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**MOUNT WASHINGTON-GLASSELL PARK SPECIFIC PLAN
PROJECT PERMIT COMPLIANCE REVIEW**

January 24, 2017

Applicant/Representative

Elizabeth Herron
Elizabeth Herron Architecture
935 W. Ave 37
Los Angeles, CA 90065

Owner

Scott Akerley
6100 San Fernando Road
Glendale, CA 91201

Case No. DIR-2014-3018-SPP
Related Cases: DIR-2014-3024-SPP
DIR-2014-3021-SPP
DIR-2014-3022-SPP
DIR-2014-3025-SPP

CEQA: ENV-2015-1593-MND

Location: 3861 Barryknoll Drive

Council District: 1-Cedillo

Neighborhood Council: Arroyo Seco

Community Plan Area: Northeast Los Angeles

Land Use Designation: Very Low Residential

Zone: R11-1

Legal Description: Tract 10259, Lot 22

Last Day to File an Appeal: February 8, 2017

DETERMINATION

Pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.7 C, and the Mount Washington-Glassell Park Specific Plan Ordinance 168,707, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve with Conditions a Project Permit Compliance Review for the construction of a 2,635-square-foot three-story 45 feet in height single-family dwelling (including an attached 380 square-foot garage) on an approximately 7,225 square-foot lot.

Adopt the Mitigated Negative Declaration ENV-2015-1593-MND as the project's environmental clearance pursuant to the California Environmental Quality Act and Section 21082 of the California Public Resources Code.

Adopt the Mitigation Monitoring Program.

The project approval is based upon the attached Findings and subject to the attached conditions of approval:

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CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Floor Area.** As defined by the Mount Washington-Glassell Park Specific Plan, Floor Area is that area in square feet confined within the exterior walls of a building of a One-Family project, including the area of stairways, shafts, covered automobile parking, and basement storage and excluding uncovered outdoor decks. The project shall be limited to a total of 2,635 square feet in floor area including the attached 380 square-foot garage.
3. **Height.** The height shall be limited to 45 feet as measured per LAMC Sections 12.03 and 12.21.1. Within six feet of the front lot line, the building height shall be limited to 15 feet. Within six feet to 12 feet of the front lot line, the building height shall be limited to 24 feet.
4. **Front Yard Setback.** The project shall observe a front yard setback of not less than five feet.
5. **Landscape Plan:**
 - a. Xeriscape Requirements. The project shall comply with the xeriscape requirements set forth under sections 12.40 through 12.43 of the Los Angeles Municipal Code (LAMC).
 - b. Landform Planting Design. Haul route permits are required when the import and/or export of earth from the site exceeds 1,000 cubic yards. The applicant has indicated that no earth material will be exported from the project site. The combined amount of earth material to be exported for this project and the eight related projects exceeds 1,000 cubic yards and would require a staging and parking plan. The subject property is located within a Hillside Area and Special Grading Area. The Department of Building and Safety, Grading Division issued a Soils Approval Letter dated September 24, 2014 (Log Reference #82416-02), and their conditions are incorporated herein, by reference. Mitigated Negative Declaration No. ENV-2015-1593-MND includes mitigation measures to ensure that the proposed project's construction and grading impacts to public health and safety are less than significant. To the extent feasible, the type and placement of landscape materials on the graded slope shall conform to the standards set forth in the Landform Grading Manual.

Fire Safety. The landscaping and preservation, relocation, and removal of Native and Significant Trees shall not require any planting in violation of applicable fire safety regulations.

6. **Maintenance of Structures and Property:**

- a. Fences and Walls. Fences and walls shall be maintained in good repair and shall be kept vertical, uniform and structurally sound. All repairs shall blend in with said fence or wall and be compatible there within color and material. Fences constructed of wood, metal, Masonite, or similar materials shall be uniformly painted or stained or otherwise treated or sealed to prevent weathering or deterioration.
- b. Henceforth, no additions or alterations shall be made to the building(s), except those improvements normal to the proper maintenance of the buildings or as may be required by a public agency or public health and safety, unless it meets the requirements of Section 6, of the Specific Plan and a Project Permit has been issued pursuant to Section 8 of the subject Ordinance.

