

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
APCE-2015-2048-ZC-ZAD-ZAA	ENV-2015-1918-MND	14 – de Leon
PROJECT ADDRESS:		
2520 North Eastern Avenue (2532, 2608, and 2668 N. Eastern Avenue and 2647-2651 N. Lombardy Boulevard)		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
TTLIC Los Angeles – EL Sereno, LLC 2372 Morse Ave, Suite 618 Irvine, CA 92614 <input type="checkbox"/> New/Changed	949-500-7998	<a href="mailto:rflitton@thetrulinecompanies.com">rflitton@thetrulinecompanies.com</a>
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Rob Flitton, TTLIC Management, Inc 2372 Morse Avenue, Suite 618 Irvine, CA 92614  Jim Ries , Craig Lawson & Co., LLC 3221 Hutchinson Avenue, Suite D Los Angeles, CA 90034	Rob Flitton: 949-5000-7998  Jim Ries: 310-838-2400 x 101	Rob Flitton: <a href="mailto:rflitton@thetrulinecompanies.com">rflitton@thetrulinecompanies.com</a>  Jim Ries: jim@craiglawson.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
May Sirinopwongsagon	213-978-1372	<a href="mailto:may.sirinopwongsagon@lacity.org">may.sirinopwongsagon@lacity.org</a>
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Zone Change (ZC)		

**FINAL ENTITLEMENTS NOT ADVANCING:**

Zoning Administrator's Determination (ZAD) and Zoning Administrator's Adjustment (ZAA)

**ITEMS APPEALED:**

N/A

**ATTACHMENTS:****REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☒ Conditions of Approval
- ☒ Ordinance
- ☒ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☐ Other \_\_\_\_\_

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- ☐ Categorical Exemption
- ☐ Negative Declaration
- ☒ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other \_\_\_\_\_

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

**NOTES / INSTRUCTION(S):**

N/A

**FISCAL IMPACT STATEMENT:**☒ Yes☐ No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- ☐ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☒ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
May 13, 2020	4 - 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
January 29, 2021	No
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Etta Armstrong Commission Executive Assistant	February 8, 2021



# EAST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

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

## LETTER OF DETERMINATION

Mailing Date: **JAN 14 2021**

**CASE NO: APCE-2015-2048-ZC-ZAD-ZAA**

Council District: 14 – Huizar

CEQA: ENV-2015-1918-MND

Plan Area: Northeast Los Angeles

**Project Site:** 2520 North Eastern Avenue (2532, 2608, and 2668 North Eastern Avenue and 2647-2651 North Lombardy Boulevard)

**Applicant:** Rob Flitton, The True Life Companies  
Representative: Jim Ries, Craig Lawson & Co., LLC

At its meeting of **May 13, 2020**, the East Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

Construction, use, and maintenance of 42 small lot homes on the approximately 218,270 square-foot lot. The small lot homes will have approximately 2,000 square feet of floor area and a maximum height of 26 feet. The Project proposes to provide two (2) parking spaces per dwelling unit, which will be located in garages attached to each small lot home. In addition to the two (2) required parking spaces, up to 38 of the small lot homes have been designed to accommodate two (2) additional parking spaces within each of the driveways, providing off-site options for residence and their guests. Access to 38 of the small lot homes will be provided through a common access driveway accessible from Eastern Avenue, while the remaining four (4) small lot homes will be accessible from a common access driveway from Lombardy Boulevard. The Project will require the removal of 39 of 102 Protected Trees (Black Walnut trees) located on the site and the grading and export of approximately 78,000 cubic yards of dirt.

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2015-1918-MND ("Mitigated Negative Declaration"), and all comments received, with the imposition of the mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **Found** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **Found** the mitigation measures have been made enforceable conditions on the project; and **Adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Approved and recommended** that the City Council adopt pursuant to Section 12.32 of the Los Angeles Municipal Code (LAMC), a Zone Change on the Project Site from [Q]R1-1D and [Q]RD6-1D to (T)(Q)RD5-1D;
3. **Approved**, pursuant to Section 12.24 X.26 of the LAMC, a Zoning Administrator's determination to permit a maximum of 178 retaining walls varying in height from less than 3 feet to 6 feet with approximately 103 of these walls including an additional privacy/security fence on top of the retaining walls for a height not to exceed six (6) feet;
4. **Approved**, pursuant to Section 12.28 of the LAMC, a Zoning Administrator's Adjustment to permit retaining walls varying in height from less than 3 feet to 6 feet with an additional privacy/security fence on top of the retaining walls for a maximum height of six (6) feet in the



front, side, and rear yards of the site in lieu of the maximum 42 inches in the front yard and six (6) feet in the side and rear yards pursuant to LAMC Section 12.21 C.1(g);

5. **Adopted** the attached modified Conditions of Approval; and
6. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Stevens  
Second: Stein  
Ayes: Campos, Espinoza  
Absent: Arellano

**Vote: 4 – 0**

*Etta Armstrong*

Etta Armstrong, Commission Executive Assistant I  
East Los Angeles Area Planning Commission

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

**Effective Date/Appeals:** The decision of the East Los Angeles Area Planning Commission as it relates to the Zone Change is appealable by the Applicant only, if disapproved in whole or in part by the Commission. The decision of the East Los Angeles Area Planning Commission regarding the remaining approvals, is appealable to the Los Angeles City Council within **15 days** after the mailing date of this determination letter. An appeal not filed within the **15-day period** shall not be considered by the City Council and the decision of the East Los Angeles Area Planning Commission will become final and effective upon the close of the 15-day appeal period. Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles or online through [planning.lacity.org/oas](http://planning.lacity.org/oas).

**FINAL APPEAL DATE:** JAN 29 2021

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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

Attachments: Zone Change Ordinance, Map, Modified Conditions of Approval, Findings, Interim Appeal Filing Procedures

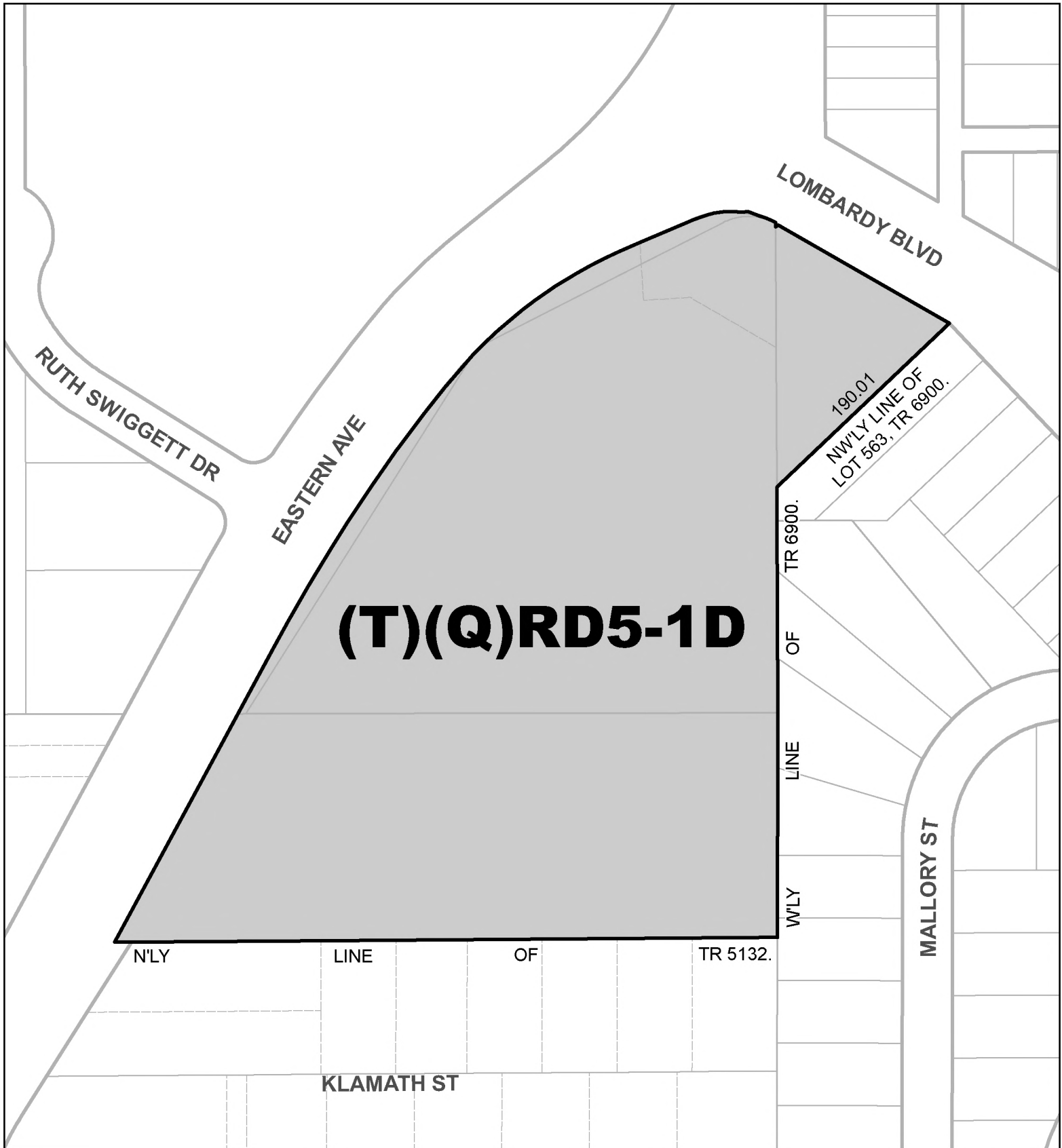
c: Nicole Sanchez, City Planner  
Debbie Lawrence, Senior City Planner

