



HARBOR AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAR 28 2017

Case No.: VTT-73816-1A
CEQA: ENV-2015-3749-MND
Plan Area: Harbor Gateway
Related Case: APCH-2015-3175-ZC

Council District: 15 – Buscaino

Project Site: 17236 South Hoover Street
Applicant: Ali Awad, S. Hoover and 173rd Street, LLC
Representative: Emilio Gutierrez
Appellant: John Finnegan

At its meeting of **January 17, 2017** the Harbor Area Planning Commission took the actions below in conjunction with the disapproval of the following project:

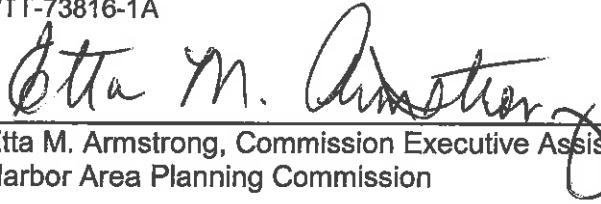
A Vesting Tentative Tract to merge two lots and re-subdivide into 15 lots, each lot to be improved with a single-family home accessed through a private street.

1. **Granted** the appeal and **overturned** the determination of the Deputy Advisory Agency to approve the Vesting Tentative Tract No. VTT-73816;
2. **Adopted** the attached Findings as amended by the Commission.

This action was taken by the following vote:

Moved: Hatch
Seconded: Cortez
Ayes: Sutton
Absent: Harmatz, Ortiz

Vote: 3 -0



Etta M. Armstrong, Commission Executive Assistant I
Harbor Area Planning Commission

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

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

FINAL APPEAL DATE: APR 07 2017

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: Findings

c: Debbie Lawrence, Senior City Planner
Kevin Golden, City Planner

FINDINGS
(BY THE HARBOR AREA PLANNING COMMISSION ON JANUARY 17, 2017)

BUREAU OF ENGINEERING

1. That a minimum 40-foot wide private street easement be provided for the proposed private street starting at the intersection of the Hoover Street extending southeasterly, including an elbow section and a 40-foot radius property easement cul-de-sacs at the terminus all on alignments satisfactory to Harbor District Engineering Office.
2. That a minimum 36-foot wide private street easement be provided for the proposed private street along the northwesterly tract boundary and as shown on the revised map, including a 40-foot radius property easement cul-de-sac at the terminus and 15-foot minimum radius property easement returns at the intersection with the other proposed private street all on alignments satisfactory to Harbor District Engineering Office.
3. That sanitary sewer easement be dedicated full-width of the proposed private street.
4. That the private street easement be part of the adjoining parcels.
5. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary easements for ingress, egress and public facilities over the private street area upon the sale of the respective lots and they will maintain the private street, free and clear of obstructions and in a safe condition for vehicular use at all times.
6. That a Covenant and Agreement be recorded stating that private street will be posted in a manner prescribed in Section 18.07 of the Los Angeles Municipal Code "Private Street Regulations".
7. That the final map be approved by the State Department of Transportation with respect to the alignment of the Harbor Freeways. Four copies of the final map shall be submitted to the City Engineer's Office for the States' approval prior to the recordation of the final map. **In addition also State Department of Transportation shall review and approve any proposed improvements including the proposed private street within the existing State Department of Transportation easement within this tract property.**
8. That necessary arrangements be made with the State Department of Transportation prior to recordation of the final map for any necessary permits with respect to any construction and drainage discharge within or adjacent to the Harbor Freeway right-of-way.

Any questions regarding this report should be directed to Mr. Georgic Avanesian of the Land Development Section, located at 201 North Figueroa Street, Suite 200, or by calling (213) 202-3484.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

9. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
- a. The submitted Map dimensions and boundaries do not agree with ZIMAS. Revise the Map to address the discrepancy or provide documents of approval for the establishment of the existing boundaries. ZIMAS shows existing lots including part of freeway ramp. Revise the map to indicate on the freeway ramp portion as a remainder lot.
 - b. Provide a copy of [Q] condition. Show compliance with the above condition as applicable or Department of City Planning approval is required.
 - c. Provide a copy of APCH case APCH-2015-3175-ZC. Show compliance with all the conditions/requirements of the APCH case as applicable.
 - d. Front yard setback for proposed **R1-1 Zone** shall be a minimum 20 ft. setback as measured from the edge of the private street. Revise the map or obtain approval from the Department of City Planning to allow the 18 ft. in lieu of the 20 ft. front yard setback.
 - e. The submitted Map does not comply with the allowable use in the **PF Zone**. Obtain Zone change approval to change from **PF-1 Zone** to **R1-1 Zone** and comply with Zone Change requirements (minimum 5,000 SF in lot area and minimum 50 ft. in lot width or as approved in the ordinance).
 - f. Zone Change must be recorded prior to obtaining Zoning clearance.
 - g. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication.
 - h. Private Street shall comply with the Bureau of Engineering and the Fire Department's requirements.