Environmental Mitigation Conditions

7. **Tree Preservation (Project Construction)** "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 in the Tree Report. The barrier shall be maintained throughout Project completion, and shall not be removed until the completion and cessation of all parcel construction

8. **Tree Removal and Replacement (Locally Protected Species)**

- a. All protected tree removals require approval from the Board of Public Works.
- b. A Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for review and approval (213-847-3077), prior to implementation of the Report's recommended measures.
- c. A minimum of two trees (a minimum of 48-inch box in size if available) shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division.
- d. The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.
- e. Bonding (Tree Survival):
 - i. The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of trees required to be

maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a native tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's native tree bond may be exonerated.

- ii. The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the native tree were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

9. Tree Removal (Public Right-of-Way)

- a. Removal of trees in the public right-of-way requires approval by the Board of Public Works.
 - b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).
 - c. The plan shall contain measures recommended by the Tree Expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.
 - d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.
- 10. Habitat Modification (Nesting Native Birds, Hillside or Rural Areas).** Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86). If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
- a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 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.

11. **Hillside Construction Staging and Parking Plan.** Prior to 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 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:

- a. No construction equipment or materials shall be permitted to be stored within the public right-of-way.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

- f. During all phase of 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*.
12. **Public Services (Fire)** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
13. **Inadequate Emergency Access (Hillside Streets – Construction Activities)**
 - a. No parking shall be permitted on the street during Red Flag Days in compliance with the "Los Angeles Fire Department Red Flag No Parking" program.
 - b. All demolition and construction materials shall be stored on-site and not within the public right-of-way during demolition, hauling, and construction operations.

NOTE: Attachment "Exhibit B" lists the regulating codes and statutes regarding construction requirements and restrictions.

Administrative Conditions

14. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
15. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
16. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
17. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
18. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the

Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code Compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

19. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
20. **Indemnification and Reimbursement of Litigation Costs.** The Applicant shall do all of the following:
 - a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably

cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

21. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided Planning Staff for attachment to the subject case file.

FINDINGS

The project, located at 3861 Barryknoll Drive, proposes to construct a new 2,635 square-foot, 45 foot tall, single-family dwelling. The project includes an attached 380-square-foot garage on the ground floor, providing two parking spaces. The subject property is situated on a down-sloping 7,225 square-foot lot. The property fronts on Barryknoll Drive, which is designated as a Substandard Hillside Limited Street and is not fully improved. Neighboring properties are zoned R11-1. Along the south, southeast and southwest are predominately vacant lots. To the north, northwest and northeast are composed of single family residences.

The applicant filed the subject case and four related Project Permit Compliance applications, (DIR-2014-3025 - 3919 Barryknoll Drive, DIR-2014-3024 - 3701 Barryknoll Drive, DIR-2014-3022-SPP - 3871 Barryknoll Drive and DIR-2014-3021-SPP - 3865 Barryknoll Drive), for the construction of five, single-family residences. The lots are all contiguous as depicted on the map, attachment A. All of the properties are under the same ownership, and therefore, reviewed as one "Project" under the Environmental Case No. ENV-2014-1593-MND.

Attachment B, Project Summary Table, contains the project details of this project and the other four related projects, including the total lot area, maximum floor area ratio and floor area allowed, proposed floor area, and building height. Attachment C, Architectural Elements Table, detail the architectural design elements for all five projects, including facade materials, design elements, color treatment, modulation, and articulation.

The tree report indicated there are existing trees (Black Walnuts) on site which are Protected Trees. There are no Significant Trees as defined by Section 3 of the Specific Plan. Two trees will be removed. The remaining five trees will remain after construction.

There will be 60 cubic yards export of earth material for this project; however, the total export from all five projects will be approximately 120 cubic yards (from two of the related projects). Environmental impacts for all five cases are analyzed under ENV-2015-1593-MND and contain the same conditions relative to the mitigations measures.