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

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

**Section 1.** Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall be as follows:



THE INTENT OF THIS ORDINANCE  
IS FOR THE BOUNDARIES OF THIS  
ZONE CHANGE TO COINCIDE WITH  
THOSE OF RECORDED TR 73531.



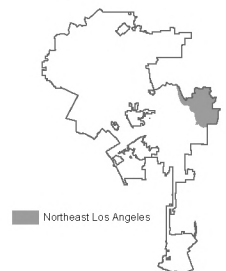
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APCE-2015-2048-ZC-ZAD-ZAA

AA/Cf

052820

City of Los Angeles



**(Q) QUALIFIED CONDITIONS**

**As modified by the East Los Angeles Area Planning Commission  
at its meeting on May 13, 2020**

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A" dated July 23, 2019. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Central Project Planning Bureau of the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Building Design.** New hardscape areas, not including foundations and the common access driveways, shall utilize permeable paving systems including, but not limited to pavers, porous asphalt, porous concrete, grasscrete and/or similar materials as approved by LADBS. The common access driveway plan shall utilize pavers or hardscape design to be reviewed and approved to the satisfaction of the Fire Department and the City Engineer of the Bureau of Engineering.
3. **Retaining Walls.** Retaining walls, as defined under LAMC Section 12.21 C.8, shall be subject to the regulations contained in LAMC Section 12.21 C.8. Deviations from the regulations shall require the approval of a Zoning Administrator's Determination under LAMC Section 12.24 X.26.
4. **Grading.** Grading shall be limited to a maximum soils cut of up to 82,000 cubic yards, fill of up to 2,000 cubic yards, removal and replacement of up to 8,000 cubic yards, and soils export of up to 79,000 cubic yards.
5. In addition to those Q Conditions contained in this Ordinance, the [Q] Conditions and D Limitations pursuant to Ordinance No. 180,403 shall be retained, except for Conditions Nos. 2(f), 3(a), 5(d) and (e).



## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32 G of the Municipal Code, the (T) or [T] Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

1. Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

A. Responsibilities/Guarantees.

- (1) As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
- (2) Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

- B. Dedication Required. That a 3-foot wide strip of land be dedicated along Eastern Avenue adjoining the tract to complete a 43-foot wide right-of-way in accordance with Avenue II Standards of LA Mobility Plan including a 20-foot radius property line return or a 15-foot by 15-foot property cut corner at the intersection with Lombardy Boulevard.

C. Improvement Required.

- (1) Improve Eastern Avenue being dedicated and adjoining the subdivision by the construction of a new concrete curb 2-foot wide concrete gutter and a full-width concrete sidewalks with tree wells including any necessary removal and reconstruction of existing improvements.
  - (2) Improve Lombardy Boulevard by reconstruction of the existing concrete curb and gutter and reconstruct the existing 5-foot sidewalk and landscaping of the parkway necessary removal and reconstruction of existing improvements.
  - (3) Construct the necessary on-site mainline sewers satisfactory to the City Engineer.
  - (4) Construct any necessary retaining walls satisfactory to the City Engineer.
2. Department of Transportation. Suitable arrangements shall be made with the Department of Transportation to assure that a parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to

submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3. For an appointment, call (213) 482-7024.

3. Street Lighting: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; nine (9) on Eastern Avenue and one (1) on Lombardy Boulevard

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

4. Urban Forestry – Street Trees:

- A. The applicant shall submit a tree report and a landscape plan prepared by a Tree Expert, as required by LAMC Ordinance No. 177,404, for approval by the City Planning Department and the Urban Forestry Division, Bureau of Street Services. The Tree Report shall contain the Tree Expert's recommendation for the preservation of as many desirable (eight inches diameter or greater) trees as possible and shall provide species, health, and condition of all trees with tree locations plotted on a site survey. Any on-site 1:1 tree replacement shall be required for the unavoidable loss of any desirable on-site trees.
- B. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

Note:

Removal of Protected trees requires the approval of the Board of Public Works.

Removal or planting of any tree in the public right-of-way required approval of the Board of Public Works.

Contact Urban Forestry Division at (213)847-3077 for permit information. CEQA documents must address removal of protected trees and parkway trees.

5. Department of Recreation and Parks. That the Quimby fee be based on the RD5 Zone.

Notice: If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.) as required herein, are completed to the satisfaction of the City Engineer.

**CONDITIONS OF APPROVAL**

**As modified by the East Los Angeles Area Planning Commission  
at its meeting on May 13, 2020**

Pursuant to Section 12.24 and 12.28 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

**A. Development Conditions**

1. **Site Development.** The use and development of the subject property shall be in substantial conformance with the plans labeled Exhibit "A" dated August 23, 2019. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, architectural treatment, retaining walls, privacy/security fence, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Use.** Development of the site shall be limited to a maximum of 42 residential dwelling units.
3. **Retaining Walls.** Approved herein is the construction of up to 178 retaining walls to be located throughout the site subject to the following conditions:
  - a. The location and height of the retaining walls shall be in substantial conformance with the Retaining Wall Plan stamped and labeled Exhibit "A" dated August 23, 2019. Each retaining wall permit shall include the following information, prepared by the applicant, to the satisfaction of the Department of City Planning:
    - i. a copy of the stamped approved Retaining Wall Plan;
    - ii. a site plan which shall clearly label and identify the location of the retaining wall(s), including all freestanding retaining or slough walls of four (4) feet or less;
    - iii. if a privacy/security fence is proposed to be installed on top of the retaining wall, then this should be clearly identified on the plans and permit description;
    - iv. an updated inventory of issued and pending permit applications for the construction of the retaining walls; and
    - v. an inventory of all freestanding retaining or slough walls of four (4) feet or less which may not require a permit by the Department of Building and Safety.
  - b. The 178 retaining walls shall include freestanding retaining walls as defined in LAMC Section 12.21 C.8 and those walls which are determined to be freestanding retaining or slough walls of four (4) feet or less.
  - c. The retaining walls may have a maximum height of six (6) feet and shall be in substantial conformance with the heights identified in the Retaining Wall Plan stamped and labeled Exhibit "A" dated August 23, 2019.
  - d. The retaining walls shall maintain a minimum horizontal distance of three (3) feet.