Notes:

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

All Residential Floor Area, setbacks, height, parking, and all Building and Zoning Codes requirements shall be to the satisfactory to LADBS Plan Checker at the time of Building Permit Plan Check. Proposed locations and Residential Floor Area of the dwelling units shown on Vesting Tentative Tract map may not fully comply with Zoning Code requirements.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

10. That the project be subject to any recommendations from the Department of Transportation.

FIRE DEPARTMENT

11. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
 - a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
 - b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - c. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - d. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - e. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 - f. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
 - g. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
 - h. Submit plot plans indicating access road and turning area for Fire Department approval.
 - i. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
 - j. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application signoff.
 - k. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
 - l. Adequate offsite public and onsite private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

- m. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- n. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- o. Site plans shall include all overhead utility lines adjacent to the site.
- p. Private streets and entry gates will be built to City standards to the satisfaction of the City Engineer and the Fire Department.
- q. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- r. Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.
- s. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
- t. Standard cut-corners will be used on all turns.
- u. Private streets shall be recorded as Private Streets, **AND** Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6509. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF WATER AND POWER

- 12. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

BUREAU OF SANITATION

- 13. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

14. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the Los Angeles Municipal Code Section 17.05N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 N. Main Street, Room 1255, Los Angeles, CA 90012, (213) 978-0856.

DEPARTMENT OF RECREATION AND PARKS

15. That the Quimby fee be based on the R1 Zone.

DEPARTMENT OF CITY PLANNING - SITE SPECIFIC CONDITIONS

16. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Limit the proposed development to a maximum of 15 lots.
- b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit.
- c. **Note to City Zoning Engineer and Plan Check.** The Advisory Agency has reviewed and approved the location(s) of the following item(s) as it applies to this subdivision and the proposed development on the site.

Not Applicable

- d. That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
- e. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
- f. That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- g. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court

costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

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

For purposes of this condition, the following definitions apply:

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

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

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

17. That prior to the issuance of the building permit or the recordation of the final map, a copy of Case No. APCH-2015-3175-ZC shall be submitted to the satisfaction of the Advisory Agency. In the event that APCH-2015-3175-ZC is not approved, the subdivider shall submit a tract modification.

18. That prior to recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by **Condition Nos. 19 and 20** of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction / maintenance) to ensure continued implementation of the above mentioned mitigation items.
19. Prior to the recordation of the final map, the subdivider will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- MM-1 All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect in accordance with LAMC Sections 12.40 and 12.41. The final landscape plan shall be reviewed and approved by the City of Los Angeles Department of City Planning during the building permit process.
- MM-2 A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.
- MM-3 The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. An automatic irrigation plan shall be approved by the Department of City Planning.
- MM-4 Palm trees shall not be considered in meeting this requirement.
- MM-5 The genus or genera of the tree(s) shall provide a minimum crown of 30'-50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.
- MM-6 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.
- MM-7 The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
- MM-8 The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
- MM-9 Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young).

Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

- MM-10 If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
- a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
 - b. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
 - c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- MM-11 The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.
- MM-12 Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- MM-13 All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- MM-14 Construction of new residential buildings shall meet California Title 24 energy efficiency requirements. All new appliances and equipment shall meet Energy Star certification. The Project shall participate in green waste collection and recycling programs for landscape maintenance. Landscaping shall use low water requirements and be composed of fast-growing plant material. Trees and vegetation shall be planted to shade buildings and surface parking areas, to reduce heating/cooling demand and to sequester carbon.

- MM-15 Low- and non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the Project to reduce VOC emissions to the maximum extent practicable.
- MM-16 Any new construction shall include 20 percent of parking spaces set aside for EV ready parking.
- MM-17 All construction waste shall be disposed of in accordance with manufacturer's specifications, as well as applicable federal, State and local health and safety regulations. Appropriately-labeled recycling bins shall be used to recycle construction materials including, but not limited to: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood and vegetation. Non-recyclable materials/waste must be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed, regulated disposal site. Leaks, drips and spills shall be immediately cleaned up to prevent contaminated soil on paved surfaces that can be washed away into the storm drains. Pavement at material spills shall not be hosed down. Dry cleanup methods shall be used whenever possible. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or shall be covered with tarps or plastic sheeting. Gravel approaches where truck traffic is frequent shall be used to reduce soil compaction and limit the tracking of sediment into streets. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.
- MM-18 An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the Department of Building and Safety.
- MM-19 A buffer zone measuring a minimum width of 50 feet and a minimum length of 300 feet shall be maintained between the project site and the Harbor Freeway bus transit viaduct as shown on the Plot Plan in Exhibit A of Case No. APCH-2015-3175-ZC. The buffer shall be landscaped with trees, shrubs and groundcover to act as a filter from freeway dust and noise.
- MM-20 The Project shall restrict operable windows, window openings and exhaust vents on any freeway-facing building facades.
- MM-21 Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- MM-22 Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- MM-23 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- MM-24 A temporary noise control barrier shall be installed on the property line of the construction-related noise levels at the adjacent residential structures with a goal of a reduction of 10 decibels. The supporting structure shall be engineered and erected according to applicable codes. The temporary

barrier shall remain in place until all windows have been installed and all activities on the project site are complete.

