume of dirt exported, from any hillside area, to **3,000 cubic yards**, every 5 years. *See* Beverly Hills City Code, Article 25.5, Section 10-3-2521 (Landform Altercation). That type of measure is feasible and effective in limiting the total cumulative volume of truck trips dumped into Bel Air’s narrow hillside roads. No additional haul route permits should be approved until the City has adopted a similar sensible limit on total dirt export, and thus on total truck trips hauling dirt from Bel Air’s hillsides.

Conclusion.

The residents of Bel Air are under physical assault by the City’s ongoing approval of unlimited haul route permits. Such permits are not limited by reference to past, present and probable future projects (application pending or known by City Staff to be commencing), and their related truck trips for hauling and for construction. As the one and only CEQA “lead

Ms. Darlene Navarrete
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agency” approving the project MND for 10830 Chalon Road, the Board may not disclaim responsibility for all project-related truck trips and impacts, based on the excuse that it only narrowly considers haul route permits, and not other construction-related impacts that should be analyzed under CEQA in the MND or an EIR. That narrow “it’s not our job” mentality, to CEQA compliance, will not withstand judicial scrutiny by the Los Angeles County Superior Court on the proposed Project, on the Somma Way Project, nor on any future haul route permit projects approved by the Board of Building and Safety Commissioners.

Very truly yours,



Richard S. Zeilenga
For the Firm

RSZ:bsm

cc: **Via E-Mail:**

Honorable Eric Garcetti, Mayor
Honorable Councilman Paul Koretz, Council District 5
Mike Feuer, Esq., City Attorney, City Attorney’s office
Joan Pelico, Chief of Staff, Council District 5
Shawn Bayliss, Director of Planning and Land Use, Council District 5
Noah Muhlstein, Planning Deputy, Council District 5
Michael LoGrande, Director of Planning, Department of City Planning
Gary Lee Moore, City Engineer, Department of Public Works
Seleta Reynolds, General Manager, Department of Transportation
Raymond Chan, General Manager, Department of Building and Safety
Jeff Napier, Department of Building and Safety
Bel Air/Beverly Crest Neighborhood Council

BEL AIR CUMULATIVE HAUL ROUTE MATRIX

Cumulative Projects with Soil Exported Offsite (Approved, Pending & Probable Future)

Map ID No.	Address	Proposed House Size	Date Haul Permit Issued	Proposed Dirt Export	Truck Trips	Status	Source
1	10697 Somma Way	40,000 sq. feet	8-26-14 hearing	29,474 cubic yds export	5,895	Haul Route Permit Pending	Proposed MND
2	10515 Rocca Place	11,000 sq. feet	Not yet	3,796 cubic yds export	760	Project App. Pending	Submission to Neighborhood Council
3	Tortuoso Way – Lot A	45,000 sq. feet	Not yet	16,000 cubic yds export	3200	Concept	Owner
4	Tortuoso Way – Lot B	25,000 sq. feet	Not yet	16,000 cubic yds export	3200	Concept	Owner
5	Tortuoso Way – Lot C	25,000 sq. feet	Not yet	16,000 cubic yds export	3200	Concept	Owner
6	360 Stone Canyon	40,000 sq. feet (est)	Not known	3,883 cubic yds	777	On Going	LADBS Permits

Map ID No.	Approved Projects	Proposed House Size	Date Haul Permit Issued	Proposed Dirt Export	Truck Trips	Status	Source
7	901 Strada Vecchia	30,000 sq. feet (est)	None	857 cubic yds export	172	Project Stopped	LADBS Permits
8	924 Bel-Air Road	32,495 sq. feet	4-22-14 hearing	21,414 cubic yds export	4,283	On going	Proposed MND
9	10451 Bellagio Rd.	Not available	8-15-14 hearing	2,210 cubic yds export	442	On going	BBSC Website
10	944 Airole	96,000 sq. feet	3-14-14 hearing	43,955 cubic yds export	8,791	On going	LADBS Permits
11	675 N. Perugia Way	Not known	3-11-14 Hearing	2,718 cubic yds export	544	On going	BBSC Website
12	10830 Chalon Rd.	10,000 sq. feet	Not known	9,802 cubic yds export	1,961	In planning	Submission to Neighborhood Council
13	281 N. Bentley Circle	Not available	7-15-14 hearing	2,830 cubic yds export	566	On going	BBSC Website
	Totals			168,939 cubic yds export	33,791 Truck Trips		