- e. A privacy/security fence may be constructed on top of the retaining walls. The total combined height of the retaining wall and privacy/security fence shall not exceed six (6) feet. Guardrails may be installed on the retaining walls as required by the Department of Building and Safety in compliance with the Los Angeles Municipal Code.
  - f. All of the retaining walls with a height of four (4) feet or higher shall be designed with materials and colors matching the design of the dwelling units.
  - g. All of the retaining walls with a height of four (4) feet shall be screened with landscaping in accordance with LAMC Section 12.21 C.8 and Condition No. 5.
4. **Retaining Walls and Privacy/Security Fences.** Approved herein is the construction of retaining walls and privacy/security fences on top of retaining walls which are located within the required front, side, and rear yards as measured from the boundary of the subdivision. This does not apply to the front, side, and rear yards of the individual small lots. The privacy/security fences shall be subject to the following conditions:
- a. Freestanding retaining walls or retaining walls that have a privacy/security fence constructed on top of the retaining walls, as shown on the stamped approved Retaining Wall Plan, may have a maximum height of six (6) feet. Guardrails may be installed on the retaining walls as required by the Department of Building and Safety in compliance with the Los Angeles Municipal Code.
  - b. No privacy/security fence shall be permitted to be constructed on top of Retaining Walls Nos. 1 and 175. Guardrails may be installed on the retaining walls as required by the Department of Building and Safety in compliance with the Los Angeles Municipal Code.
  - c. No freestanding privacy/security fence higher than 42 inches may be permitted within the front yard, along Eastern Avenue and Lombardy Boulevard, as measured from the boundary of the subdivision.
  - d. All of the privacy/security fences shall be designed with materials and colors matching the design of the dwelling units. If the privacy/security fences are constructed of slumpstone, masonry, or similar material as the retaining wall, then it shall be landscaped in the same manner as retaining wall it is located on top of in compliance with Condition No. 5.
5. **Landscaping.** Prior to the issuance of a building permit, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Department of City Planning. The landscape plan shall be in substantial conformance with the stamped approved Conceptual Landscape Plan.
- a. **Protected Trees.**
    - i. The removal of any Protected Tree shall require the approval of the Board of Public Works. A copy of the Board of Public Works action related to a request to remove a Protected Tree shall be submitted to the Department of City Planning to be included in the administrative record.
    - ii. No more than 39 Protected Trees shall be permitted to be removed by the Board of Public Works.



- iii. Replacement of Protected Trees shall be completed on-site in substantial conformance with the Conceptual Landscape Plan stamped and labeled Exhibit "A" dated August 23, 2019 or as modified by the Board of Public Works. At a minimum, the removal of a Protected Tree shall comply with the replacement requirements of Condition No. 9 or as required by the Board of Public Works.
- iv. Maintenance of the Protected Trees, regardless of location within the subdivision, shall be included as part of the Community Maintenance Agreement required for the small lot development.
- b. Removal of non-Protected Trees shall comply with the replacement requirements identified in Condition No. 9.
- c. Retaining walls with a height of four (4) feet or higher shall be screened with landscaping in compliance with LAMC Section 12.21 C.8(b). The landscaping shall screen all visible portions of the retaining wall, including any privacy/security fence that is constructed of the same or similar material as the retaining wall.
- d. Trees shall be planted along the southern and eastern boundary of the site, abutting the [Q]R1-1D and [Q]RD6-1D zones. The trees shall be planted at a minimum distance of three (3) feet apart.
- 6. **Parking.** Vehicular and bicycle parking shall be provided in accordance with the LAMC.
- 7. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view.
- 8. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.

## **B. Environmental Conditions**

- 9. Aesthetics.
  - a. Non-Protected Trees.
    - i. Prior to the issuance of any permit related to development of the Project, a plot plan shall be prepared for the Project, indicating the location, size, type, and general condition of all existing trees on the Project Site and within the adjacent public right(s)-of-way.
    - ii. 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 Project 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.
    - iii. Removal of planting of any tree in the public right-of-way shall require approval of the Board of Public Works. All trees in the public right-of-way shall be provided in the current standards of the Urban Forestry Division of the

## Department of Public Works, Bureau of Street Services.

## b. Protected Trees.

- i. All protected tree removals shall require approval from the Board of Public Works.
- ii. 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 prior to implementation of the Report's recommended measures.
- iii. According to the City's Protected Tree Ordinance, a minimum of four protected trees (a minimum of 15 gallons in size) shall be planted for each protected tree that is removed. The size of each replacement tree shall measure at least one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base.
- iv. In consultation with the Division of Urban Forestry, twenty five-percent of the Protected trees removed shall be replaced with 15 gallon Juglans Californica.
- v. The location of trees planted for the purpose 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.

c. Previously Removed Trees. The 8 qualifying removed protected trees shall be replaced at a ratio of one Juglans Californica and three Quercus for each of the 8 trees, at a minimum of 15 gallons in size. The specific size and species of the trees to be planted as replacement for the protected trees being removed shall be determined by the Urban Forestry Division.

## d. All Trees.

- i. Protected Barrier: A protection barrier shall be installed around the construction area as shown on the map included in the Tree Preservation Report (refer to Appendix A). The barrier shall be 6-foot-high chain link fencing. Twelve-inch-high slit fence shall be attached to the base of the fence with the bottom edge buried 1-2 inches. The barrier may be placed on the line shown on the map or closer to the construction, but not further. The fencing shall not be removed, relocated, or encroached upon without permission of the arborist involved.
- ii. Storage of materials: There shall be no storage of materials or supplies of any kind inside the area of the protection fencing. Concrete and cement materials, block, sand and soil shall not be placed within the drip-line of any tree to remain.
- iii. Fuel Storage: Fuel Storage shall not be permitted within 150 feet of any tree to be preserved. Refueling servicing and maintenance of equipment and machinery shall not be permitted within 150 feet of protected trees.
- iv. Debris and Waste Materials: Debris and waste from construction of other activities shall not be permitted outside the construction area. Wash down of concrete or cement handling equipment, in particular, shall not be permitted within 150 feet of protected trees.

- v. Planting near Trees Designated for Protection: Any digging within designated protection zones shall be done using supersonic air directly as the digging medium, by means of a nozzle, whose nominal rated input pressure (available from manufacturer's literature) must not exceed 130 psig (pounds per square inch at gage) unless otherwise approved. Nozzles designed for input above 130 psig can damage fine roots. Air compressors rated between 100 to 125 psig recommended.
- vi. Grade Changes: Any grade changes within the protection radius listed should be approved by a Registered Consulting Arborist before construction begins, and precautions taken to mitigate potential injuries. Grade changes can be particularly damaging to trees. Even as little as two inches of fill can cause the death of a tree. Lowering the grade can destroy major portions of a root system.
- vii. Damages: Any tree damages or injuries should be reported to the project arborist as soon as possible. Severed roots shall be cut cleanly to healthy tissue, using proper pruning tools. Broken branches or limbs shall be pruned according to International Society of Arboriculture Pruning Guidelines and ANSI A-300 Pruning Standards.
- viii. Preventing Measures: Pruning of tree canopies and branches should be done at the direction of the project arborist to remove any dead or broken branches, and to provide any necessary clearances for the construction work or equipment.

