

CONDITIONS OF APPROVAL

(As Modified by the East Los Angeles Area Planning Commission at its meeting on September 11, 2024)

Upon the following additional terms and conditions:

1. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
2. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
3. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
4. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
5. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied within the development and use of the property, except as such regulations are herein specifically varied or required.
6. Approved herein is the construction, use and maintenance of a new two (2) story single family-dwelling measuring approximately 3,731 square feet with a 393 square foot covered garage on an 8,696.8 square foot vacant lot that fronts two Substandard Limited Hillside Streets without providing a minimum 20-foot adjacent minimum roadway on Frontenac Avenue, without providing a sidewalk on West Avenue 44, and without providing a minimum 20-foot Continuous Paved Roadway from the driveway apron of the property to the boundary of the Hillside Area.
7. The applicant shall obtain all necessary permits from the Bureau of Engineering (BOE) to ~~to~~ **and** complete the street improvements of the Adjacent Minimum Roadway along the frontage of the subject property on West Avenue 44 (half roadway to be provided from the street center line) to the satisfaction of BOE prior to the construction of the proposed new dwelling unit. The applicant is not required to provide the sidewalk on West Avenue 44.
8. No other deviations have been requested from any other applicable provisions of the Baseline Hillside Ordinance (BHO) regulations (Section 12.21 C.10 of the LAMC). All other applicable provisions shall be observed.
9. 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 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 Department of City Planning, Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.

10. Prior to the issuance of a grading permit, a cash bond shall be posted to the satisfaction of the BOE to guarantee that any damage incurred to roadways (sections of the roadways is to be determined by the City Engineer), which may result from any construction activity on the site, is properly repaired by the applicant. Any damage incurred to the roadways which may result from any construction activity on the site shall be properly repaired by the applicant to the satisfaction of the Bureau of Engineering. The applicant is hereby advised to obtain all necessary permits to facilitate this construction/repair.
11. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Los Angeles Fire Department (LAFD). Said Department's approval in a stamp form shall be included in the plans submitted to the Development Services Center.
12. On- and off-site drainage of the project including any stormwater runoff mitigation measures shall be reviewed and approved by the Department of Building and Safety and the Department of Public Works. Stormwater mitigation regulations shall be complied with at all times.
13. Prior to any sign off of plans by the Development Services Center, the project shall comply with all requirements of the Department of Building and Safety's Grading Division including the conditions of approval contained in the Geology and Soils Report Approval Letter dated October 5, 2023, Log # 90488-02, and any subsequent amendment. A copy of the conditions shall be incorporated on the plans submitted to the Department of City Planning Development Services Center prior to issuance of any permits.
14. Prior to the clearance of the building permit, the applicant shall submit a landscape plan prepared and stamped by a licensed landscape professional in accordance with the City of Los Angeles Landscape Ordinance No. 170,978 to the Development Services Center of the Planning Department for a review and approval. The landscape plan shall show one protected toyon shrub onsite per the Protected Tree Report. The toyon shrub shall be persevered in place. All landscaping shall be implemented prior to the issuance of the certificate of occupancy.
15. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the

- emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
16. Outdoor lighting shall be designed and installed with shielding, so that the light does not overflow into adjacent residential properties.
 17. Air conditioning units or other similar items located on the roof shall be screened to minimize visual and aesthetic impacts.
 18. The project owner is fully responsible and shall ensure the project contractor and crew read, fully understand, and comply with all conditions imposed in this grant and in the approved Hillside Development Construction Traffic Management Plan reviewed and approved by the Los Angeles Department of Transportation (LADOT) on July 26, 2022 during all applicable demolition, grading, and construction phases of the project. Should this grant contain more restrictive conditions, the project personnel shall comply to the more restrictive conditions.
 19. The contractor shall establish an off-site staging area for large trucks and any other construction vehicles and a construction parking plan in order to control the frequency of construction traffic to the site to the satisfaction of the Department of Transportation. The specifics of the plan shall be printed on the plans. No construction vehicles shall park on Avenue 44 after the grading phase.
 20. Building material delivery and loading accessing the project site shall not utilize over-size trucks. Trucks shall be two axles only.
 21. Truck traffic directed to the project site for the purpose of delivering materials and construction machinery shall be limited to the hours beginning at 9 a.m. and ending at 3 p.m., Monday through Friday only. No truck deliveries shall occur outside of this time period.
 22. All trucking activities for deliveries during grading and construction stages shall be coordinated so that only one truck vehicle is at the site at one time and so that a construction supervisor is present at such time to prevent any potential traffic impacts.
 23. A minimum of two flag persons shall be provided to assist with the exporting and delivery of any earth and construction materials at the site. Flag persons shall assist with the movement of traffic whenever two-way traffic is obstructed as a result of construction activity.
 24. Areas with signs labeled “No Parking” and “No Stopping” by LADOT shall not be used for parking and staging.
 25. Staging shall be done onsite to the extent feasible. When staging will need to be adjacent to the site, at no times can driveways of adjacent properties be blocked, nor can one lane of the street be blocked without the presence of a flagger. No staging shall take place on any other street in the neighborhood.

26. Concrete trucks shall be staged onsite to the extent feasible. When staging will need to be adjacent to the site, at no times can driveways of adjacent properties be blocked, nor can one lane of the street be blocked without the presence of a flagger. The applicant shall secure a street use permit from the Bureau of Street Services when necessary for said concrete pouring. No staging shall take place on any other street in the neighborhood.
27. No delivery of material shall occur on trash collection and LAFD designated Red Flag days.
28. The public street right-of-way adjacent to the project site shall be cleaned of spilled materials and trash during earth exporting and construction stages at the termination of each workday.
29. All debris, trash and waste generated by the construction or by any worker, including but not limited to building material remnants, removed weeds, dirt, food or drinks consumed by workers, etc., must be removed from the site or kept in a covered, onsite trash receptacle on the properties being developed. Any trash stored on site must be removed at least once per week, or whenever the storage receptacle is full, whichever is sooner.
30. During all phases of construction for the dwelling unit, all materials related to the project shall be stored onsite. No building materials shall be stored on public streets.
31. The applicant shall install a 6-foot-tall security and a debris catch fence along West Avenue 44 and at the downslope area where the grading and construction activities occur on the project site.
32. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
33. Prior to the commencement of site excavation, grading, and construction activities, the applicant shall notify all immediate residents located along West Avenue 44 and provide the above residents with a written construction schedule. The applicant and the project construction manager shall identify a contact person and provide a telephone number for any inquiries from residents regarding construction activities. The phone number shall be provided to all residents within the aforementioned location and shall be posted on the site in a manner which is readily visible to any interested party.
34. Prior to and during grading and construction, the adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for (1) Department of Transportation, Parking

- Enforcement; (2) Building and Safety enforcement; and (3) the owner and/or construction contractor where residents can inquire about the construction process and register complaints. The applicant shall be required to respond within 24 hours of any complaint. A construction superintendent shall be present onsite during construction.
35. A 24-hour "hotline" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors. The construction supervisor shall be required to respond within 24 hours of any complaint received on this hotline.
 36. Development Regulations. Single-family home developments within an HCR District shall comply with each of the following Grading, Hauling and Hauling Operation Standards, as applicable:
 37. Maximum Import and/or Export for Hillside Areas Fronting Substandard Streets. For a lot which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, the total cumulative quantity of Import and Export of earth combined, shall be no more than 75 percent of the "by-right" maximum pursuant to Section 12.21 C.10 and shall not exceed 6,000 cubic yards.
 38. Hauling Truck Trips. A maximum of four trucks are permitted to haul per hour per project site. A grouping or convoy of hauling vehicles shall not be allowed; only one hauling vehicle is permitted per project site at any one time.
 39. Hauling Truck Operations. As conditions of project approval for the issuance of a grading or building permit for projects in a HCR District, each of the following hauling operation standards shall be met:
 - (a) Projects required to obtain a Haul Route approval from the Board of Building and Safety Commissioners for the import and/or export of 1,000 cubic yards or more of earth material shall prominently post the final action letter with the approved Haul Route staff report on the job site at all times.
 - (b) No grading shall be performed within any areas designated "hillside" unless a copy of the grading permit is prominently posted on the job site at all times.
 - (c) All hauling vehicles must be identified by a placard identifying the project address which shall be prominently displayed on each hauling vehicle.
 40. Equipment. As conditions of project approval for the issuance of a grading or building permit for projects in a HCR District, each of the following equipment
 41. standards shall be met:
 - (a) 10-wheeler dump trucks (with a 10 cubic yard capacity) or smaller are the only type of trucks permitted for hauling of earth. Notwithstanding the foregoing, the Board of Building and Safety Commissioners may authorize the use of other