**BEL AIR CUMULATIVE CONSTRUCTION PROJECTS
(Approved and Probable Future Projects – No Haul Route Permit)**

	ADDRESS	DESCRIPTION OF PERMIT/PROJECT		
14	1516 Stone Canyon Road	Demolition and grading permits for future home (size unknown)	Ongoing	LADBS Permits
15	1951 Bel Air Road	New home approx. 15,000 sq. ft.		LADBS Permits
16	1950 Bel Air Road	New home approx. 20,000 sq. ft.	Ongoing	LADBS Permits
17	1804 Rial Lane	New home approx. 10,000 sq. ft.	Ongoing	LADBS Permits; info. from contractor
18	1816 Rial Lane	New home approx. 10,000 sq. ft.	Ongoing	LADBS Permits; info. from contractor
19	1449 Bel Air Road	New home with basement and garage; size unknown	Ongoing	LADBS Permits
20	1200 Bel Air Road	New 3-story home with basement; size unknown	Ongoing	LADBS Permits
21	908 Bel Air Road	New 2-story home with basement; approx. 20,000 sq. ft.	Ongoing	LADBS Permits; info. from contractor
22	805 Nimes Road	Large ongoing development; full scope and size unclear from LADBS documents	Ongoing	LADBS Permits; visual inspection

MAP ID NO.	ADDRESS	DESCRIPTION OF PERMIT/PROJECT	STATUS	SOURCE
23	454 Cuesta Way	New home; approx. 26,000 sq. ft.	Pending	LADBS Permits; Application submission to Neighborhood Council
24	457 Cuesta Way			
25	10460 Revuelta Way	New home; approx. 20,000 sq. ft.	Ongoing	LADBS Permits; info from contractor
26	312 Copa de Oro	Large new home; size unknown		
27	10550 Bellagio Road	Large new home; approx. 42,000 sq. ft. plus habitable basement	Ongoing	LADBS Permits
28	620 Stone Canyon Road	New home; approx. 55,000 sq. ft.	Ongoing	LADBS Permits
29	638 Siena Way	New home; approx. 10,000-12,000 Sq. ft.	Ongoing	LADBS Permits; info. from contractor
30	671-673 Siena Way	Large new home; size unknown	Ongoing	LADBS Permits; visual inspection
31	822 Sarbonne Road	Major renovation and expansion of large home; size unknown	Ongoing	LADBS Permits; visual inspection; info. from contractor
32	670 Perugia Way	New home; approx. 14,000 sq. ft.	Ongoing	LADBS Permits; info. from contractor

				SOURCE
33	642 Perugia Way	Large new home; approx. 20,000 sq. ft.	Ongoing	LADBS Permits; info. from contractor.
34	800 Stradella Road		Ongoing	LADBS Permits; applicant submission to Neighborhood Council
35	833 Stradella Road	New 3-story home and 2-story pool house; size unknown	Ongoing	LADBS Permits
	1210 Chantilly Lane	New 3-story home; size unknown		
37	1979 Stradella	New 4-story home; size unknown	Ongoing	LADBS Permits
	10936 Chalon Road			
39	10979 Chalon Road	Large new home with multiple accessory structures; approx. 28,000 sq. ft.	Ongoing	LADBS Permits; info. from contractor.
		42,000 sq. ft. new home with 15,000 sq. ft. guest house	Ongoing	LADBS Permits
41	1400 Linda Flora Dr.	Large new home; approx. 50,000 sq. ft.	Ongoing	LADBS Permits; info. from applicant

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October 27, 2014

VIA E-MAIL (cora.johnson@lacity.org)

Evangelos P. Ambatielos, President
Eleanor Felicia Brannon, Vice President
Honorable Members of the Board of Building and Safety Commissioners
201 North Figueroa Street
Los Angeles, California 90012
Attention: Cora Johnson, Commission Board Secretary

Re: Board File No. 140089
10830 West Chalon Road
Objection to Haul Route Approval
Public Hearing: October 28, 2014

Dear President Ambatielos, Vice President Brannon, and Honorable Board Members:

We represent Helen and Jim Zukin, owners and residents of the property immediately adjacent to the north and down-slope of 10830 Chalon Road (the "Project Site"). The Zukins do not object to the currently proposed haul route, which proposes to run south from Sarbonne to Bellagio and then to Sunset. However, the Zukins—some of whom suffer from chronic respiratory ailments—would be adversely affected by a range of potential impacts of construction, grading, and hauling activities associated with about 10,000 cubic yards ("c.y.") of exported soil. Further, the proposed mitigated negative declaration ("MND") prepared for the proposed haul route fails to substantively evaluate and disclose those impacts, rendering the claimed effectiveness of any proposed mitigation measures speculative and the conclusions of the MND unsupported by any evidence, let alone substantial evidence. Therefore, we request that the Board direct staff to revise the MND to include actual calculations to substantiate its conclusions, include reasonable mitigation measures to reduce the impacts identified, and to provide evidence to support the conclusion that identified impacts are reduced to less-than-significant levels.

- 1. Substantial Evidence does not Support the Conclusions of the MND.**
 - (a) The MND does not Account for the Entire Soil Volume Associated with Grading and Site Preparation.**

As stated in Richard Zeilenga's letter, dated August 27, 2014, regarding the MND, the current grading plan proposes about 9,802 cubic yards of grading. However, this figure does

not appear to include soil associated with drilling for caissons. Thus, although the haul route application for the residence indicates an anticipated requirement for three haul trucks per day over a 24-day grading and site preparation period, the Board cannot evaluate the accuracy of this representation or the effect of the additional grading on the environmental analysis.