#### 10. Air Quality.

- a. All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 4 emission standards, where available, to reduce NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub> emissions at the Project Site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- b. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet U.S. EPA 2007 model year NO<sub>x</sub> emissions requirements.
- c. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
- d. Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-dieselengines&parent=vehicle-engine-upgrades>
- e. Construction activities shall comply with SCAQMD Rule 403, including the following

measures:

- i. Apply water to disturbed areas of the site three times a day.
- ii. Require the use of a gravel apron or other equivalent methods to reduce mud and dirt trackout onto truck exit routes.
- iii. Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM generation.
- iv. Limit soil disturbance to the amounts analyzed in the Final MND.
- v. All materials transported off-site shall be securely covered.
- vi. Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- vii. Traffic speeds on all unpaved roads to be reduced to 15 mph or less.

#### 11. Biological Resources.

- a. To avoid potential significant impacts to roosting bats, one of the following shall be implemented by the Project Applicant:
  - i. Tree removal shall occur between March 1<sup>st</sup> and July 31<sup>st</sup> or
  - ii. If tree removal would occur between August 1<sup>st</sup> and February 28<sup>th</sup>/29<sup>th</sup>, the Project Applicant shall retain a qualified bat biologist to conduct a roosting bat survey. If evidence of bats is present, then removal of occupied roost trees shall not occur until the biologist determines that the roost is no longer in use through repeated nocturnal surveys. The results of the survey(s) shall be provided to the Department of Public Works prior to removal of any protected trees.
- b. To avoid potential significant impacts to nesting birds, including migratory birds and raptors, one of the following shall be implemented by the Project Applicant:
  - i. Conduct vegetation removal associated with construction from September 1<sup>st</sup> through January 31<sup>st</sup>, when birds are not nesting. Initiate grading activities prior to the breeding season (which is generally February 1<sup>st</sup> through August 31<sup>st</sup>) and keep disturbance activities constant throughout the breeding season to prevent birds from establishing nests in surrounding habitat (in order to avoid possible nest abandonment); if there is a lapse in activities of more than five days, pre-construction surveys shall be necessary as described in the bullet below, or
  - ii. Conduct pre-construction surveys for nesting birds if vegetation removal or grading is initiated during the nesting season. A qualified wildlife biologist shall conduct weekly pre-construction bird surveys no more than 30 days prior to initiation of grading to provide confirmation on the presence or absence of active nests in the vicinity (at least 300 to 500 feet around the individual construction site, as access allows). The last survey should be conducted no more than three days prior to the initiation of clearance/construction work. If active nests are



encountered, clearing and construction in the vicinity of the nests shall be deferred until the young birds have fledged and there is no evidence of a second attempt at nesting. A minimum buffer of 300 feet (500 feet for raptor nests) or as determined by a qualified biologist shall be maintained during construction depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel and activities restricted from the area. Construction personnel should be instructed on the sensitivity of the area. A survey report by the qualified biologist documenting and verifying compliance with the mitigation and with applicable state and federal regulations protecting birds shall be submitted to the City and County, depending on within which jurisdiction the construction activity is occurring. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

12. Noise.

- a. The Project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.
- b. Two weeks prior to commencement of construction, notification shall be provided to the off-site residential and school uses within 500 feet of the Project site that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.
- c. Temporary sound barriers, capable of achieving a sound attenuation of at least 10 dBA (e.g., construction sound wall with sound blankets), and capable of blocking the line-of-sight to the adjacent residences shall be installed as feasible.
- d. Noise-generating construction equipment operated at the Project Site shall be equipped with effective state-of-the-art noise control devices, i.e., mufflers, lagging, solar power or electric plug-in on-site power generators and/or motor enclosures or other shielding equipment. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
- e. All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent residences.
- f. Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators shall be provided where feasible.
- g. A haul route for exporting cut materials from the site to a nearby landfill that access the San Bernardino and/or Long Beach Freeways should minimize travel on residential streets with sensitive receptors.

## 13. Transportation/Traffic.

- a. Hillside Construction Staging and Parking Plan. 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:
  - i. No construction equipment or material shall be permitted to be stored within the public right-of-way.
  - ii. 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.
  - iii. During the Excavation and Grading phases, all haul trucks shall be staged on the Project site. The drivers shall be required to follow the designated travel plan or approved Haul Route.
  - iv. 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.
  - v. All deliveries during construction shall be coordinated so that all vendor/delivery vehicles will stage and make deliveries on the project site, and that a construction supervisor is present at such time.
  - vi. 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.
  - vii. 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.

b. Construction Activity Near Schools.

- i. The Project developer and contractors shall maintain ongoing contact with administrators of the Farmdale Elementary School and the El Sereno Middle School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the Project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323) 342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.
- ii. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- iii. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
- iv. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

c. Schools affected by Haul Route.

- i. LADBS shall assign specific haul route hours of operation based upon Farmdale Elementary School and El Sereno Middle School hours of operation.
- ii. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

d. Good Neighbor Construction Practices.

- i. Whenever possible, construction vehicles should be parked on site to prevent congestion on streets with limited parking.
- ii. When temporarily blocking portions of streets for deliveries of construction materials, a flag person shall be provided to assist with pedestrian and vehicular traffic.
- iii. Street closures shall not take place during peak traffic hours. Any street, sidewalk, or other improvement work shall be conducted in conformance with the latest Manual on Work Area Traffic Control.

- iv. Care shall be taken not to overfill concrete trucks during deliveries. If spills occur, it shall be the responsibility of the concrete company to immediately provide clean up.
  - v. Construction noise shall be kept to a minimum with consideration of the surrounding neighbors. Unnecessary noise such as music shall be kept below legal levels.
  - vi. Streets and sidewalks adjacent to construction sites shall be swept free of construction debris at all times.
  - vii. Care shall be taken to not interfere with trash pick-up by the Bureau of Sanitation. Construction and delivery vehicles shall be subject to trash pick-up parking restrictions.
  - viii. If building materials are to be stored in public right of ways, it shall be by permit from the Department of Public Works, Bureau of Street Services, Investigations and Enforcement Division and shall conform with all applicable rules.
  - ix. All construction/demolition activities shall comply with the construction hours in Section 41.40 of the LAMC.
- e. The Project Applicant shall plan construction and construction staging as to maintain pedestrian access to adjacent active land uses throughout all construction phases. This requires the Applicant to maintain adequate and safe pedestrian protection, including physical separation from workspace and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times. Barriers, such as K-Rails, scaffolding, etc., shall be maintained at a height of 8 feet.

### **C. Administrative Conditions**

14. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
15. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
16. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.



17. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
18. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
19. **Building Plans.** 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.
20. **Corrective Conditions.** 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 City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

**21. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

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 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 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 \$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).
- 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 include 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.

## FINDINGS

### General Plan Findings

1. **General Plan Land Use Designation.** The Project Site, located generally at 2520 North Eastern Avenue, is located within the Northeast Los Angeles Community Plan, which was last updated by the City Council on June 15, 1999. The site is an irregularly-shaped site, comprised of multiple parcels and approximately 218,270 gross square feet of lot area. The Community Plan designates the site with a land use designation of Low Residential, which lists the RE9, RS, R1, RU, RD6, and RD5 as corresponding zones. The site is currently zoned [Q]R1-1D and [Q]RD6-1D and is subject to the Qualified "Q" Conditions and Development "D" Limitations contained within Ordinance No. 180,403, also known as the Northeast Los Angeles Hillside Ordinance. The recommended Zone Change from R1 and RD6 to RD5 would be consistent with the land use designation. As further discussed under Finding No. 3, the recommended Q Conditions would be consistent with the Q Conditions contained within the Northeast Los Angeles Hillside Ordinance. As a Height District Change has not been requested, the D Limitations of the Northeast Los Angeles Hillside Ordinance has been maintained. The recommended Zone Change to (T)(Q)RD5-1D would be consistent with the purpose, intent, and provisions of the General Plan as it is reflected within the Central City Community Plan.
2. **General Plan Text.**

- a. **Framework Element.** The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following provisions, objectives and policies relevant to the instant request:

GOAL 3B: *Preservation of the City's stable single-family residential neighborhoods.*

Objective 3.5: Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.