The subject site is within a Hillside Area, Special Grading Area, Very High Fire Hazard Severity Zone, and Landslide Area. The site is located approximately .22 miles from the Raymond fault. The proposed project is subject to the guidelines and requirements of the Mount Washington-Glassell Park Specific Plan, footnotes contained in Northeast Los Angeles Community Plan, and the Baseline Hillside Ordinance No. 181,624, where applicable.

The proposed residential project meets the requirements of Section 6 of the Mount Washington-Glassell Park Specific Plan for One-Family project standards and Los Angeles Municipal Code 11.5.7, as follows:

1. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.

a. Floor Area

The Mount Washington-Glassell Park Specific does not permit the proposed project to exceed the Floor Area Ratio (FAR) that is determined by the formula for lots measuring over 5,000 to 10,000 square feet in size. Based on the formula, the maximum FAR for the proposed project is 0.45:1. The subject lot has an area of 7,225 square feet, and

the. 0.45 FAR allows a maximum floor area of 2,635 square feet including the attached garage. The project does not exceed the maximum floor area allowance and therefore complies with Section 6A of the Mount Washington-Glassell Park Specific Plan.

b. Building Height and Stepback Distances

The proposed height of the building is 45 feet, which complies with the 45-foot height limit imposed by the Mount Washington-Glassell Park Specific Plan. The Specific Plan also limits building and structure heights within the 6-foot and 12-foot stepback distances measured from the property line. The building is 13 feet and 9 inches tall at 6 feet and 12 feet from the property line. Therefore, the project is in compliance with Section 6 regarding step-backs of the Mount Washington-Glassell Park Specific Plan as depicted on Exhibit A.

c. Prevailing Front Yard Setback

The prevailing front yard setback is five feet, however the project is proposing to provide a six foot front yard setback which complies with the prevailing front yard setback requirements of the Mount Washington-Glassell Park Specific Plan.

d. Off-street Automobile Parking Requirements

The property currently fronts a Substandard Hillside Limited Street. The project includes an attached 380-square foot garage, which provides two covered parking spaces. Therefore, the project complies with off-street automobile parking requirements in LAMC Section 12.21 C.10.

e. Public Health and Safety

Haul route permits are required when the total import and export of earth from project site exceeds 1,000 cubic yards. The proposed project will not require the export of earth material from the project site; however, the total combined export of earth material from all related cases is 180 cubic yards. This is less than 1000 cubic yards which would require a Haul Route approval from the Department of Building and Safety. However, per Condition of Approval number 11, the applicant is required to follow standard haul route staging practices.

f. Preservation, Relocation, and Removal of Native and Significant trees

A tree report prepared by the arborist Arsen Margossian, dated August 4, 2014 states that there are seven Protected Black Walnut trees located on the subject site. As depicted on the site plan: 1) It is necessary to remove two Native Trees because their continued existence at that location prevents the reasonable development of the subject property; and 2) The removal of the two Native trees would not result in undesirable, irreversible soil erosion through diversion or increased flow of surface waters which cannot be mitigated to the satisfaction of the Department of City Planning.

Five Black Walnut will remain on the site and neither the proposed grading nor other construction activity will occur within the driplines of these trees. In addition, a mitigation measure requiring a barrier to be maintained throughout the grading phase is included in the conditions of approval.

g. The Architectural Design Elements of the Front and Rear Building Elevations vary from the Adjacent Buildings.

The project is one of the five, single-family dwelling projects proposed by the applicant. Attachment B contains renderings and explanation which illustrate architectural design of each project. Attachment C Architectural Elements provides detailed comparison of varied design elements, modulation, and articulation of this project and the four related projects. This evidence is that five proposed single-family homes are designed so that each home displays a unique modulation, articulation, and a varied use of a varied palate of architectural materials so that each design viewed as a whole does not look similar to the adjacent homes.

2. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.

A Mitigated Negative Declaration, ENV-2015-1593-MND, was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval herein), there is no substantial evidence that the proposed project will have a significant effect on the environment. The Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

FINAL PLAN SIGN OFF AND APPROVAL

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the San Fernando Valley. In order to assure that you receive services without waiting, applicants are encouraged to schedule an appointment with the Development Services Center by calling (213) 482-7077 (Figueroa

Plaza) or (818) 374-5050 (Marvin Braude Building) San Fernando Valley or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.lacity.org/pln.