(b) The MND does not Substantiate its Discussions of Impacts Associated with Grading and Hauling Activities.

The California Environmental Quality Act ("CEQA") requires substantial evidence in the administrative record to support the conclusions of any environmental impact analysis. Substantial evidence includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Pub. Res. Code §21082.2; 14 Cal. Code Regs. ("Guidelines") §15384. As shown in the City's Initial Study Checklist for the project, the MND concludes that no significant air quality, noise, or traffic impacts ultimately would result from grading and hauling activities. MND, pp. 14–18. However, the MND provides no information besides baldly conclusory statements to support each of these determinations. *See* MND, pp. 21–22 (air quality, providing no quantitative analysis), 34–35 (noise, providing no quantitative analysis), 38–39 (providing no analysis of construction-related traffic at all).

Additionally, as the Bel Air neighborhood includes no sidewalks, residents regularly use the streets for walking. Therefore, construction vehicles create and exacerbate the potential for conflicts among heavy vehicles and pedestrians. Moreover, many truck drivers may be new to or inexperienced in the area, with its narrow, winding roads, increasing the potential for collisions with other vehicles and with people. However, the MND does not provide any substantive discussion of this issue, leaving its impact conclusions unsupported by any evidence.

These omissions are all the more puzzling because each of these impact categories is based on numeric thresholds and therefore requires quantitative analysis. For example, the City's *CEQA Thresholds Guide* relies upon the numeric thresholds of the South Coast Air Quality Management District ("SCAQMD") for construction-related air quality analysis, and also establishes numeric thresholds for construction-related noise impacts, even providing sample noise levels for specific pieces of construction equipment. *See Thresholds Guide*, pp. B.1-2 (air quality), I.1-3 (noise and vibration), section L generally (traffic, providing specific resources for numeric calculations). Accordingly, an impact determination supported by substantial evidence requires the following:

- A discussion of the existing conditions;
- A clear statement of the analytical assumptions of the analysis (e.g., the number and types of equipment and workers, and assumptions regarding activities and grading volumes assumed per day);
- The method of calculating pollutants and noise; and
- A comparison of the calculated values and the numeric thresholds; and, where appropriate,

- The effect of any mitigation measures (i.e., the reductions in pollutants, noise, or traffic anticipated, and the effect of those reductions on the analysis).

As the MND provides virtually none of this information for any of its impact analyses, the conclusions of its impact discussion simply are not supported by substantial evidence in the record, and reliance by the City on those conclusions constitutes an illegal abuse of discretion. Moreover, the failure to evaluate, for example, air quality and noise impacts prevents consideration of reasonable mitigation measures such as more limited construction and/or hauling hours, or reductions in the number of daily or hourly truck trips.

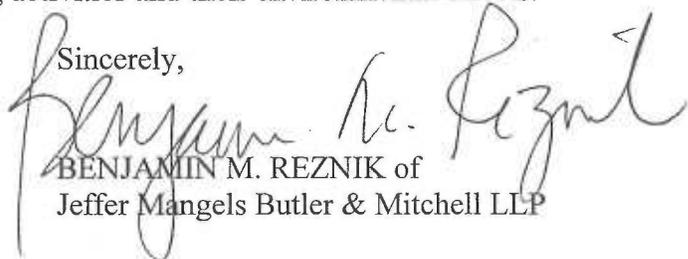
2. Given the Results of a Substantiated Analysis, an Environmental Impact Report ("EIR") may be Required.

An agency must prepare an EIR instead of an MND if substantial evidence in the record supports a "fair argument" that a significant impact *may* result from a project. *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 75 (1974). The fair argument test is a low threshold. *Porterville Citizens for Responsible Hillside Development v. City of Porterville*, 157 Cal.App.4th 885 (2007). Here, however, *no evidence—let alone substantial evidence—supports the significance conclusions of the MND*. Further, equipment noise values provided in the City's own *CEQA Thresholds Guide* indicate that construction equipment likely to be present on and around the Project Site will generate noise levels that will exceed applicable thresholds at the Zukin's property, as well as other surrounding properties. That substantial evidence, by itself, supports a fair argument that significant construction-related noise impacts would occur as a result of the haul route. As this data is uncontested by the MND, the Board has no alternative information on which to rely, and a contrary conclusion is wholly unsupported. Consequently, the City should prepare an EIR to evaluate noise and vibration effects, at a minimum, as well as other construction-related impacts.

3. The City Must Revise and Recirculate the MND.

Given the near complete lack of evidence to support the conclusions of the MND, and for the reasons described above, the Board should deny the proposed haul route and instruct staff to revise and recirculate the MND to adequately inform the public and decisionmakers of the scope of the grading and hauling activities and their environmental effects.

Sincerely,



BENJAMIN M. REZNIK of
Jeffer Mangels Butler & Mitchell LLP

BMR:neb

cc: Shawn Bayliss, Director of Planning and Land Use, CD5
Raymond Chan, C.E., S.E., General Manager