- types of hauling vehicles for a project through the Haul Route approval process.
- (b) Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
42. Operating Hours and Construction Activity. Compliance with each of the following standards shall be required for all projects in a HCR District requiring the issuance of a grading or building permit. However, if a Haul Route approval by the Board of Building and Safety Commissioners is required for import and/or export of 1,000 cubic yards or more, then the conditions set by the Board of Building and Safety Commissioners during the Haul Route approval process shall prevail and the following standards shall not apply.
- (a) Hauling operations shall be conducted only on Monday through Friday, between the hours of 9:00 a.m. and 3:00 p.m. Hauling operations on Saturdays, Sundays, or state or federal designated holidays is strictly prohibited.
- (b) Haul trucks shall be staged off-site and outside of the HCR District. As deemed necessary, the Board of Building and Safety Commissioners may permit staging onsite or in any alternate staging area by special condition during the Haul Route Approval process.
- (c) Construction activity shall be limited to Monday through Friday, between the hours of 8:00 a.m. to 6:00 p.m. Exterior construction work at any other time is strictly prohibited. However, interior construction work may be conducted on Saturdays between the hours of 8:00 a.m. to 6:00 p.m. Excess exterior illumination of the site through the use of flood lights and/or similar lighting devices is strictly prohibited after 6:00 p.m. on any day of the week.
- (d) A log noting the dates of hauling activity and the number of hauling truck trips per day shall be available on the job site at all times.
- (e) The owner or contractor shall control dust caused by grading and hauling and provide reasonable control of dust caused or exacerbated by wind at all times. Grading and hauling activities shall be discontinued during periods of high winds and Red Flag days as determined by the Los Angeles Fire Department.
- (f) Loads shall be secured by trimming and shall be covered to prevent spillage and dust. Haul trucks are to be contained at the export site to prevent blowing of dirt and are to be cleaned of loose earth at the export site to prevent spilling.
- (g) Streets shall be cleaned of spilled materials at the termination of each
- (h) workday.
- (i) "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit from the project site in each direction.

- (j) Flag person(s) shall be required for all project sites. Flag persons with radio control and warning signs shall be in compliance with the latest edition of the "Work Area Traffic Control Handbook." Flag persons provided at the job site shall assist trucks in and out of the project area.
43. The following conditions include those directly related to the review of Project Permit Compliance with the Mount Washington-Glassell Park Specific Plan:
- a. 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, Central Project Planning 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.
 - b. 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 areas and basement storage areas, and excluding uncovered outdoor decks. The total gross floor shall not exceed 3,739 square feet, including a 393-square foot covered garage.
 - c. Building Height and Stepback Distances – The proposed dwelling shall be limited to 45 feet in height. Within six feet of the front lot line, the building height shall not exceed 15 feet, and within six feet to 12 feet of the front lot line, the building height shall not exceed 24 feet.
 - d. Front Yard Setback – The project shall provide a minimum front yard setback of five feet.
 - e. Parking – The project shall comply with the off-street parking requirements pursuant to LAMC Section 12.21 C.10.
 - f. Landscape Plan:
 - 1) Xeriscape Requirements. The project shall comply with the xeriscape requirements set forth under Sections 12.40 through 12.43 of the LAMC.
 - 2) Landform Planting Design. To the extent feasible, the type and placement of landscape materials on graded slopes shall conform to the standards set forth in the Landform Grading Manual.
 - 3) 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.