Objective 3.6: Allow for the intensification of selected single-family areas that directly abut high-density development as "transitions" between these uses.

*Policy 3.6.1:* Ensure that the new development of "duplex" or multi-family units maintains the visual and physical character of adjacent single-family neighborhoods, including the maintenance of front property setbacks, modulation of building volumes and articulation of facade to convey the sense of individual units, and use of building materials that characterize single-family housing.

GOAL 3C: *Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.*

**Objective 3.7:** Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The Project Site is partially zoned [Q]R1-1D and [Q]RD6-1D and is adjacent to single-family and low-density multi-family neighborhoods. The recommended Zone Change to (T)(Q)RD5-1D in conjunction with the recordation of the approval of incidental Case No. VTT-73531-SL would permit the development of the site with 42 small lot homes. As stated under Finding No. 1, the RD5 Zone is consistent with the Low Residential land use designation. The designation by the Community Plan is consistent with Policy 3.5.1 of the Framework Element which identifies Low Residential land use designations as having the following corresponding zones: RE9, RS, R1, RD6, RD5, and RU. The RD5 Zone permits the multi-family developments that are consistent with minimum lot area per dwelling unit requirements of the R1 Zone. While the RD5 Zone would permit a net increase of five (5) dwelling units, it is consistent with the density that is generally permitted to the south of the site along the eastern side of Eastern Avenue.

As a small lot development, the Project would provide new fee-simple home ownership opportunities consistent with the adjacent properties to the south and east of the site. The proposed dwellings would range from two-stories with a basement to three stories with a maximum height of 26 feet. The proposed number of stories and height is consistent with what is currently permitted in the existing [Q]R1-1D and [Q]RD6-1D Zones and the surrounding areas. Consistent with Policy 3.6.1, the small lot homes have been designed to observe setbacks from the boundary of the site that is consistent with the surrounding neighborhood and utilize "modulation of building volumes and articulation of facade to convey the sense of individual units." Additionally, 38 of the 42 small lot homes have been designed with private driveways, which are accessible from the common access driveway, similar to the traditional single-family dwelling. The recommended zone change would permit the development of the site to be located primarily along the southern and eastern property lines, maintaining greater setbacks along Eastern Avenue for a majority of the site's frontage and allowing the preservation of existing hillside. As recommended, the Zone Change would be consistent with the above stated goals, objectives, and policies of the Framework Element.

- b. Northeast Los Angeles Community Plan.** The Northeast Los Angeles Community Plan contains the following relevant goals, objectives, and policies:

**GOAL 1:** *A safe, secure, and attractive residential environment for all economic, age, and ethnic segments of the community.*

**Objective 1-1:** To preserve and enhance existing residential neighborhoods.

*Policy 1-1.1:* Protect existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential and other uses that are incompatible as to scale and character or would otherwise diminish the quality of life.

*Policy 1-1.2:* Promote neighborhood preservation, particularly in existing single-family neighborhoods, as well as in areas with existing multiple-family residences.

Objective 1-3: To preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods.

*Policy 1-3.1:* Protect the quality and scale of residential environment through attention to the appearance of new construction including site planning and compatible building design.

Objective 1-5: To limit the intensity and density of development in hillside areas.

*Policy 1-5.2:* Ensure the availability of paved streets, adequate sewers, drainage facilities, fire protection services and facilities, and other emergency services and public utilities to support development in hillside areas.

*Policy 1-5.3:* Consider the steepness of the topography and the geological stability in any proposal for development within the Plan area

*Policy 1-5.4:* Require that any proposed development be designed to enhance and be compatible with adjacent development.

*Policy 1-5.5:* Encourage clustering of residential projects in order to use the natural terrain to best advantage.

*Program:* The Plan Map designates significant hillside areas for Low density residential corresponding to the RD6 or RD5 zones that permit lot assembly and concentration of units to optimize adaptation to site characteristics.

Objective 1-6: To promote and ensure the provision of fair and equal housing opportunities for all persons regardless of income and age groups or ethnic, religions, or racial backgrounds.

*Policy 1-6.4:* Provide for development of townhouses and duplex housing units to increase home ownership options.

As discussed in Finding No. 1, the RD5 Zone is consistent with the Low Residential Designation and would permit the development of the site with a density that is consistent with the surrounding existing single- and multi-family neighborhoods. The Project Site is a vacant, upsloping lot which has a steep slope along Eastern Avenue and a relatively flat pad along Lombardy Boulevard. The southern and eastern portions of the site consists of a gradual upsloping hillside. The recommended (T)(Q)RD5-1D Zone would permit the development of the site with a small lot development which would increase opportunities to fee-simple home ownership opportunities consistent with Objective 1-6 and Policy 1-6.4. The small lot homes will comply with the requirements of the existing Q Conditions, D Limitations, and the Code as it relates to Residential Floor Area, height, and stories.

The recommended zone change would allow the Project to be developed consistent with the Objective 1-5 and the policies related to development within the hillside area. Specifically, the recommended (T)(Q)RD5-1D would allow for the clustering of the residential dwelling units along the southern and eastern portion of the sites where the topography is less steep than the western portion of the site, consistent with the identified Program for Policy 1-5.5. Additionally, the clustering of the dwelling units along the southern and eastern property lines and along Lombardy Boulevard would allow the preservation of hillside and a greater number of existing Protected Trees

located on the western portion of the site. The recommended Zone Change to (T)(Q)RD5-1D would be consistent with the above referenced goals, objectives, policies, and programs of the Northeast Los Angeles Community Plan.

- c. **Housing Element.** The Housing Element of the General Plan contains the following relevant goals, objectives, and policies:

GOAL 1: Housing production and preservation.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

*Policy 1.1.3:* Facilitate new construction and preservation of a range of different housing types that address the particular needs of the City's households.

GOAL 2: Safe, Livable, and Sustainable Neighborhoods.

Objective 2.1: Promote safety and health within neighborhoods.

Objective 2.3: Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.

*Policy 2.3.3:* Promote and facilitate the reduction of energy consumption in new and existing housing.

The recommended zone change from [Q]R1-1D and [Q]RD6-1D to (T)(Q)RD5-1D would allow for the southeastern portion of the site to be subdivided and developed as a small lot development pursuant to LAMC Section 12.22 C.27. The Project Site is a vacant lot which consists of an upsloping hill, which has a relatively steep slope along the western portion of the site which is zoned [Q]RD6-1D. As shown in the survey prepared by PHB & Associates, Inc., the portion of the site located to the south and east of the site, which is zoned [Q]R1-1D and [Q]RD6-1D, has a more gradual slope and would be more suitable for construction. To help maintain a portion of the hillside and existing Protected Trees, the dwelling units have been clustered primarily along the southern and eastern portion of the site. While the existing [Q]R1-1D Zone could have been subdivided, it would have been limited to a maximum of 11 lots due to the minimum lot area requirements of the Zone. The recommended (T)(Q)RD5-1D Zone allows for a more efficient site configuration in addition to allowing for the small lot development. As a small lot development, the Project would introduce 42 new fee simple home ownership opportunities, which provides an alternative to the traditional options of single-family dwelling or condominium home ownership opportunities. The dwelling units would be required to comply with the Green Building Code which was adopted to increase sustainability in new construction. As recommended, the recommended Zone Change would be consistent with the above referenced goals, objectives, and policies of the Housing Element.