- MM-25 All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- MM-26 The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 decibels in any habitable room.
- MM-27 Ventilation openings in exterior walls or within roofs/ceilings shall require approved acoustical baffles.
- MM-28 All freeway-facing windows and glass doors shall be glazed with STC 32 glazing to minimize noise emanating from trucks on the freeways and the off-ramp. The glazing supplier shall submit test reports documenting the minimum STC rating for the complete glazing assembly. The test report shall be conducted in an independent, accredited testing laboratory in accordance with ASTM E90.
- MM-29 A minimum 6-foot tall masonry block shall be located along all property lines as shown on the Plot Plan in Exhibit A of Case No. APCH-2015-3175-ZC. The masonry block wall shall act as a sound barrier to reduce ambient air impacts from the adjacent freeways.
- MM-30 Wall and roof-ceiling assemblies making up the building envelope shall have a Sound Transmission Class (STC) of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- MM-31 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- MM-32 Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.
- MM-33 The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of

security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

- MM-34 The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycle, and vehicle safety.
- MM-35 The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.
- MM-36 The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

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

Air Quality

- CM-1 All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- CM-2 The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-5 All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- CM-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

Noise

- CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

- CM-8 Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
- CM-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-11 The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

Grading

- CM-12 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-13 Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These shall shield and bind the soil.
- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

General Construction

- CM-15 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-16 Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These shall shield and bind the soil.
- CM-17 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-18 Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

- CM-19 Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-20 Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

DEPARTMENT OF CITY PLANNING - STANDARD SINGLE-FAMILY CONDITIONS

SF-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.

SF-2. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any grading or building permits before the recordation of the final map. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such

easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.

- (e) That drainage matters be taken care of satisfactory to the City Engineer.
 - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
 - (g) That any required slope easements be dedicated by the final map.
 - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
 - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
 - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
 - (k) That no public street grade exceeds 15%.
 - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
 - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
 - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
 - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
 - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3. That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
 - (b) Construct any necessary drainage facilities.

- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
 - a. No street lighting requirements.

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.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. 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.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction is suitably guaranteed:
 - (1) After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, construction of public and/or private drainage facilities within suitable easements will be required to drain the private street to an outlet approved by the City Engineer.
 - (2) Improve the 40-foot wide private street easement being provided by the construction of the following:
 - a. Concrete curbs, concrete gutters on both sides and a 5-foot concrete sidewalk adjoining the southeasterly side and around the cul-de-sac.
 - b. Suitable surfacing to provide a 30-foot wide roadway.
 - c. Any necessary removal and reconstruction of existing improvements.
 - d. The necessary transitions to join the existing improvements.

- e. Suitable improvements of the 35-foot radius cul-de-sac and the elbow section.
- (3) Improve the 36-foot private street easement by the construction of the following:
- a. Concrete curbs, concrete gutters on both sides and a 5-foot concrete sidewalk adjoining the southeasterly side and around the cul-de-sac.
 - b. Suitable surfacing to provide a 28-foot wide roadway.
 - c. Any necessary removal and reconstruction of existing improvements.
 - d. The necessary transitions to join the existing improvements.
 - e. Suitable improvements of the 35-foot radius cul-de-sac and the elbow section.
- (4) Construct mainline and house connection sewers to serve the development.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units. This vesting map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

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

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the Los Angeles Municipal Code (LAMC).

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

The Department of City Planning issued Mitigated Negative Declaration ENV-2015-3749-MND on June 15, 2016. The Planning Department found that potential negative impact could occur from the project's implementation due to the following categories:

Aesthetics;
Biological Resources;
Green House Gases;
Hazards and Hazardous Materials;
Land Use and Planning;
Noise;
Public Services;
Transportation and Traffic;
Mandatory Findings of Significance.

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2015-3749-MDN reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of **Condition Nos. 19 and 20** of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in **Condition No. 18**.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract No. 73816, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, 66474.61 and 66474.63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

The adopted Harbor Gateway Community Plan, a part of the Land Use Element, currently designates one of the parcels as Low Residential General Plan land use with the corresponding RS, R1, RD6 and RE9 Zones, and designates the other parcel as Public Facilities – Freeway General Plan land use with the corresponding PF Zone. The 122,295-square foot (2.821 acre) property is currently zoned R1-1 and [Q]PF-1.

Footnote No. 11 of the Harbor Gateway Community Plan states:

The Public Facility (PF) planning land use designation is premised on the ownership and use of the property by a government agency. The designation of the PF Zone as a corresponding zone is based on the same premise. The [Harbor Gateway Community] Plan also intends that when a board or governing body of a government agency has indicated an intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent within 500 feet of the property boundary and still be considered consistent with the adopted Plan.

The zone that is most consistent within 500 feet of the subject site is the R1-1 Zone. In accordance with the Community Plan, a zone change from the [Q]PF-1 Zone to the R1-1 Zone can be requested. However, the Harbor Area Planning Commission (APC) denied the zone change request in related Case No. APCH-2015-3175-ZC, thus the proposed residential project is not a permitted use in the [Q]PF-1 Zone, the Public Facilities land use designation of the Harbor Gateway Community Plan.

The existing [Q] Conditions do not permit residential uses on the project site. Therefore, the proposed subdivision is not consistent with applicable general and specific plans.

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

The surrounding neighborhood is designated R1-1. The development of fifteen (15) dwelling units on a 122,295-square foot (2.821 acre) lot exceeds the minimum 5,000-square foot per lot area requirement of the R1 Zone, thus meeting the allowed development density of the R1 Zone and the Low Residential land use of the Harbor Gateway Community Plan.

Both lots are currently vacant. Surrounding properties are zoned R1-1 and developed with single-family housing. The proposed project is 15 two-story, single-family houses on a private street accessed through Hoover Street. Parking would be two covered parking spaces per dwelling unit for a total of 30 parking spaces.

Lot sizes would range from approximately 5,177 to 12,370 square feet, thereby meeting the minimum 5,000 square-foot lot area of the R1 Zone. As measured from the edge of the private street, each lot would meet the minimum legal lot frontage of 20 feet.

Two parking spaces per lot would provide 30 total parking spaces on the project site, thus meeting the minimum parking requirements. Each lot would be accessed through a 36-foot wide private street easement and a 40-foot wide private street easement off of Hoover Street.

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

The project is relatively flat. The applicant plans for minimal grading and no export of soil. A haul route approval is thus not required. The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas).

In consideration with Zoning Information (Z.I.) Notice No. 2437 – Freeway Adjacent Advisory Notice for Sensitive Uses – the proposed residential uses are considered sensitive receptor sites since the project is directly adjacent to the intersection of two freeways, well within the 500-foot threshold for potentially detrimental air quality. Thus, the project is not physically suitable for the proposed type of development.

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

The neighborhood is mostly single-family dwelling units. A zone change request to rezone the site to the R1-1 Zone was denied by the Harbor Area Planning Commission (APC) in related Case No. APCH-2015-3175-ZC at its meeting on January 17, 2017. Thus, the proposed residential project remains in the [Q]PF-1 Zone which does not allow any residential density. Therefore, the proposed project is not physically suitable for the proposed density of development.

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

The Deputy Advisory Agency certified that Mitigated Negative Declaration No. ENV-2015-3749-MND reflects the independent judgement of the lead agency and determined that this project would not have a significant effect upon the environment provided that the potential impacts identified above are mitigated to a less than significant level through implementation of **Condition Nos. 19 and 20** of the Tract's approval.

The Initial Study prepared for the project identifies potential adverse impact on fish or wildlife resources as far as earth, air, and plant life are concerned. However, measures are required as part of this approval, which will mitigate the above mentioned impact(s) to a less than significant level. Furthermore, the project site, as well as the surrounding area is presently developed with structures and does not provide a natural habitat for either fish or wildlife.

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

There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public

sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The project site contains a 22-foot wide easement for the California Department of Transportation (Caltrans). As conditioned by the Bureau of Engineering, the proposed subdivision and private street within the existing Caltrans easement shall be reviewed and approved by Caltrans prior to recordation of the final map.

The project would also be required to dedicate a sanitary sewer easement along the full width of the proposed private street.

Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. The Bureau of Engineering has included conditions of approval which requires that the applicant record a covenant and agreement to maintain all elements of those areas being merged with the public right-of-way, that the construction be guaranteed, and waivers of any damages that may occur as a result of such improvements.

During plan check and prior to recordation of the final tract map, the Department of Building and Safety will review the plans to ensure that no structures encroach on the easements and right-of-way, and thereby cause no conflict. In addition, the Bureau of Engineering will require approval of the final tract map from the Bureau of Sanitation which is responsible for maintenance of the sanitary sewers. Therefore, the design of the subdivision and the proposed improvements will not conflict with easements.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.