- 4) Landscape and Preservation, Relocation, and Removal of Native and Significant Trees. ~~As identified in the Protected Tree Report prepared by Certified Arborist #WE-11356A, Leonardo Moran from Thrifty Tree Service Inc. on December 11, 2021, there is one (1) Protected Toyon Shrub on site per the Protected Tree Report and it shall be persevered in place. There are zero (0) Significant Trees onsite. The Protected Tree Report was reviewed and stamped by the Urban Forestry Division on June 3, 2022.~~ **The applicant shall obtain a new Protected Tree Report, which shall be reviewed and stamped by the Urban Forestry Division, and submitted to the Department of City Planning Development Services Center prior to case condition clearance. Protected trees and shrubs shall be preserved or replaced in accordance with the Protected Tree Ordinance, Ordinance #186,873.**

The applicant shall observe the Tree Protection Guidelines set forth in said tree report and the standards of approval of Relocation/Removal of Native or Significant Trees of the Mount Washington-Glassell Park Specific Plan during the Pre-Construction Phase and Construction Phase by using protective fencing, keeping the site clean, sufficient irrigation, no flooding, using hand tools around the tree locations, do not back any equipment up to the trunk of trees, avoid root impact, trenching and root pruning, maintain natural grade, place mulch, and under observation by an arborist.

g. Construction Requirements/Restrictions

- 1) Posting of Construction Activities. During construction, the adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for (1) Department of Transportation, Parking Enforcement; (2) Building and Safety enforcement; and, (3) the owner and/or construction contractor where residents can inquire about the construction process and register complaints. The applicant shall be required to respond within 24 hours of any complaint. A construction superintendent shall be present onsite during construction.
- 2) Community Relations. A 24-hour "hotline" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors. The applicant shall be required to respond within 24 hours of any complaint received on this hotline.
- 3) Deliveries of Equipment Supplies. 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 to mitigate any potential traffic impacts. A flag person shall be

provided to assist with the delivery of any construction materials to the site on trash-pick up days until the trash collection has been completed.

- 4) Truck Traffic Restricted Hours. Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, any delivery of fill material or removal of graded soil shall be limited to the hours beginning at 9 a.m. and ending at 3 p.m., Monday through Friday only. No truck deliveries shall occur outside of the time period.
- 5) Construction Activities. Prior to the commencement of site excavation and construction activities, the applicant shall notify residents within a 100-foot radius of the project site and provide residents with a written construction schedule. The applicant and the project construction manager shall identify a contact person and provide a telephone number for any inquiries from residents regarding construction activities. The phone number shall be provided to all residents within the 100-foot radius and as noted above it shall be posted on the site in a manner which is readily visible to any interested party
- 6) Reduced Roadway Width. At no time during construction activities shall West Avenue 44 be reduced to a roadway width of less than 18 feet.
- 7) Flag Persons. Flag persons shall assist with the movement of traffic whenever two-way traffic is obstructed as a result of construction activity.
- 8) Off-Site Staging Area. The contractor shall establish an off-site staging area for large trucks and any other construction vehicles in order to control the frequency of construction traffic to the site, to the satisfaction of the Department of Building and Safety.
- 9) Storage of Materials. During all phases of construction, all materials related to the construction of the proposed project shall be stored onsite.

47. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- h. 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,
- i. 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.

- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in 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.
- iii. 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 \$50,000. 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).
- iv. 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).
- v. 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization 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 upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification,

verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.