- d. **Mobility Element.** The Mobility Element of the General Plan is not likely to be affected by the recommended action herein. The Project, with the recommended Zone Change, proposes to construct 42 new small lot homes on a site that is bounded by Eastern Avenue to the west and Lombardy Boulevard to the northeast. Eastern Avenue is a designated Avenue II and is currently dedicated to a width of 80 feet at the site's frontage and is improved with roadway, curb, gutter, sidewalk, and a parkway. The Bureau of Engineering has recommended that a 3-foot wide strip of land be dedicated along Eastern Avenue adjoining the site to complete a 43-foot wide half right-of-way in accordance with the Avenue II standards. The area would be improved with a new concrete curb and full-

width concrete sidewalks with tree wells. Lombardy Boulevard is a designated Collector that is dedicated to a width of 80 feet and is improved with roadway, curb, gutter, sidewalk, and a parkway. The Bureau of Engineering has not recommended any dedications as the existing right-of-way is consistent with the Collector standards; however, the Bureau has recommended the existing sidewalk and parkway be improved to reconstruct the existing sidewalk and parkway. The dedication and improvements would to be provided would be consistent with the Street Standards adopted by the Mobility Element.

- e. **The Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

### **Entitlement Findings**

#### **3. Zone Change and Height District Change Findings.**

- a. **Pursuant to Section 12.32 C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

##### **Public Necessity, Convenience, and General Welfare**

The Project Site is located within the Northeast Los Angeles Community Plan and is designated for Low Residential land uses and is zoned [Q]R1-1D and [Q]RD6-1D. As it relates to residential land uses, the Community Plan identifies opportunities for strategically targeting sites for appropriate low density hillside developments and clustering projects on undeveloped or underdeveloped land, and issues related to concerns with displacement and an imbalance in quality of housing stock. The site has long been vacant and has been utilized as a site for illegal dumping for dirt and has experienced fires in the past. The recommended zone change would allow for the construction of small lot development which would introduce 42 new fee-simple home ownership opportunities. As the site has been vacant, the Project would not result in the displacement of any residents on the site. As designed, the dwelling units are clustered along the southern, eastern, and northeastern portion of the site where the slope is relatively flatter than the western portion of the site. This would allow a large portion of the hillside to be maintained along Eastern Avenue and allow for the preservation of existing Protected Trees and the planting of replacement trees. As part of the approval of the incidental subdivision and as recommended as part of the Tentative T Classifications, the applicant would be required to dedicate land along Eastern Avenue and to improve the sidewalks along Eastern Avenue and Lombardy Boulevard. Improvements would include widening the sidewalks, installation of new or repair of existing curbs and gutters, as well as parkway landscaping. As recommended the zone change would be consistent with the public necessity, convenience, and general welfare.

##### **Good Zoning Practice**

The parcels located to the east of the site have a land use designation of Low Residential and are zoned [Q]RD6-1D and [Q]R1-1D. To the south, the lots have a land use designation of Low Residential and are zoned [Q]RD6-1D, [Q]RD5-1D, and

[Q]R1-1D. The parcels which are directly adjacent to the site consists of a gradual slope and are developed with primarily single-family dwellings which are located at the base of the hill. Parcels with direct frontage along the eastern side of Eastern Avenue are developed with single- and multi-family dwellings. The parcels to the west and northwest of the site, across Eastern Avenue, have a land use designation of Open Space and Public Facilities and are zoned [Q]OS-1XLD and [Q]PF-1D, respectively. The parcels are relatively flat and developed with the El Sereno Park and Recreation Center and Farmdale Elementary School. To the north, along the eastern side of Eastern Avenue, the parcels have a land use designation of Neighborhood Commercial and are zoned [Q]C4-1XL and are developed with dwelling units or commercial uses.

The site has approximately 780 feet of frontage along the eastern side of Eastern Avenue and 200 feet of frontage along the southern side of Lombardy Boulevard. Approximately 56,229 square feet of the southeastern portion of the site is zoned [Q]R1-1D and the remaining 162,041 square-foot portion of the site, located along Eastern Avenue and Lombardy Boulevard is zoned [Q]RD6-1D. The site is located within a transitional area of Eastern Avenue, which transitions from commercial uses to the north to low density multi-family and single-family residential uses to the south. The site's proximity to the commercial corridor on Huntington Drive would allow future residents easy accessibility to neighborhood serving uses. The site is unique from the lots immediately surrounding it due to its steep topography along Eastern Avenue. The recommended (T)(Q)RD5-1D Zone would allow for the small lot development along the gradual slope of the hillside and to maintain a portion of the hillside along the Eastern Avenue and preservation of a number of existing Protected Trees located within the western portion of the lot. As discussed in Finding No. 2, the recommended Zone Change would be consistent with a number of goals, objectives, policies, and programs related to the development of new housing within the hillsides of the Plan area. As recommended the zone change would be consistent with good zoning practices.

- b. Pursuant to Section 12.32-G and Q of the Municipal Code “T” and “Q” Classification Findings.** The current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval imposed herein for the proposed project. The “T” Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The “Q” Conditions recommended herein have incorporated a majority of the “Q” Conditions adopted pursuant to Ordinance No. 180,403, by reference, which the site is currently subject to. The recommended “Q” Conditions modified conditions related to the construction of retaining walls and the maximum permitted amount of grading to take into consideration the unique nature of the site due to its size and topography. Additionally language has been added to clarify the requirements related to materials for hardscape as it relates to the construction of vehicular access ways which would be utilized for emergency vehicles. The “Q” Conditions that limit the scale and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.



#### 4. Zoning Administrator's Determination Findings.

- a. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The Project Site is a vacant, irregular shaped site which consists of an upward sloping hillside and 102 Protected Trees and multiple non-Protected Trees. The site has approximately 780 feet of frontage along the eastern side of Eastern Avenue and 200 feet of frontage along the southern side of Lombardy Boulevard. The hillside has a gradual slope along the southern and eastern portions of the site, where the western portion of the site, along Eastern Avenue, has a steeper slope. The portion of the site located along Lombardy Boulevard was previously graded and consists of a relatively flat building pad and a gradual slope. While there are trees located throughout the site, there is a concentration of Protected Trees located along the western portion of the site. The site is located within the Northeast Los Angeles Community Plan area and has a land use designation of Low Residential and is zoned [Q]R1-1D and [Q]RD6-1D. The site is subject to the Q Conditions and D Limitations contained within Ordinance No. 180,403, also known as the Northeast Los Angeles Hillside Ordinance, which became effective on January 16, 2009. The site is located within the Hillside Area, BOE Special Grading Area, Very High Fire Hazard Severity Zone, Landslide area, and Liquefaction area. The site is not located within the Alquist-Priolo Fault Zone, but is located 0.5 miles to the Upper Elysian Park Fault, Methane Hazard Site, or Fire District No. 1.

The parcels located to the east of the site have a land use designation of Low Residential and are zoned [Q]RD6-1D and [Q]R1-1D. To the south, the lots have a land use designation of Low Residential and are zoned [Q]RD6-1D, [Q]RD5-1D, and [Q]R1-1D. The parcels which are directly adjacent to the site consists of a gradual slope and are developed with primarily single-family dwellings which are located at the base of the hill. Parcels with direct frontage along the eastern side of Eastern Avenue are developed with single- and multi-family dwellings. The parcels to the west and northwest of the site, across Eastern Avenue, have a land use designation of Open Space and Public Facilities and are zoned [Q]OS-1XLD and [Q]PF-1D, respectively. The parcels are relatively flat and developed with the El Sereno Park and Recreation Center and Farmdale Elementary School. To the north, along the eastern side of Eastern Avenue, the parcels have a land use designation of Neighborhood Commercial and are zoned [Q]C4-1XL and are developed with dwelling units or commercial uses.