Planning Department public offices are located at:

Downtown Office
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

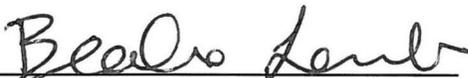
Valley Office
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077 or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

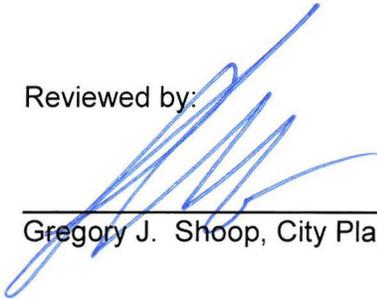
VINCENT P. BERTONI, AICP
Director of Planning

Approved by:



Blake Lamb, Senior City Planner

Reviewed by:



Gregory J. Shoop, City Planner

Prepared by:



Ondrea Tye, City Planning Associate
Ondrea.Tye@lacity.org

“Exhibit B”

Regulating Codes and Statutes Regarding Construction Requirements and Restrictions.

The Applicant or Owner shall be responsible for implementing all regulating Codes and Statutes in regards to construction regulations. All departments listed below are within the City of Los Angeles unless otherwise noted. As shown on the following table, each required regulating Codes and Statutes for the proposed project is listed and categorized by area, with accompanying enforcement agencies and contact numbers:

	Construction Requirements	Enforcement Agency*	Contact
1	When temporarily blocking portions of streets for deliverers of construction materials please provide flag persons to assist with pedestrian and vehicular traffic. LAMC 62.46	BOSS	(800) 996-2489
2	Street closures shall not take place during peak traffic hours. Any street, sidewalk, or other improvement work shall be in conformance with the latest Manual on Work Area Traffic Control. LAMC 62.1-07	BOSS	(800) 996-2489
3	Care should be taken to not overfill concrete trucks during deliveries. If spills occur it is the responsibility of the concrete company to immediately provide clean up. LAMC 62.130.	BOSS	(800) 996-2489
4	Construction noise should be kept to a minimum with consideration of the surrounding neighbors and to be excess noise only during hours permitted. Unnecessary noise shall be kept below legal levels. LAMC 112.01, 112.03, 112.04, 112.05 (City of Los Angeles Noise Ordinance No. 144,331 and 161,574)	LAPD, LADBS, BOSS	311 or (323) -344-5701 (non-emergency) (800)-996-2489
5	Streets and sidewalks adjacent to construction sites shall be swept and free of construction debris at all times. LAMC 62.45 through 62.54.	BOSS	(800) 996-2489
6	Care should be taken to not interfere with trash pick-up by the Bureau of Sanitation. Construction and delivery vehicles are subject to trash pick-up parking restrictions. LAMC 80.69.	LADOT	(213) 485-4184
7	If building materials are to be stored in public right of way, it shall be by permit from the Department of Public Works, Bureau of Street Services, Investigations and Enforcement Division and shall conform to all applicable rules. LAMC 62.45 through 62.54.	BOSS	(800) 996-2489

8	Comply with the following Permitted Construction/Demolition Hours. LAMC 41.40 Monday- Friday 7AM – 9 PM Saturday or National Holiday 8 AM – 6 PM Sunday No Work Permitted.	LAPD BOSS	(323) -344-5701 (800) 996-2489
9	The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.	LADBS	311
10	Compliance with provisions of the Southern California Air Quality Management District Rule 403 for dust and air pollution from construction activities.	SCAQMD	1-800-CUT SMOG
11	The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.	SCAQMD	1-800-CUT SMOG
12	In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.	SCAQMD	1-800-CUT SMOG

NOTE: Report a haul route violation online using this link:

<http://ladbs.org/services/core-services/inspection/inspection-special-assistance/haul-route-monitoring-program/haul-route-monitoring-program-complaint-form>

KEY:

- LADBS—Los Angeles Department of Building and Safety
- BOSS----Bureau of Street Services
- LADOT--- Los Angeles Department of Transportation
- LAPD--- Los Angeles Police Department
- SCAQMD--- Southern California Air Quality Management District