As discussed in Finding No. 3, the applicant has requested a Zone Change from [Q]R1-1D and [Q]RD6-1D to (T)(Q)RD5-1D to permit the development of the site with 42 small lot homes in conjunction with a small lot subdivision. The small lot subdivision was approved under incidental Case No. 73531-SL. Of the 42 dwelling units proposed, 38 dwelling units will be accessed from a common access driveway located at the southwest corner of the site from Eastern Avenue. The dwelling units will be located along the southern and eastern property lines of the site. The remaining four (4) dwelling units will be accessed from a common access driveway located at the northeast corner of the site from Lombardy Boulevard. The Project includes three floor plans which consists of a two-story dwelling with an optional rooftop deck, a two-story dwelling with a basement, or a three-story dwelling. While the number of stories vary, the dwelling units will have a maximum height of 26 feet. In addition to the construction of the small lot homes, the applicant proposes the construction of a total of 178 retaining walls throughout the site comprised of 129 walls which will be less than 3 feet in height, 18 walls with a height between 3 and 4 feet, and 32 walls with a height

between 4 and 6 feet. The applicant proposed to have an additional 6-foot high privacy/security fence constructed on top of 103 of the retaining wall. The applicant has requested a Zoning Administrator's Adjustment to permit over-in-height walls to be located within the front, side, and rear yards.

As part of the requested Zone Change, the applicant has requested consideration to modify Q Condition No. 3(a), which states the following:

*The maximum total height of all freestanding retaining walls shall not exceed 12 feet, with no individual wall measuring higher than 6 feet on private property. Each freestanding retaining wall shall not exceed 75 feet in linear length, nor extend beyond one lot. Walls shall be separated by a minimum horizontal distance equal to the height of the highest wall. Freestanding garden walls 36" in height or less shall not be considered retaining walls for the purposes of this regulation.*

As recommended as part of the zone change, the recommended Q Condition would modify the existing Q Condition to require compliance with the LAMC Section 12.21 C.8. With the approval and adoption of the zone change as recommended, the retaining walls would only require the approval of a Zoning Administrator's Determination (ZAD).

In conjunction with the requested modification to the Q Condition, the applicant has requested a ZAD to permit more than the maximum two retaining walls permitted pursuant to LAMC Section 12.21 C.8. As described by the applicant, the proposed retaining wall plan was preliminary reviewed by the Department of Building and Safety (DBS) which determined there may be up to a total of 178 freestanding retaining walls. Of those 178 walls, 129 retaining walls will have a maximum height of 3 feet and 18 walls with a height between 3 and 4 feet. It is possible that all or a portion of the 147 retaining walls may be considered freestanding garden walls and would be exempt from the existing Q Condition No. 3(a) and LAMC Section 12.21 C.8. A formal determination by the DBS would not be made until the plan check process.

The Project Site has remained vacant and consists of a variation of steep and gradual slopes on a site which is relatively larger than the surrounding residentially zoned lots. The Project has been designed to take into consideration the terrain of the hillside and the location of existing Protected Trees on the site. While the southern and eastern portion of the site are not as steep as the western portion of the site, there is a slope that would require stabilization to support the construction of the dwelling units and common access driveway. By clustering the dwelling units along the southern, eastern, and northeastern property lines, it would allow for a large portion of the western portion remain undisturbed with the existing Protected Trees and the future planting of the replacement trees. While the Q Condition does not limit the number of retaining walls that can be constructed, the Code only permits a maximum of two (2) retaining walls with a maximum height of 10 feet or one (1) retaining wall with a maximum height of 12 feet. The proposal would include a series of retaining walls which would have a maximum of 6 feet in height, allowing for the dwelling units to be built along the terrain of the hillside. As a small lot development, the retaining walls between the dwelling units serve a secondary function as a perimeter wall along the proposed property lines. As conditioned herein, the retaining walls which have a height between four (4) to six (6) feet will be required to be constructed with materials and colors matching the design of the dwelling units and will be required to be screened with landscaping to improve the aesthetics of the Project. Therefore, the Project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.

- b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

As described in Finding No. 2.a, the Project would develop the vacant, upsloping lot with 42 small lot homes in conjunction with the merger and resubdivision of land into 42 small lots. Incidental Case No. VTT-73531-SL was approved by the Advisory Agency on March 3, 2020 and became effective on March 14, 2020. While the Project will include different floor plan options, the maximum height of the dwelling units will be 26 feet and will comply with the Residential Floor Area regulations contained within the D Limitations. The dwelling units will include attached two (2) car garages, which will be accessible from one of two common access driveways located on Eastern Avenue and Lombardy Boulevard.

The surrounding area to the northeast, east, south, and southwest are zoned either [Q]R1-1D, [Q]RD5-1D, or [Q]RD6-1D and are developed with single- and multi-family dwelling units on lots which are substantially smaller and have less topography than the subject site. The parcels to the west and northwest of the site, across Eastern Avenue, are zoned [Q]OS-1XLD and [Q]PF-1D, respectively. The parcels are relatively flat and developed with the El Sereno Park and Recreation Center and Farmdale Elementary School. To the north, along the eastern side of Eastern Avenue, the parcels are zoned [Q]C4-1XL and are developed with dwelling units or commercial uses.

Code Section 12.21 C.8(a) allows every hillside single-family lot to construct a maximum of two (2) retaining walls with a height of ten feet or one (1) retaining wall with a maximum height of 12 feet. The regulations are applicable Citywide and do not take into account the varying sizes of lots in the hillside area, thus the Code cannot universally apply to all lots Citywide. In consideration of this, the Code has an established procedure, Section 12.24 X,26, to allow for consideration of additional walls and increased heights depending on the nature of the lot. The Project is proposing a total of 178 freestanding retaining walls. Of those 178, it is possible that all or a portion of 147 retaining walls which have a height of four (4) feet or less may be considered freestanding garden walls and would be exempt from the existing Q Condition No. 3(a) and LAMC Section 12.21 C.8. A formal determination by the DBS would not be made until the plan check process.

The subject property is a 218,270 gross square-foot lot. The existing R1 Zone has a minimum lot area of 5,000 square feet, the RD6 Zone has a minimum lot area of 12,000 square feet, and the recommended RD5 Zone has a minimum lot of 10,000 square feet. The site has a larger than average lot area than traditional lots and the surrounding areas which are similarly zoned. The retaining walls will be located primarily along the southern, eastern, and northeastern portion of the site. Due to the terrain and the proposed site plan, a number of the walls will not be visible from the public right-of-way or adjacent neighbors as they are located between the small lot homes. The increased number of retaining walls allows for shorter walls to be constructed in lieu of less retaining walls with a taller wall. As conditioned herein, the retaining walls which have a height of four (4) feet or higher will be required to be constructed with materials and colors matching the design of the dwelling units and will be required to be screened with landscaping to improve the aesthetics of the Project. As conditioned, the retaining walls would not adversely affect or further degrade adjacent properties, the surrounding neighborhood and will not adversely affect the surrounding neighborhood, or the public health, welfare, and safety.

- c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The Project proposes the construction of 42 small lot homes in conjunction with the merger and resubdivision of land into 42 small lots. Incidental Case No. VTT-73531-SL was approved by the Advisory Agency on March 3, 2020 and became effective on March 14, 2020. The Project would include a total of 178 retaining walls throughout the site comprised of 129 walls which will be less than 3 feet in height, 18 walls with a height between 3 and 4 feet, and 32 walls with a height between 4 and 6 feet. As discussed in Finding Nos. 2 and 3, with the approval and adoption of the recommended zone change to (T)(Q)RD5-1D, the Project will substantially conform with the purpose, intent and provisions of the General Plan and the Northeast Los Angeles Community Plan. The Project Site is not located within a specific plan.

**5. Zoning Administrator's Determination Findings.**

- a. While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The Project Site is a vacant, irregular shaped site which consists of an upward sloping hillside and 102 Protected Trees and multiple non-Protected Trees. The site has approximately 780 feet of frontage along the eastern side of Eastern Avenue and 200 feet of frontage along the southern side of Lombardy Boulevard. The hillside has a gradual slope along the southern and eastern portions of the site, where the western portion of the site, along Eastern Avenue, has a steeper slope. The portion of the site located along Lombardy Boulevard was previously graded and consists of a relatively flat building pad and a gradual slope. While there are trees located throughout the site, there is a concentration of Protected Trees located along the western portion of the site.

The Project proposes the construction of 42 small lot homes in conjunction with the merger and resubdivision of land into 42 small lots. Of the 42 dwelling units, 38 dwelling units have been clustered along the southern and eastern property lines which lots developed with single-family dwellings located on lots zoned [Q]R1-1D and [Q]RD6-1D. The adjoining lots to the south and east are located at a lower grade than the proposed dwelling units. As discussed in Finding No. 4, the applicant proposes to construct a series of retaining walls resulting in a total of 178 retaining walls throughout the site comprised of 129 walls which will be less than 3 feet in height, 18 walls with a height between 3 and 4 feet, and 32 walls with a height between 4 and 6 feet. Up to 103 of the retaining walls are proposed to have an additional 6-foot high privacy/security fence constructed on top of the retaining wall. Of the 103 retaining walls that are proposed to have a privacy/security fence installed on top of the retaining wall, 17 walls are located within either the Front, Side, or Rear Yards of the site, or the boundary of the subdivision. As such, the retaining walls and privacy/security fence would be limited to a maximum height of 42 inches within the Front Yard and 6 feet within the Side and Rear Yards pursuant to LAMC Section 12.22 C.20(f). The applicant has proposed to construct a privacy/security fence with a maximum height of 6 feet on top of the proposed retaining walls that would vary in height. At its maximum, this would result in a retaining wall with a privacy/security fence with a height of 12 feet.

At the southwest corner of the site, on Lot No. 1, the applicant has requested to permit two retaining walls, Retaining Wall (RW) No. 1 and 2, with a height of 6 feet and RW No. 3 with a height of 3 feet and to have a privacy/security fence with a maximum height of 6 feet. This would result in walls that vary in height from 9 to 12 feet. Along the northwest corner of the, on Lot Nos. 23 – 28 and 39, RW No. 175 is proposed to have a maximum height of 6 feet and to have a privacy/security fence with a maximum height of 6 feet. On Lot No. 39, RW Nos. 172 and 173 are proposed to have a maximum height of 6 and 3 feet, respectively. A portion of RW No. 1 and 175 are located along the western property line along Eastern Avenue, which is at a lower elevation than the proposed small lot homes located on the same lot. RW Nos. 2, 3, 172, and 173 are also at a higher elevation than RW Nos. 1 and 175. Due to the existing topography, a retaining wall with a maximum height of 6 feet may be necessary to retain the soil and assist in stabilizing the hillside; however, the placement of the retaining walls and location of the dwelling unit along the hillside do not warrant the construction of an additional 6-foot high privacy/security fence. As approved herein, RW Nos. 1, 172, and 175 which are located within the front yard along Eastern Avenue and Lombardy Boulevard may have a maximum height of 6 feet if determined to be necessary by the Grading Division of the Department of Building and Safety and no privacy/security fence may be permitted on top of the retaining walls. RW Nos. 2, 3, 65, and 173 may construct the retaining wall with a privacy/security fence on top of the wall; however, the combined height shall be limited to a maximum of six (6) feet.

A portion of RW No. 1 and the remaining retaining walls identified by the applicant are located within the side and rear yards along the southern and eastern property lines and vary in height from 2 to 6 feet. The southern and eastern property lines abut single-family dwellings which are generally built at a lower elevation than the proposed dwelling units and retaining wall. Comments have been received from some of the surrounding neighbors with concerns regarding the loss of privacy. While the dwelling units have provided adequate setbacks from the adjoining property lines, the setback area is anticipated to be utilized as private open space for the future residents. In consideration of the topography of the site and comments received from the public, permitting an over-in-height retaining wall with a privacy/security fence on top of the wall will provide additional security and address the concerns related to the loss of privacy from the adjoining neighbors. As approved herein, the retaining walls located along the outer perimeter along the southern and eastern property lines may be constructed with a privacy/security fence on top of the wall; however, the combined height shall be limited to a maximum of six (6) feet.

As conditioned herein, the retaining walls and privacy/security fences will be required to be constructed with materials and colors matching the design of the dwelling units and will be required to be screened with landscaping to improve the aesthetics of the Project. In consideration of the proposed location and topography of the hillside, as approved, the proposed height of the retaining walls and privacy/security walls would not impact the accessibility of light or air.

- b. In light of the project as a whole including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the safety, public health, welfare and safety.**

The Project will construct 42 new small lot homes on the approximately 218,270 gross square-foot lot located within the Northeast Los Angeles Community Plan area. The small lot homes will have approximately 2,000 square feet of floor area and a

maximum height of 26 feet. The Project will require the removal of 39 of 102 Protected Trees (Black Walnut trees) located on the site and the grading of 82,000 cubic yards of dirt and export of approximately 78,000 cubic yards of dirt. As the site is zoned [Q]R1-1D and [Q]RD6-1D, the Project requires the adoption of the recommended Zone Change to (T)(Q)RD5-1D to permit the small lot development. As discussed in Finding Nos. 1, 2, and 3, the Project is consistent with the goals, objectives, policies, and programs of the General Plan and Community Plan and would develop the site with dwelling units at a density that is consistent with the Low Residential land use designation. Furthermore, the determination has incorporated the mitigation measures identified in the Mitigated Negative Declaration prepared for the Project, Case No. ENV-2015-1918-MND, as enforceable conditions. Compliance with the conditions of approval and existing regulatory measures would allow the development of the site with a project that is consistent with the surrounding area. As such, the Project will be compatible with the surrounding area and will not adversely affect or further degrade adjacent properties, surrounding neighborhoods, or the safety, public health, welfare and safety.

- c. The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The Project proposes the construction of 42 small lot homes in conjunction with the merger and resubdivision of land into 42 small lots. Incidental Case No. VTT-73531-SL was approved by the Advisory Agency on March 3, 2020 and became effective on March 14, 2020. The Project would include a total of 178 retaining walls throughout the site comprised of 129 walls which will be less than 3 feet in height, 18 walls with a height between 3 and 4 feet, and 32 walls with a height between 4 and 6 feet. As discussed in Finding Nos. 2 and 3, with the approval and adoption of the recommended zone change to (T)(Q)RD5-1D, the Project will substantially conform with the purpose, intent and provisions of the General Plan and the Northeast Los Angeles Community Plan. The Project Site is not located within a specific plan.

### **Environmental Findings**

- 6. Environmental Finding.** A Mitigated Negative Declaration (MND), Case No. ENV-2015-1918-MND, and Mitigation Monitoring Program was prepared for the project and published for re-circulated on Thursday, April 6, 2017. The analysis in the MND found that potential negative impacts could occur from the project's implementation due to Aesthetics, Air Quality, Biological Resources, and Transportation/Traffic and that those impacts could be mitigated to a less than significant level with the implementation of the identified mitigations. The MND found that there were no potentially significant impacts that could not be mitigated to a less than significant level. 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 there is no substantial evidence that the proposed project will have a significant effect on the environment.
- 7. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

April 17, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are three options for filing appeals, described below.

### OPTION 1: NON-APPLICANT ONLINE APPEAL PORTAL

([planning.lacity.org/development-services/appeal-application-online](https://planning.lacity.org/development-services/appeal-application-online))

Non-applicant appeals of entitlements can now be submitted online and payment can be made by credit card. The online appeal portal allows non-applicants to fill out and submit the appeal application directly to the Development Services Center. Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. *Note: a 2.7% credit card processing service fee will be charged. CEQA appeals, Building and Safety appeals (LAMC Section 12.26K), and Applicant appeals can only be filed using Option 2 or 3 below.*

### OPTION 2: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

#### STEP 1:

Email [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org) with the subject line: **"Request to File Appeal."** In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

#### STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)
- **Mail the appeal application to:**  
Department City Planning - Metro DSC  
201 N. Figueroa St., 4th Floor  
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. **Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.**

### OPTION 3: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/ Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment