

TENTATIVE TRACT MAP NO. 72029-CN (stamped map-dated September 27, 2012) and Case No. ZA 2012-2670(ZV)

HEARING DATE: Tuesday, January 15, 2013

PLANNING DEPARTMENT STAFF INVESTIGATOR REPORT

IMT Capital II Magnolia II, LLC (A)(O)  
15303 Ventura Boulevard, Suite 200  
Sherman Oaks, CA 91403

Robert Kameoka (E)  
5011 Acacia Street  
San Gabriel, CA 91776

Eric Lieberman (R)  
QES, Inc.  
14549 Archwood Street #308  
Van Nuys, CA 91405

CASE NOs. TT-72029-CN, ZA 2012- 2670(ZV)  
TENTATIVE TRACT MAP, ZONE  
VARIANCE  
14601-14633 W. Magnolia Boulevard Van  
Nuys-North Sherman Oaks Community Plan  
Zone : R1-1, [Q]RD1.5-1  
D.M. : 171A151, 172-5A151  
C.D. : 2  
CEQA: ENV-2012-2668-MND  
Legal Description: Lot FR 379, Tract TR  
1000

PURSUANT TO ORDINANCE NO. 164,845, IF A CERTIFICATE OF POSTING HAS NOT BEEN SUBMITTED BEFORE THE DATE OF THE PUBLIC HEARING, IT MUST BE PRESENTED AT THE HEARING, OR THE CASE MUST BE CONTINUED.

REQUESTS

The Deputy Advisory Agency and Zoning Administrator will consider:

1. Pursuant to the Los Angeles Municipal Code Section (LAMC) 17.03, Tentative Tract Map No. 72029-CN to permit an eight-lot subdivision for the construction of seven single-family homes on individual lots with a total 14 parking spaces fronting McCormick Street in Phase I and a three-story 30-unit condominium development with 67 parking spaces including seven guest spaces fronting Magnolia Boulevard Phase II, on a 2.14 net acres (93,055 net square feet) site after dedication in the R1-1 and [Q]RD1.5-1 Zones, located at 14601-14633 W. Magnolia Boulevard.
2. Pursuant to LAMC Section 12.27, a Zone Variance from Sections 12.08 and 12.21-C,5(h) to allow access from a less restrictive zone (RD1.5-1) to a more restrictive zone (R1-1 Zone) permitting a portion of the condominium rear yard uses, open space, guest parking, and other ancillary the to be located in the R1-1 Zone (Case No. ZA 2012-2670(ZV)).
3. Pursuant to Section 21082.1(c)(3) of the California Public resources Code, adopt the Mitigated Negative Declaration (MND) for the above referenced project.

RELEVANT CASES

## ON-SITE:

ZA 2004-6255(CU): On March 25, 2005 the Zoning Administrator withdrew an application for a Conditional Use to permit the development of an approximately 64-space private surface parking lot for use by employees of the adjacent automobile sales use on an approximately 19,840 square-foot vacant property located in the [Q]RD1.5 and R1 Zones for the northeast corner of the site located at 14601 Magnolia Boulevard fronting McCormick Street. A public hearing was held on February 25, 2005 where testimony was taken from thirteen persons and all but one was in opposition of the project.

On March 18, 2005, I received a letter from the applicant's representative stating the following: *"On behalf of the applicant, Center BMW, we are respectfully requesting that our application for a Conditional Use Permit, to allow parking in the R Zone, be withdrawn without prejudice. Although we sincerely felt that this use will be a less intensive than a residential use, we acknowledge the neighborhood's concerns that this project may be incompatible with the adjacent residential properties . . . At the Sherman Oaks Neighborhood Council meeting of February 28, 2005, the community voiced their opinion that they would rather see any future expansion occur only on the Center BMW property. Center BMW's truly committed to being both a good neighbor and a quality business within the community."*

CPC-1986-784-GPA: Ordinance No. 167,939 effective June 28, 1992, approved a [Q] Condition that limited the height as follows:

- The height of any residential building shall be limited to 35 feet in height except for roof structures" (Area 8 Subarea 102A-all the [Q]RD1.5-1 zone portion of the property fronting Magnolia Street).
- The height of any residential building shall be limited to 30 feet in height except for roof structures" (Area 8 Subarea 101A-small area fronting McCormick Street).

Ordinance No. 101,141: An Ordinance establishing a building line on both sides of Magnolia Boulevard from Vantage Avenue to Sepulveda Boulevard and from Hayvenhurst Avenue to 234.41 feet westerly of Zelzah Avenue, in the City of Los Angeles, approved February 25, 1953. (A 14-foot building line exists today along the Magnolia Boulevard frontage.)

## OFF-SITE:

TT-68230: On October 23, 2007 the Advisory Agency approved tentative tract located at 5255 Tilden Avenue for a new maximum 6-unit residential condominium in the proposed RD1.5-1 Zone.

TT-65406-CC: On March 1, 2007 the Advisory Agency approved condominium conversion of an 18-unit apartment building with 37 parking spaces, located at 14637 Magnolia Boulevard in the [Q]RD1.5-1 Zone (abutting the subject site on the west).

AA-2006-0287-PMLA-CC: On November 3, 2006 the Advisory Agency approved one-lot for a maximum of four-unit condominium conversion in the [Q]R3-1 Zone, located at 14810 Magnolia Boulevard.

TT-64606: On July 12, 2006, the Advisory Agency approved tentative tract located at 14744 Magnolia Boulevard for a maximum 6-unit residential condominium in the [Q]R3-1 Zone.

TT-62169: On October 17, 2005, the Advisory Agency approved one-lot, located at 14702 Magnolia Boulevard for a maximum 5-unit residential condominium in the [Q]R3-1 Zone. ZA 2009-1051(SM): On May 21, 2009, the Zoning Administrator approved a slight modification to allow Lot No. 1 a reduced 48-foot lot width in lieu of the required 50-foot.

AA-2005-3989-PMEX: On August 31, 2005 a lot line adjustment was approved between two parcels in the R1-1 Zone, located at 5359 N. Cedros Avenue.

AA-2004-0662-PMLA: On October 1, 2004 the Advisory Agency approved a maximum of two-parcel for new single family development in the R1-1 Zone, located at 14644 W. McCormick Street.

TT-60354: On August 3, 2004 the Advisory Agency approved tract composed of one-lot, located at 14529-14541 Margate Street for a maximum new 15-unit condominium in the RD1.5 Zone.

TT-54067: On August 14, 2003 the Advisory Agency approved tract composed of one-lot, located at 14556 Margate Street for a maximum 5-unit condominium in the RD1.5 Zone.

TT-54296-CC: On April 7, 2004 Advisory Agency approved a condominium conversion of an existing apartment. ZA 90-1240(ZV)(YV): On March 12, 1991, the Zoning Administrator approved a Zone and Area Variance to permit a 9-unit apartment building with subterranean parking in the rear R1-1 zoned portion of the property otherwise zoned R3-1 and to permit a 14-foot front yard setback in lieu of a 20-foot building line setback (after dedication) and a zero-foot rear yard setback, located at 5242 Kester Avenue.

## PUBLIC RESPONSES

The chair of the Sherman Oaks Neighborhood Council (SONC) Land Use Committee, telephoned in November 2012 requesting that the tentative hearing scheduled for December 18, 2012 be postponed until the project was properly vetted by the

Neighborhood Council. The chair was concerned about the variance portion of the project. The applicant agreed to postpone the hearing until January 15, 2013 in order to present to the SONC Land Use Committee on December 20, 2012.

On January 10, 2013 a neighbor on McCormick Street sent a letter via electronic mail stating the following concerns (attached):

- Multiple-family portion being developed prior to the single-family portion; requesting that the single-family, landscaping, street widening (at the beginning of development) and rear yard wall be constructed first.
- Density (requesting six single-family homes in lieu of seven and be only one-story ranch style).
- Construction impacts: grime, dust, rodent, safety, noise from Magnolia, lack of privacy, crime, temporary loss of property values, trespassing, and making the north facing elevation of the condo more aesthetically pleasing.
- Removal of protected trees on-site.
- Attached are her proposed compromises and summaries of the arguments raised at the November 15<sup>th</sup> and December 20<sup>th</sup>.

Note: The applicant responded to the SONC's Land Use Committee in a letter dated January 4, 2013 (attached).

### GENERAL COMMENTS

The duplexes, single-family residence and accessory building that were previously located on the site have been demolished along with several trees and other vegetation. On November 3, 2012 the site was issued an order to comply for construction in progress without permits or inspection. It was closed on November 8, 2012 when a demolish permit applied for on April 23, 2012 was issued for the one-story duplex and its detached garage. Another permit was issued on November 28, 2012 for the demolition of the single-family home. On December 26, 2012 the applicant apply for a building permit to construct a new 3-story, 30-unit apartment building.

The adopted Van Nuys-North Sherman Oaks Community Plan designates the subject property for Low Medium II Residential and Low Residential land uses with the corresponding zone of RD1.5, RD2, RW2 and RZ2.2 and RE9, RS, R1, RU, RD6 and RD5, respectively. The site is 2.14 net acres (93,055 net square feet) site after dedication and is presently zoned [Q]RD1.5-1 and R1-1. The project is for the construction of seven single-family structures on individual lots with a total 14 parking spaces fronting McCormick Street and a three-story 30-unit condominium development with 67 parking spaces including seven guest spaces fronting Magnolia Boulevard is in conformance with the land use designation. The tract map is to permit an eight-lot subdivision for the recordation of seven single-family lots in Phase I and Lot No. 8 to be recorded as Phase II for the 30-unit condominium. Additionally a zone variance has been applied for to allow a portion of the condominium rear yard uses, open space, guest parking, and other ancillary the to be located in the R1-1 Zone, which is to allow access from a less restrictive zone (RD1.5-1) to a more restrictive zone (R1-1 Zone).

As the proposed map is not vested, architectural plan are not required for submission. However, the applicant has provided a conceptual landscape plan by L.A. Group Design Works dated September 20, 2012 for the condominium portion of the project.

A Horticultural Tree Report was also provided by TREES, etc. dated September 5, 2012 which stating that there were 56 on-site trees and three off-site trees to be removed including 10 protected trees on-site (2-Black Walnut, 1- Sycamore, 7-Coast Live Oak). However the report stated "these trees are covered by the City of Los Angeles' Ordinance No. 177,404, but are not native to this particular site". Staff has conditioned that these trees be replaced on 2:1 basis (Condition No. 15) and all the other trees removed be replaced on a 1:1 basis (Condition No. 16).

To the north across McCormick Street is a single-family neighborhood in the R1-1 Zone, to the northeast is a 13-unit apartment complex and an 11-unit condominium in the [Q]RD1.5-1 Zone, abutting on the east auto dealer [Q]RD1.5-1, P-1VL and C2-1VL Zones, across Magnolia Boulevard to the south are several apartment buildings in the [Q]R3-1 an R3-1 Zones, and abutting to the west is an 18-unit apartment fronting Magnolia Boulevard and a single-family fronting McCormick Street in the R1-1 Zone.

The site is located within the Sherman Oaks Neighborhood Council boundaries, baseline mansionization ordinance, has a 14-foot building line along Magnolia Boulevard, is 6.31665 km from the Hollywood Fault, and is susceptible to liquefaction.

McCormick Street is a Local Street dedicated to a 30-foot width and unimproved at the project's at the project's street frontage. Across the street McCormick is only improved with a curb and to the west it is improved with curb, gutter, sidewalk, and street trees in front of the two lot subdivision only. The Bureau of Engineering is requiring a 30-foot wide and variable width dedication to improve the curb, gutter, and sidewalk in front of the property and an 18-foot half roadway. Vesper Avenue is a Local Street dedicated to a 49-foot at the street frontage and bisects McCormick Street as the easterly side of the property. Magnolia Boulevard is a Secondary Highway dedicated to variable widths between 68- to 85-foot at the street's frontage and improved with curb, gutter, sidewalk, landscaped parkway, street trees, and street lights. The Bureau of Engineering is requiring an additional 2-foot dedication to increase the sidewalk to 12-foot adjacent to the project's frontage.

#### REPORTS RECEIVED

**BUREAU OF ENGINEERING:** Reports that the Tract Map layout is satisfactory as submitted and recommends approval subject to conditions pertaining to dedications and improvements along McCormick Street and Magnolia Boulevard in a memo dated November 13, 2012. See recommended conditions in Draft Tentative Tract Report with Conditions under department

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION:** No comments were available at the writing of the staff report.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION: A clearance letter will be issued stating that no Building and Zoning Code violations exist on the subject site once the items identified in the memo dated November 9, 2012. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

DEPARTMENT OF TRANSPORTATION: Recommends that the project be subject to conditions stated in the memo dated November 30, 2012. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

FIRE DEPARTMENT: Recommends that the project be subject to conditions stated in the memo dated November 9, 2012. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

LOS ANGELES UNIFIED SCHOOL DISTRICT: No comments were available at the writing of the staff report.

DEPARTMENT OF WATER AND POWER: Reports that this tract can be supplied with water from the municipal system subject to LADWP's Water Services Organization's rules and requirements in a memo dated November 21, 2012.

BUREAU OF STREET LIGHTING: Recommends that the project be subject to conditions stated in the memo dated November 5, 2012. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

BUREAU OF SANITATION: Wastewater Collection Systems Division of the Bureau of Sanitation has reviewed the sewer/storm drain lines serving the subject tract/areas, found no potential problems to their structures or potential maintenance problems, and there are easements contained within the aforementioned property. In a memo dated November 29, 2012, it states that any proposed development in close proximity to the easements must secure Department of Public Works approval.

#### ENVIRONMENTAL CLEARANCE

The Department of City Planning issued draft a Reconsideration of Mitigated Negative Declaration No. ENV-2012-2668-MND on December 27, 2012 with the publication comment period ending January 16, 2013. See **Draft Tentative Tract Report with Conditions**.

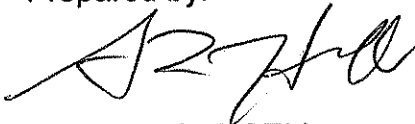
#### TENANTS

The subdivider did provide a list of two tenants that were paid relocation fees and as of August 13, 2012 all the structures were vacant of tenants. A 120-day notice to terminate tenancy was issued on May 11, 2012.

STAFF RECOMMENDATIONS

The Planning Department staff recommends approval of Tentative Tract Map No. 72029-CN subject to the standard conditions and the additional conditions in the **Draft Tentative Tract Report with Conditions**.

Prepared by:



SARAH HOUNSELL  
City Planning Associate  
(818) 374-9909

**Note:** Recommendation does not constitute a decision. Changes may be made by the Advisory Agency at the time of the public hearing.

**DRAFT TENTATIVE TRACT REPORT WITH CONDITIONS**

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03 of the, the Advisory Agency approved Tentative Tract Map No. 72029-CN composed of eight-lots, located at 14601-14633 W. Magnolia Boulevard for **seven single-family lots** in Phase I and a new **30-unit condominium** Phase II as shown on map stamp-dated September 27, 2012 in the Van Nuys-North Sherman Oaks Community Plan. This unit density is based on the [Q]RD1.5 and R1 Zones. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) The Advisory Agency's approval is subject to the following conditions:

**NOTE** on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

1. That a 30-foot wide and variable width public right-of-way be dedicated along McCormick Street adjoining the tract to complete a 60-foot wide public right-of-way including a variable width dedication for partial elbow section at intersection with Vesper Avenue (additional dedication will be required) on an alignment all satisfactory to the Valley District Engineering Office. (MM)
2. That a 2-foot wide strip of land be dedicated along Magnolia Boulevard adjoining the tract to complete a 45-foot half right-of-way in accordance with Secondary Highway Standards. (MM)
3. That the Board of Public Works approval be obtained, prior to the recordation of the final map, for the removal of any tree in the existing or proposed right-of-way area. The Bureau of Street Services, Urban Forestry Division, is the lead agency for obtaining Board of Public Works approval for the removal of such trees.
4. That any fee deficit under Work Order No. EXT00473 expediting this project be paid.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

5. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit:

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

6. 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. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
- b. Obtain a grading permit for the removal of the swimming pool and backfill of pool area. Provide a copy of the finalized grading permit to show completion of the work.
- c. Provide a copy of ZA case ZA-2012-2670-ZV. Show compliance with all the conditions/requirements of the ZA case as applicable.
- d. Show all street dedication(s) 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.

Notes: Comply with the height requirement as per the [Q] condition of ORD-167939 for Sub Area 101-A and 102-A.

Any proposed structures or uses on the site have not been checked for and shall comply with Building and Zoning Code requirements. Plan check will be required before any construction, occupancy or change of use.

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

7. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
  - a. A minimum of 20-foot reservoir space is required between any security gate(s) and the property line. Driveway widths for lots 1-7 along McCormick Street should have W=18ft. Driveway and vehicular access to lot 8 via Magnolia Boulevard shall be limited to one two-way driveway W=30ft or to the satisfaction of the Department of Transportation.
  - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21 A.
  - c. A parking area and driveway plan must be submitted to the Valley Development Review 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. (MM) Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.

- d. That a fee in the amount of \$197 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

Note: Please contact this section at (818) 374-4697 for any questions regarding the above.

## **FIRE DEPARTMENT**

8. 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. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - b. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.
  - c. Entrance to the main lobby shall be located off the address side of the building.
  - d. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
  - e. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
  - f. 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.
  - g. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
  - h. 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.

- i. Adequate public and private fire hydrants shall be required.
- j. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- k. Site plans shall include all overhead utility lines adjacent to the site.
- l. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

Note: 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) 482-6502. You should advise any consultant representing you of this requirement as well.

#### **LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)**

9. Prior to the issuance of any demolition or grading permit or any other permit allowing site preparation and/or construction activities on the site, satisfactory arrangements shall be made with the Los Angeles Unified School District, implementing the measures for demolition and construction. The project site is located on the pedestrian and bus routes for students attending Kester Elementary School and Van Nuys Middle School. Therefore, the applicant shall make timely contact for coordination to safeguard pedestrians/ motorists with the LAUSD Transportation Branch, phone no. (323) 342-1400, and the principals or designees of Kester Elementary School and Van Nuys Middle School. (MM) (This condition may be cleared by a written communication from the LAUSD Transportation Branch attesting to the required coordination and/or the principals of the above referenced schools and to the satisfaction of the Advisory Agency):
  - a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
  - b. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
  - c. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

#### **DEPARTMENT OF WATER AND POWER**

10. 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 in a letter dated November 21, 2012, 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 STREET LIGHTING**

11. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **BUREAU OF SANITATION**

12. 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**

13. 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 LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12<sup>th</sup> Floor, Los Angeles, CA 90012, 213 922-8363.

#### **DEPARTMENT OF RECREATION AND PARKS**

14. Pursuant to Section 17.12-A or 17.58 of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees, based on the RD1.5 and R1 Zones, for the construction of dwelling units. (MM)

#### **URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING**

15. Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by an protected tree expert as designated by LAMC Ordinance No. 177,404, for approval by the City Planning Department and the Urban Forestry Division of the Bureau of Street Services.

A minimum of two protected trees (a minimum of 48 inch box in size) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 177,404, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the Advisory Agency. **Note:** All oak tree removals must be approved by the Board of Public Works on sites more than one acre in size. Contact: Urban Forestry Division at: (213) 485-5675.

16. 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)

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. (MM)

Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements. (MM) **Note:** Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

#### DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

17. 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 eight (8) lots. Limit the proposed development to a maximum of 30 condominium dwelling units and seven (7) single family dwellings.
- b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus 1/4 guest parking spaces per each condominium dwelling unit. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be

submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. 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.
  - d. The applicant shall install an air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 8 or better in order to reduce the effects of diminished air quality on the occupants of the project.
  - 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 considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - g. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program. (MM)
  - h. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way. (MM)
18. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
  19. Prior to the issuance of the building permit or the recordation of the final map, a copy of the Case No. ZA 2012-2670(ZV) shall be submitted to the satisfaction of the Advisory Agency. In the event that zone variance is not approved, the subdivider shall submit a tract modification.
  20. Prior to the issuance of the building permit or the recordation of the final map, a copy of the Ordinance Nos. 167,939 and 101,141 shall be submitted to the satisfaction of the Advisory Agency.
  21. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding

and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

#### **DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES**

22. Prior to 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 requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 1, 2, 7c, 9, 14, 17g, 17h, 23, and 24 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
  
23. 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:
  - MM-1. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.
  
  - MM-2. A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
  
  - MM-3. A landscape plan prepared by a licensed Landscape Architect shall be submitted for review and approval by the decision maker.
  
  - MM-4. Prior to the issuance of a grading or building permit, the applicant shall prepare and submit a Tree Report, prepared by a Tree Expert as defined in Section 17.02, indicating the location, size, type, and condition of all existing trees on the site. Such report shall also contain a recommendation of measures to ensure the protection, relocation, or replacement of affected trees during grading and construction activities.
  
  - MM-5. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

- MM-6. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- MM-7. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
- MM-8. Stormwater Pollution:
- a. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
  - b. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
  - c. 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 clothes shall be used to catch drips and spills.
  - d. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
  - e. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
- MM-9. Standard Urban Stormwater Mitigation Plan:
- a. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
  - b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
  - c. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
  - d. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
  - e. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
  - f. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.



- g. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.
  - h. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
  - i. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
  - j. Legibility of stencils and signs must be maintained.
  - k. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
  - l. The storage area must be paved and sufficiently impervious to contain leaks and spills.
  - m. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
  - n. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
- (Multiple Residential Dwellings of 10+ Units of Single- or Multi-Family, incl. Subdivisions):
- o. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
  - p. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
  - q. Guest parking lots constitute a significant portion of the impervious land coverage. To reduce the quantity of runoff, parking lots can be designed one of two ways: i. Hybrid Lot - parking stalls utilize permeable materials, such as crushed aggregate, aisles are constructed of conventional materials such as asphalt; ii. Parking Grove - is a variation on the permeable stall design, a grid of trees and bollards are added to delineate parking stalls. This design

- presents an attractive open space when cars are absent, and shade when cars are present.
- r. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
  - s. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- MM-10. The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area
- MM-11. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- MM-12. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
- a. Weather-based irrigation controller with rain shutoff
  - b. Matched precipitation (flow) rates for sprinkler heads
  - c. Drip/microspray/subsurface irrigation where appropriate
  - d. Minimum irrigation system distribution uniformity of 75 percent
  - e. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
  - f. Use of landscape contouring to minimize precipitation runoff
  - g. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.
- MM-13. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- MM-14. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- MM-15. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.

- MM-16. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
- MM-17. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- MM-18. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- MM-19. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
24. **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:
- CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**
- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
  - b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
  - c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5)

acres, or portion thereof. Each sign must be posted in a prominent location.

- CM-2. 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-3. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- CM-4. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- CM-5. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-6. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-8. Trucks having no current hauling activity shall not idle but be turned off.
- CM-9. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- CM-10. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- CM-11. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.
- CM-12. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any

conditions are violated.

- CM-13. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- CM-14. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- CM-15. Movement and removal of approved fencing shall not occur without prior approval by LADBS.
- CM-16. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- CM-17. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- CM-18. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- CM-19. 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-20. 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.
- CM-21. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-22. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-23. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- CM-24. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- CM-25. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.
- CM-26. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

#### **DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS**

- C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. 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 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

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.

C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

#### **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 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

SF-2. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan shall be prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730. 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 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 Transportation 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 be either constructed prior to recordation of the final map or that the construction be 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. Construct new street lights: two (2) on McCormick Street. If street widening per BOE improvement conditions, relocate and upgrade street lights; three (3) on Magnolia Boulevard.
- (d) 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 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 (213-485-5675) 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 be suitably guaranteed:
  - a. After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, public and/or private drainage facilities including may be required satisfactory to the Valley Engineering District Office.
  - b. Improve McCormick Street being dedicated and adjoining the tract by the construction of the following:
    - (1) A concrete curb, a concert gutter, and 5-foot concrete sidewalk.
    - (2) Suitable surfacing to provide a 36-foot wide total roadway (18-foot half roadway).
    - (3) Any necessary removal and reconstruction of existing improvements.

- (4) The necessary transitions to join the existing improvements.
  - (5) Suitable improvement of the partial elbow section satisfactory to the Valley Engineering District Office.
- c. Improve Magnolia Boulevard being dedicated and adjoining the tract by construction of a new 12-foot full width concrete sidewalk with tree wells.

**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.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

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 LAMC Section 17.05N.

The final map must record 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 the Reconsideration of Mitigated Negative Declaration No. ENV-2012-2668-MND on January 16, 2013. The Department found that potential negative impact could occur from the project's implementation due to:

- Aesthetics (landscaping, light);
- Air Quality (grading/construction);
- Biological Resources (tree removal);

Geology and Soils (seismic, erosion/grading/construction, geotechnical);  
Green House Case Emissions;  
Hazards and Hazardous Materials (liquefaction, asbestos, lead paint);  
Hydrology and Water Quality (stormwater);  
Land Use and Planning (variance);  
Noise (construction, landscape buffer);  
Public Services (schools, street improvements);  
Recreation (park);  
Transportation/Circulation (safety hazards); and  
Utilities (local water supply, solid waste recycling, solid waste disposal).

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2012-2668-MND 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. 1, 2, 7c, 9, 14, 17g, 17h, 23, and 24 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, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

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. 22.

The custodian of the documents or other material which constitute the record of proceedings upon which the Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Tentative Tract Map No. 72029-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The adopted Van Nuys-North Sherman Oaks Community Plan designates the subject property for Low Medium II Residential and Low Residential land uses with the corresponding zone of RD1.5, RD2, RW2 and RZ2.2 and RE9, RS, R1, RU, RD6 and RD5, respectively. The property is located in not located within any

geographic specific plan area. The site is 2.14 net acres (93,055 net square feet after required dedication) and is presently zoned [Q]RD1.5-1 and R1-1. The proposed development of seven single-family homes and a 30-unit residential condominium is allowable under the current adopted zone and the land use designation. The project will provide needed new home ownership opportunities for the Community Plan area. The property is also affected by Footnotes Nos. 1 and 11 as follows:

Footnote No 1: Height District No. 1

Footnote No 11: Each Plan category permits all indicated corresponding zones as well as those zones referenced in the Los Angeles Municipal Code (LAMC) as permitted by such zones unless further restricted by adopted Specific Plans, specific conditions and/or limitations of project approval, Plan footnotes or other Plan map or text notations.

Zone established in the LAMC subsequent to the adoption of the Plan shall not be deemed as corresponding to any particular Plan category unless the Plan is amended to so indicate.

It is the intent of the Plan that the entitlements granted shall be one of the zone designations within the corresponding zones shown on the Plan, unless accompanied by a concurrent Plan Amendment.

The project is for the construction of seven single-family structures on individual lots with a total 14 parking spaces fronting McCormick Street and a three-story 30-unit condominium development with 67 parking spaces including seven guest spaces fronting Magnolia Boulevard is in conformance with the land use designation. The map is to permit an eight-lot subdivision for the recordation of seven single-family lots in Phase I and one multiple-family lot to be recorded as Phase II for the 30-unit condominium.

The Community Plan text includes the following relevant land use goals, objectives, policies and programs:

**Goal 1: A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.**

**Objective 1-1: To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area.**

**Policy 1-1.2: Protect existing single family residential neighborhood from new, out of scale development.**

**Program: Recent changes in the Zoning Code set height limits (30-45**

feet, Sec. 12.21.1 L.A.M.C.) for new single family residential development.

Policy 1-1.4: Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design.

Program: The Plan includes an Urban Design Chapter which is supplemented by Design Guidelines and Standards for residential development.

Policy 1-1.6: The City should promote neighborhood preservation, particularly in existing single family neighborhoods, as well as in areas with existing multiple family residences.

Program: With the implementation of the Community Plan, single family residential land use categories, all zone changes, subdivisions, parcel maps, variances, conditional uses, specific plans, community and neighborhood revitalization programs for residential projects shall provide for Plan consistency.

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

Policy 1-3.1: Require a high degree of architectural compatibility with articulated landscaping for new in-fill development to protect the character and scale of existing residential neighborhoods.

Policy 1-3.2: Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.

Objective 1-5: To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.

Policy 1-5.4: Provide for development of townhouses and other similar condominium type housing units to increase home ownership options.

Program: The Plan cannot require that condominium units be built instead of rental units; however the Plan encourages such type of development by designating specific areas for Low Medium residential land use categories.

The project will provide homeownership opportunities in the traditional single-family dwelling and to those who may not afford a single-family lot within the condominium development. The subdivision is in conformance with the zone and the land use of the Community Plan. Streets will be developed to improve

circulation for current and future residences within the McCormick Street neighborhood. The condominium is townhome style with each having individual two car garages and private patios. Guest parking is located within the complex to deter from overcrowding on the surface street. The common open space is located within the front, rear, and side yard setbacks and the entry center courtyard.

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 the property is located in Zone C, areas of minimal flooding. Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

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

As the proposed map is not vested, architectural plan are not required for submission. However, the applicant has provided a conceptual landscape plan by L.A. Group Design Works dated September 20, 2012 for the condominium portion of the project, which shows townhome style unit with individual garages off a common driveway.

McCormick Street is a Local Street dedicated to a 30-foot width and unimproved at the project's at the project's street frontage. Across the street McCormick is only improved with a curb and to the west it is improved with curb, gutter, sidewalk, and street trees in front of the two lot subdivision only. The Bureau of Engineering is requiring a 30-foot wide and variable width dedication to improve the curb, gutter, and sidewalk in front of the property and an 18-foot half roadway. Vesper Avenue is a Local Street dedicated to a 49-foot at the street frontage and bisects McCormick Street as the easterly side of the property. Magnolia Boulevard is a Secondary Highway dedicated to variable widths between 68- to 85-foot at the street's frontage and improved with curb, gutter, sidewalk, landscaped parkway, street trees, and street lights. The Bureau of Engineering is requiring an additional 2-foot dedication to increase the sidewalk to 12-foot adjacent to the project's frontage.

The condominium development will be directly accessed via a driveway on Magnolia Boulevard. The single-family homes will have individual driveways and two-car garages off of McCormick Street. Regional access to the project is available from Highways 101 and 405 (the Ventura and San Diego Freeways) which lie south and west of the project site. The proposed project will provide 51 parking spaces (44 garage spaces and 7 guest spaces) in conformance with the LAMC and the Deputy Advisory Agency's parking policy for condominium projects in non-parking congested.

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

The site is currently vacant of development as it was grading recently. The duplexes, single-family residence and accessory building that were previously located on the site have been demolished along with several trees and other vegetation. On November 8, 2012 a demolish permit was issued for the two one-story duplexes and its detached garage which was applied for on April 23, 2012. Another permit was issued on November 28, 2012 for the demolition of the single-family home.

A Horticultural Tree Report was also provided by TREES, etc. dated September 5, 2012 stating that there were 10 protected trees on-site (2-Black Walnut, 1-Sycamore, 7-Coast Live Oak). The tentative map also states this under Note No. 7. As these trees were removed during grading and are stated and pictures within the report the tract has been conditioned to replace these trees on 2:1 basis and all the other trees that were removed be replaced on a 1:1 basis. Therefore, 20 new protected trees will be planted as conditioned within the subdivision.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone, but is located within a liquefaction area (map Note No. 10). The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. It is one of the few under-improved properties in the vicinity. The development of this tract is an infill of an otherwise mix-density neighborhood.

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

To the north across McCormick Street is a single-family neighborhood in the R1-1 Zone, to the northeast is a 13-unit apartment complex and an 11-unit condominium in the [Q]RD1.5-1 Zone, abutting on the east auto dealer [Q]RD1.5-1, P-1VL and C2-1VL Zones, across Magnolia Boulevard to the south are several apartment buildings in the [Q]R3-1 and R3-1 Zones, and abutting to the west is an 18-unit apartment fronting Magnolia Boulevard and a single-family fronting McCormick Street in the R1-1 Zone.

The site is located within the Sherman Oaks Neighborhood Council boundaries, baseline mansionization ordinance, has a 14-foot building line along Magnolia Boulevard, is 6.31665 km from the Hollywood Fault, and is susceptible to liquefaction.

The proposed project would provide an appropriate transitional development between the car dealership on the east and single-family and multiple-family residential uses on the west. The project will also be in conformance with the surrounding neighborhood to the north and south within similar zones. The site



is currently vacant on any development and the proposed project would provide 30 townhome units and seven single-family residences. The proposed project will comply with all LAMC requirements for parking, yards, and open space. As conditioned and mitigated the proposed tract map is physically suitable for the proposed density of the 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 project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife. On January 16, 2012, the City Planning Department issued a Mitigated Negative Declaration No. ENV-2012-2668-MND. This Mitigated Negative Declaration 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 are mitigated to a less than significant level.

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

There are potential public health problems caused by the improvement of the proposed subdivision. However, all are being mitigated through the environmental document and further measures were added within the Conditions of Approval, which need to be satisfied prior to completion of the project.

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 Department of Water and Power (LADWP) has stated that the tract can be supplied with water from the municipal system subject to conditioned requirements.

- (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.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.

- (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 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.

These findings shall apply to both the tentative and final maps for Tentative Tract Map No. 72029-CN.

MICHAEL J. LOGRANDE  
Advisory Agency

JIM TOKUNAGA  
Deputy Advisory Agency

JT:SH:jjq

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the South Valley Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza  
201 N. Figueroa St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
213 482-7077

Marvin Braude San Fernando Valley  
Constituent Service Center  
6262 Van Nuys Blvd., Room 251  
Van Nuys, CA 91401  
818 374-5050

**Forms are also available on-line at <http://cityplanning.lacity.org/>**

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.

If you have any questions, please call Planning Counter staff at (213) 482-7077 or (818) 374-5050.



Sarah Hounsell <sarah.hounsell@lacity.org>

---

## RE: Public Hearing January 15 Case # TT-72029-CN

1 message

---

Barbara Levine <shukie2@sbcglobal.net>

Thu, Jan 10, 2013 at 10:23 AM

To: sarah.hounsell@lacity.org

Cc: Jonathan Brand <jonathan.brand@lacity.org>, Ronald Ziff <rzbiz@pacbell.net>

Case #: TT-72029-CN

CEQA #: ENV-2012-2668-

MND

Incidental Cases: ZA-2012-2670-ZV

Project: 14601-14633 W.

Magnolia Blvd.

Dear Sarah,

I've lived in my home for over 25 years and accept the fact that my way of life these past years is changing. However, there are many issues involved with the way the developer proposes to make changes and the way they ravaged the property prior to the neighborhood being informed. They are only interested in making the most money they possibly can!

The bottom line here is I/we want McCormick houses, street widen, in ground planting to replace the destroyed vegetation(see pictures below), & wall between properties done first. SEVEN (subdivision) houses is not in keeping with the look of the neighborhood—way too dense given the narrow adjacent streets. Doing **SIX** houses **FIRST** will help deal with the grime, dust, rodent, safety issues, noise from Magnolia, privacy issues, some density problems, speed up the recovery of lost property value, possible trespassers issues, possible increased crime issues, and make the north facing part of the condo more aesthetically pleasing. It would also motivate the developer to get this done quickly in order to do the condos/apartment building. The developer in November at the SONC Meeting stated that they were **NOT** interested in building houses only to subdivide. At the SONC meeting in December they said they **were** building houses. I believe unless the houses are built first they will leave McCormick side with the subdivision vacant unless the two projects are tied together. Reversing the order (Condos first and McCormick side last) prolongs the misery of the neighborhood with all the problems listed above. I live directly across the street and have experienced some of these issues already. I do not want to live like this for 5 or more years. Builder must be held to have these homes built with penalties attached if the hearing decides the order is condos first. This is my HOME, this is what I look at every day. I urge you to read the attached Plans and Concerns listed below and please distribute to the panel members ahead of the meeting.

Thank you.

Sincerely,

Barbara Levine  
14609 McCormick St.  
Sherman Oaks, CA 91411

Below are 1st Choice, 1A Choice and 2nd Choice Plans to be Considered by the Panel and Concerns along with series of papers & pictures.

### 1st Choice - Plan A McCormick side

#### FACTS:

There are 9 single story, **custom** homes varying from 1450 sq. ft. to 2748 sq ft. average being about 2000 sq ft. on McCormick St. The 2 two story houses are 2969 sq ft.

Our homes have lost value since this project began

We have had rodent problems as a result of the clearing of the land

Dust, grime, noise issues have increased as a result of the clearing of the land

Loss of privacy

The two entries to McCormick can not be widened

There are no curbs, sidewalks, or drainage on Vesper between Weddington & McCormick

Currently there is NO street parking on either side of a **15 ft wide** McCormick St.,

Except for the 2 two story houses built in 1990, there are no sidewalks on McCormick

Builders claim the land is being watered, but the water line begins at least 15-20 ft south of the fence on McCormick which is not being watered.

Builders claim there will be parking, but with the additional homes there is no real gain and with no sidewalks on the north side people will walk further in the street

### **1st Choice Plan**

1. First build **6 houses** and therefore widen McCormick
2. Plant in ground dense trees/bushes **NOW which grow to 15-30 feet high** (like the ones next to the car lot on the south side of Weddington near Van Nuys):

on both east/west sides of the property

along the back separating the condo property from the houses with

build a wall as high as code allows between properties

3. Present drawings for the proposed houses with proposed vegetation and timetable and penalties attached
4. Back of apartment buildings improve aesthetically design
5. Install watering system to water plants along back area where in ground bushes/trees
6. drainage issue on McCormick at east end of property
7. modern street lights
8. Include those items that have been discussed but not limited to the items stated above such as....plants—trees, fences, timeline with penalties
9. access McCormick from Magnolia property or **ONLY Vesper** (allowing some safety for people walking, children walking, neighborhood ability to leave by way of Cedros

**Neighborhood would agree to allow:**

6 houses instead of 5 ( remove the house backing the guest parking and distribute the property equally among the remain houses) thus resolving several issues -- safety, density, size of lots, and keeping more with the look of the neighborhood

variant to encroach on all R1 property 15 ft

variant to put in greater encroachment for guest parking

The above is to be agreed to in writing and NOT subject to change unless all parties agree.

### **Compromise to 1st Choice Plan 1A**

1. Build 5 houses now and where the 6 th house will go use as access to property by putting the gate to the property on McCormick from current location to the east end of McCormick & Vesper by BMW car lot. Gate be locked at all times except when work is being done as is the case now

**Access the development from ONLY Vesper and Weddington. NO TRUCKS, EQUIPMENT, WORKERS on McCormick ---subject to penalties. (reasons stated above for safety of children and people walking in the streets and homeowners access to their homes.)**

2. Build 2 story homes
3. Rest of 1st Choice remain the same

The above is to be agreed to in writing and not subject to change unless all parties agree.

## 2nd Choice Plan

### **FACTS:**

There are 9 single story, custom homes varying from 1450 sq. ft to 2748 sq ft. average being about 2000 sq ft. on McCormick St. The 2 two story houses are 2969 sq ft.

Our homes have lost value since this project began

We have had rodent problems as a result of the clearing of the land

Dust, grime, noise issues have increased as a result of the clearing of the land

The two entries to McCormick can not be widened

There are no curbs, sidewalks, or drainage on Vesper between Weddington & McCormick

Currently there is NO street parking on either side of 15 ft wide McCormick St.,

Except for the 2 two story houses built in 1990, there are no sidewalks

Builders claim the land is being watered, but the water line begins at least 15-20 ft south of the fence on McCormick which is not being watered.

### **BUILDERS**

Builders want variants to their plans to encroach on R1 property 15 ft east to west and further encroachment for 7-8 parking spaces. In their drawing have not committed to plants (states subject to change)

### **NEIGHBORS WOULD AGREE IF:**

McCormick is widened at the beginning of the project

Back of condo/apartment buildings improve aesthetically design

a fence to be on McCormick & maintain plants on McCormick side of property (cut back as needed for street access) until homes are built-- install 8-10 foot green fence where there is an absence of plants --to give privacy, cut back on noise, add safety, possibly lessen dust, and prevent homeless from encroaching on property.

the gate to the property on McCormick be moved from current location to the east end of McCormick & Vesper by BMW car lot.

Gate be locked at all times except when work is being done as is the case now

**Access the development from ONLY Vesper and Weddington.** NO TRUCKS, EQUIPMENT, WORKERS on McCormick --subject to penalties. (reasons stated above for safety of children and people walking in the streets and homeowners access to their homes.)

Build **5 SINGLE STORY** houses constant with our street of 9 SINGLE STORY houses of 1800-2200 sq ft (current proposal are 7 two story houses/2 car garage of approx. 2500 sq. ft.)--too dense for the street given the limitations on both ends & side walk issue on one side of the street only. These are safety issues for children & adults walking in the area.

Tho the builders argument is they are increasing parking --their proposal is also increasing the number of cars by almost double. There is therefore NO real gain.

Have drawings for what those houses look like

Have timeline when those houses will be built with penalties attached

Include those items that were discussed but not limited to the items listed below at the Dec. 20th SONC Meeting. RE:

A wall as high as code allows with fast growing, dense bushes/trees to 15 ft or higher for privacy & noise issues of condos for new houses

Watering & maintenance of plants by condo area

Drainage issues  
Lighting issues

## Below is History leading up to the above comments Arguments raised at the Dec. 20 meeting

### **FACT:**

Developer made **NO** attempt to notify effected area of destruction of live oak trees

Developer made **No** attempt until Nov15 of proposal of the 7 single family subdivision & Magnolia Condos

### **MCCormick side issues**

- Widen McCormick at the beginning of development
- Replace lush vegetation and removal of magnificent old live oak and other trees on McCormick side to buffer noise and dust on the empty lots.
- Is a variance needed if conforming to the 2 2 story houses
- Proposal of 7 single family houses does NOT conform with the neighborhood (8 single story ranch house style on the north side & 1 on the south side
- 5 houses are opposite the property now-- ideally 4 subdivisions but no more than 5 would be consistent with what is there now
- The entry to McCormick at Cedros for about 200+ feet is NOW and will remain 15 feet wide because of corner and second house on the south end of McCormick St. It can Not be widened.
- The corner of McCormick on the east end is narrow when cars are parked because of limited parking for apartment building and the street can Not be widen
- NO sidewalks on Vesper and North side of McCormick
- **SAFETY ISSUE**- even when McCormick is widen and sidewalk on south side - then there will be parking on the street and an addition of possibly 10-14 or more cars which will increase the density of traffic on the 2 narrow adjacent streets, hazardous for children walking in the street, people walking in the street, and emergency vehicles access
- At Nov 15 meeting there is **NO** intension to actually build houses only a subdivision 7 lots-- They removed lush, rustic greenery, live oak trees (with no permit) and leave with vacant land for dirt, dust, and who can only imagine what may end up being there until/unless (unauthorized vehicles, vagrants,etc.) they are developed

### **Magnolia Project Issues Proposal presented at Nov. 15**

- 30 units called condos but will be rentals until or unless they become condos in the future
- No wall proposed between properties (condos & proposed McCormick subdivision) to prevent condos from access to vacant property
- Only one entrance/exit onto Magnolia for a proposed 67 cars
- Guest parking to be on R1 property

## Question

### Will this Planning Department make the following a requirement for the developer?

1. Widen McCormick St. at the beginning of the project
2. Have a wall (as high as the code allows) built between properties Magnolia /R1 McCormick to prevent misuse of the vacant lot. Put in lush plants on McCormick side & fast growing trees on R1 side between properties in front of high wall to lessen the noise, pollution, etc. and at the street side of the development
3. Subdivision not exceed the number of houses on the north side of McCormick (5)  
Have a time limit in which the subdivision on McCormick be developed & a financial penalty that would incur if the developers exceed the time limit
4. Have 2 entrances/exits to Magnolia project - safety issue Not allow the guest parking encroach onto R1 property
5. Not park their equipment on the McCormick side of street &/or vacant lots while building the Magnolia development
6. Replace **trees with fast growing trees** at east & west end of McCormick by the two story house
7. Be fined for unauthorized removal of live oak trees

The above is to be agreed to in writing and not subject to change unless all parties agree.

## NEED TO KEEP MAGNOLIA CONDOS TIED TO MCCORMICK HOUSES

It is extremely important that the Magnolia project be tied to the McCormick subdivisions for the following reasons (otherwise the homeowners have no recourse for any of the following issues) :



The Developers have always wanted to separate the 2 projects. As I see it, the homeowners goal is to tie the McCormick side to Magnolia side in order to be certain we get :

1. our street widened at the **beginning** of the project
2. there will be a **wall built as high as code** allows between the Magnolia development and the R1 property and **fast growing trees** planted to buffer the noise, dirt/dust, prevent homeless people from access to lot, safety issues, privacy issues for the new homeowners backed to the condo, & water line installed to maintain the plant life from the condos & Magnolia
3. not allow guest parking from the Magnolia condos to encroach on to R1 property proposed at the Nov. 15 SONC meeting and keep the line straight in the east/west direction (otherwise you recreate the same problem the the 2 story houses have with the apartment/condos they back---noisy, privacy issues, littering)
4. the east & west side of the lot on McCormick side get replacement trees along the north/south boundary where the apartments & two story houses are located to shield them from the sun and heat factors which had been there and were destroyed
5. the rubbish that is currently on the McCormick Side is completely removed stumps, lumber, & **now** becoming a dumping ground of other debris.
6. **lush vegetation** is planted along a **FENCED** area on the north side until the McCormick side is subdivided and DEVELOPED to keep homeless people, noise from condos/Magnolia, dust/dirt and trash build up from occurring
7. that the actual subdivision/development of McCormick not to exceed 5 lots on McCormick St. equal to what is opposite the lot (after discussed and agreed to by all parties) be done in a timely manner NOT open ended and fines attached. Otherwise I look at a vacant lot, my property loses value. and my safety is at increased risk
8. that there are a reduced number of condos to allow for two entrance/exits to Magnolia which may reduce/eliminate the need for the 8 guest parking space proposed to be in R1 area
9. have fixed days & hours of work (not on weekends or before 7am or after 5 pm weekdays with penalties attached)
10. not park construction vehicles on McCormick/Vesper or use the vacant lot for dumping

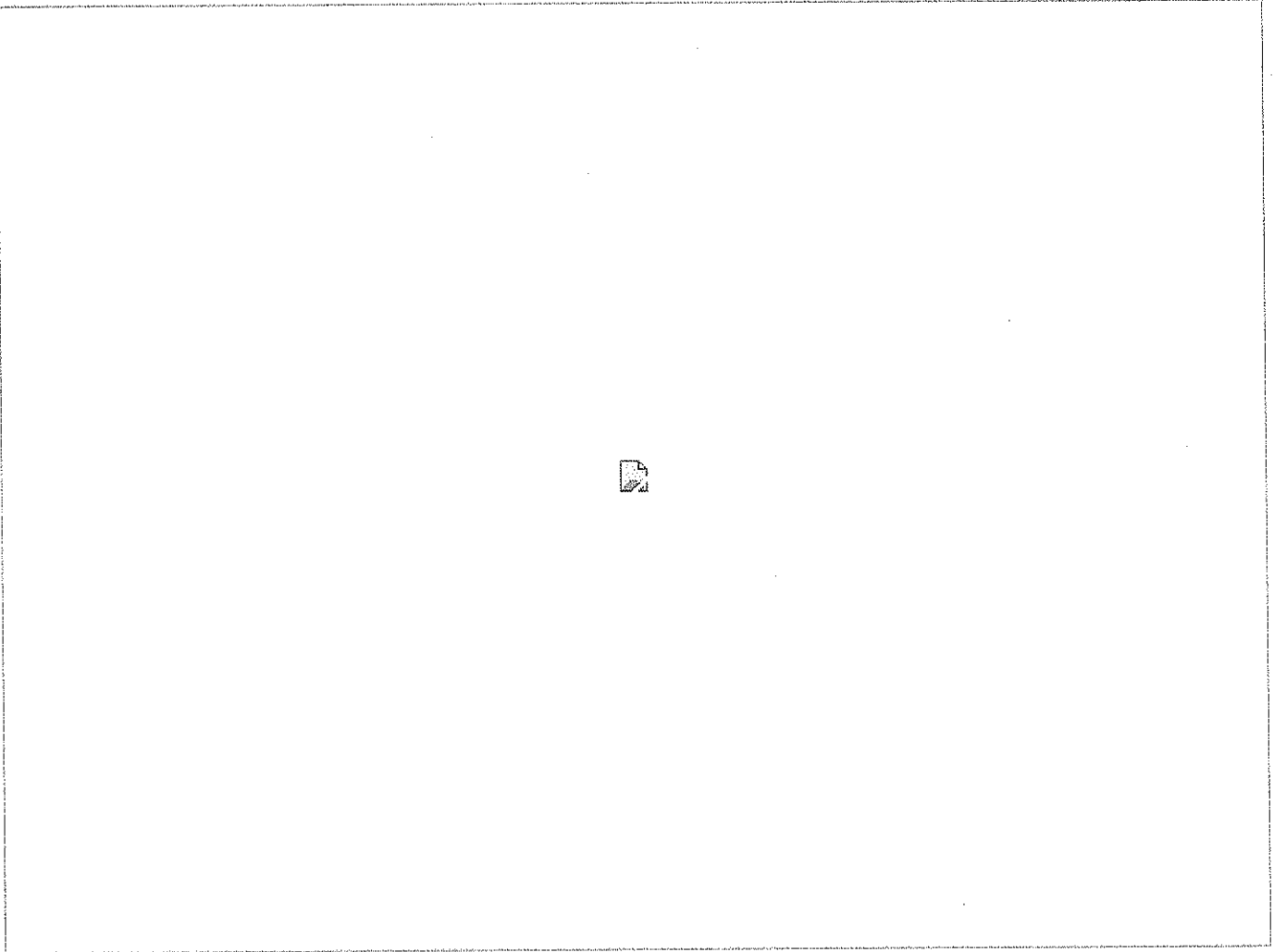
I understand growth and change, but this is my HOME. This is what I look at everyday, all day long. I want to maintain some calm and peace of mind during this process.

Thank you for considering these issues.

Sincerely,  
Barbara S. Levine

I urge your support that approving Magnolia development be made **ONLY** if the developers agree, in writing, that they will provide the above 10 listed items. Separating the two projects which is what they have wanted to do all along, would leave my neighborhood looking like a mess with all kinds of possible situations on the vacant land across the street from my home. It would devalue my property and the neighborhood. The two projects **MUST** be tied together in order to guarantee us some safety, restore peace and quiet and replace some of the greenery that the developers ripped from the earth. Trees/bushes will also cut down the noise I now hear all the time from Magnolia and reduce the dust that blows across the street on windy days into my home.

**Proposed plans by the developer.**— Almost none of the plants are in ground but in planters, seems all trees are in the R1 property and according to the legend are subject to change.



**BEFORE THEY RAVAGED THE LAND— NO REASON TO REMOVE THE NORTH / SOUTH EUCALYPTUS TREES (they admitted negligence)**

Picture is worth a 1000 words— these are photos with subject title below the picture

CURRENT FALL 2012



November 2012 view from McCormick looking south & west to Magnolia



directly across the street where live oak was from 14609 McCormick without a permit



Live Oak distroyed



Wood from several Old tree -- look at rings to determine age at east end of development



another view of stump of what appears to be a very old Live Oak tree



Stump of a second not as old oak

BEFORE -- 2005



Taken March 2005 directly across from 14609 McCormick

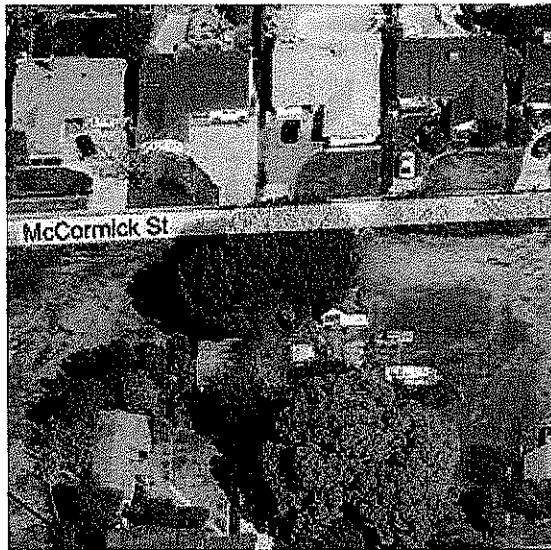




March 2005 looking east of 14609 McCormick



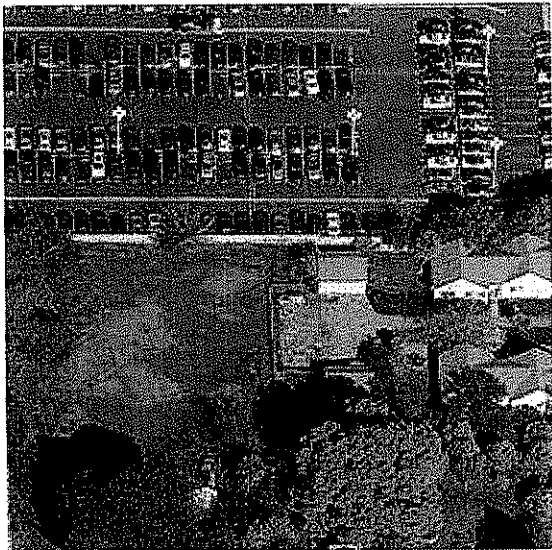
March 2005 Look farther east to corner where car is parked from 14609 McCormick



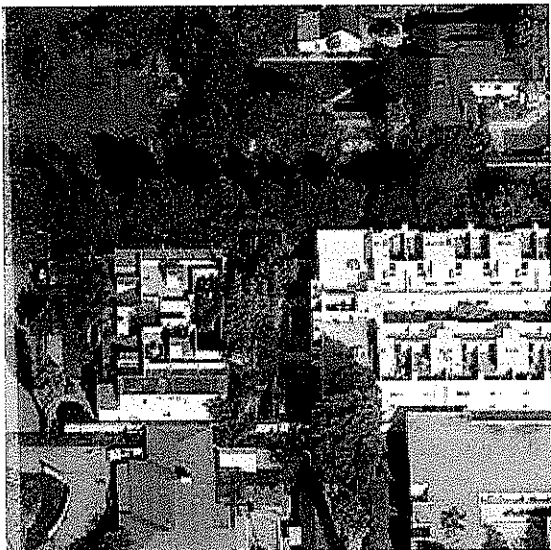
from Zillow.com aerial photos of the lot about 2010



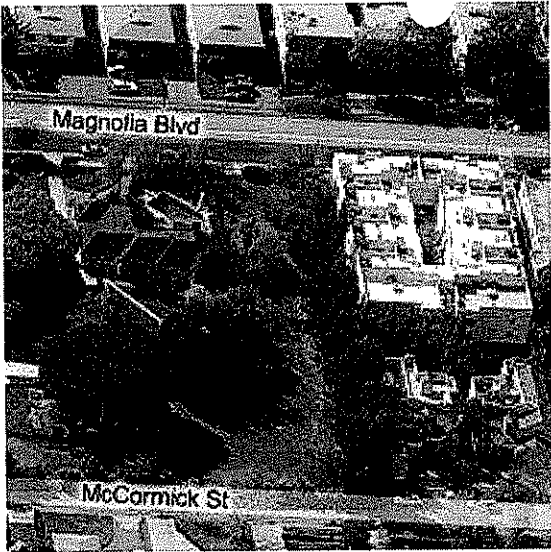
Zillow.com looking east to BMW



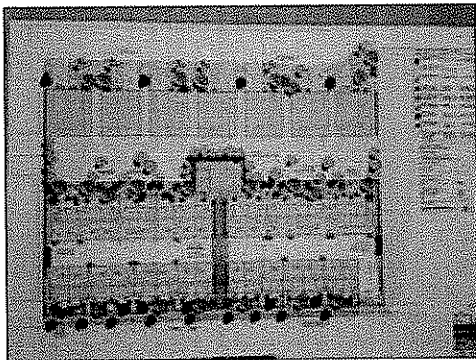
Zillow.com Looking east



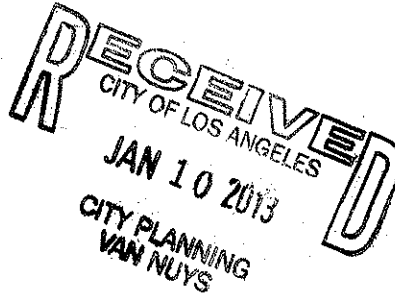
Zillow.com looking east -are the trees that sheltered the 2 story houses



looking south and west trees sheltering 2 story house on west with the tall eucalyptus trees & the Live Oak tree which is the large stump seen in pictures 2,3,& 5



Proposed plan for Magnolia:McCormick.tiff  
1204K



January 4, 2013

Re: 14625 Magnolia Blvd. / 14560-14630 McCormick St.

Dear Members of the Land Use Committee:

Because the IMT Capital has already once delayed the Advisory Agency and Zoning Administrator's hearing for the project and there is no opportunity to meet with the committee before the rescheduled hearing, we respectfully request that you consider the following in response to the issues raised regarding the project.

**Reduce the number of R1 Lots:**

The square footage and configuration of the proposed R1 lots is consistent with and in some cases exceeds the standard of the localized pattern of development of R1 lots. Please refer to "Exhibit A" enclosed.

1. Within 200 feet of the proposed R1 lots, there are a total of (4) R1 lots that are 5,000 square feet:
  - a. 5222 Cedros Ave.: 5,000 square feet
  - b. 5228 Cedros Ave. : 5,000 square feet
  - c. 14634 McCormick St.: 5,000 square feet, 4,500 square feet net of sidewalk easement
  - d. 14638 McCormick St.: 5,000 square feet, 4,500 square feet net of sidewalk easement
  
2. Within 250 feet of the R1 lots, there are a total of (5) R1 lots which contain less than 5,400 square feet:
  - a. 5245 Vesper Ave.: 5,040 square feet
  - b. 5255 Vesper Ave.: 5,335 square feet
  - c. 5259 Vesper Ave.: 5,259 square feet
  - d. 14655 McCormick St.: 5,050 square feet (vacant)
  - e. 14659 McCormick St.: 5,013 square feet (vacant)

January 4, 2013

Page 2

3. Within 60 feet of the R1 lots, there are a total (6) R1 lots which contain less than 6,800 square feet:
  - a. 14603 McCormick St.: 6,630 square feet
  - b. 14609 McCormick St.: 6,113 square feet
  - c. 14615 McCormick St.: 6,552 square feet
  - d. 14623 McCormick St.: 6,666 square feet
  - e. 14629 McCormick St.: 6,720 square feet
  - f. 14633 McCormick St.: 6,720 square feet

**Summary of Proposed Single Family Home Lots:**

<b><u>Lot</u></b>	<b><u>SF</u></b>
1	6,170
2	6,170
3	6,170
4	5,001
5	6,066
6	5,915
7	6,814
<b><u>Average</u></b>	<b>6,044</b>

The smallest proposed lot in the project is 5,001 square feet, the largest proposed lot is 6,814 square feet. The (5) remaining proposed lots are all in excess of 6,000 square feet and the average of all the proposed lots is 6,044 square feet. It should be noted that not one of the (6) existing family lots fronting on McCormick that face the (7) proposed lots have a greater depth than 120 feet, and none is larger than the largest proposed lot #7 which is 6,814 square feet.

Based on the foregoing, we believe the configuration the proposed (7) lots is reasonable and consistent with the pattern of subdivision in the area and is in fact in excess of minimum conforming zoning requirements.

We understand and appreciate the Board's role in providing the community, the City of Los Angeles and the developer with input and recommendations regarding our plans. In this case, we respectfully request the Committee's consideration of the reasonable request for (7) lots in the context of the pattern of development in the area.

**Architectural Requests: Revised north, east and west elevations, plans, sections, and material boards:**

At the November 15<sup>th</sup> Land Use Committee meeting, the Committee tabled our request for approval pending the production of additional materials including renderings. After IMT complied with the Committee's request that we postpone our scheduled December 18<sup>th</sup> Advisory

January 4, 2013

Page 3

Agency hearing, IMT provided the additional materials at the November 20<sup>th</sup> meeting including two renderings of the Magnolia elevation and colored elevations of all four elevations of the project. A material board was not provided as the materials are simply smooth stucco and rough sawn lumber as would be appropriate for the vernacular. A section of the building was not available at the time of the hearing and is hereby attached.

As you may know, we have contacted Jill Banks Barad to invite anyone interested to come see our project located at 12000 Riverside in Valley Village which is representative of what is to be constructed in terms of materials and finish.

With respect to the northern elevation, it is articulated, will be painted with an attractive palate of complimentary colors and will be landscaped substantially in excess of requirements. It should be noted as well that the northern elevation, in addition to being obscured by the proposed 2 story houses on McCormick and significant landscaping, is located approximately 270 feet from the property lines of our single family neighbors on the north side of McCormick Street. When the neighbors' setback is considered as well as the significant separation, landscaping and presence of the two story single family homes are taken into account, the impact should be considered de minimis.

As for being "ashamed" of the elevations, IMT is a proud builder of high quality projects throughout the Valley and have been members of the community for more years than we care to count. The proof of our bona fides is not simply evidenced in the presentation materials provided but in the legacy of well conceived and executed multifamily projects all over the San Fernando Valley. We invite you to take a look.

**Visual mitigation now and visual mitigation now through construction:**

We understand that the residents in the neighboring 18 unit apartment building to the west and many members of the community are upset by the removal of the trees. This distress was made acutely clear in the November meeting in which the reaction and comments in the room rendered me virtually speechless (you may remember my cracking voice).

Objectively, the controversy over removal of the trees relate to the timing of the removal. We understand that had we waited until after the meeting and hearing, after the Community had been apprised of the project and had a chance to comment, the community would have been better prepared for the eventual removal of the trees. We regret the timing. As we mentioned at the hearing, the decision to demolish the improvements and trees at the same time was purely to mitigate liability and cost. As my father always used to say to me "Timing is everything in life". Again we apologize.

The Committee has suggested that IMT come up with various solutions to the proposed "visual mitigation". The suggestion that IMT engineer a solution itself points directly to the insoluble

January 4, 2013

Page 4

nature of the problem. The point is that a two story screen is impracticable from a building code, fire code and liability perspective. We understand you want us to come up with a solution; the fact is, we are unaware of an instance where a temporary two story screen has been provided on a project of this type and we are unable to provide a practical solution to the temporary problem.

Tellingly, at the December 20<sup>th</sup> meeting, a resident of the 18 unit property to the west complained that the removal of the trees "flooded" his apartment with light. The temporary condition of the apartment unit being exposed to light seems an inconvenience as the planning and zoning code actually provide for air and light with respect to construction of buildings. We also understand that air and light may not be the most desirable during the course of construction and that screening should be provided on a permanent basis. As we mentioned in the December 20<sup>th</sup> meeting, the existing 6 foot wall may provide residents of the first floor a substantial measure of screening during the initial phases of construction. Additionally, IMT proposes that screening is provided on the scaffolding for the to be constructed building as soon as is practical. Scaffolding may be placed on western elevation of the to be constructed 30 unit building at the earliest opportunity that construction phasing allows and screening will be applied to mitigate the visual impact.

IMT's suggests that we work with the Council Office to implement practical solutions to the issue of mitigating impacts on the neighbors in addition to obtaining specific final approval of the landscape plan from the Council Office which will guarantee permanent landscape screening adjacent to the project. It should be noted that the landscape architect generously provides for the use of native species including live oak and sycamore to keep the theme of the landscaping site specific.

Regarding the street improvements on McCormick Street, IMT will initiate the improvements as soon as possible and would be happy to accept any specific conditions imposed regarding the expeditious completion of the street improvements.

We appreciate the communities concerns and their comments are helpful; at the December 20<sup>th</sup> meeting, it was suggested by a neighbor that we move the chemical toilet, remove the tree stumps and stacked lumber, remove graffiti and relocate the some of the equipment (a water truck). We have completed this work promptly and will perform in the same manor in future should issues arise.

IMT wants to keep an open discourse with our neighbors and the community. We regret the way the project started but look forward to working with your Committee, the Neighborhood Council, the community and the neighbors throughout the course of the development so as to minimize inconvenience and build the best project possible. It is in everyone's interest that IMT complete a well planed project as quickly as possible. I will be pleased to be the point of contact to provide a direct channel of communication for the interested parties throughout the entire course of the development.

January 4, 2013

Page 5

We respectfully request that you consider our suggestions and again, we look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Byk', with a stylized flourish at the end.

Jeremy Byk  
Vice President of Real Estate Development  
**IMT Capital**

CC: Jill Banks Barad, President SONC  
Jonathan M. Brand , Deputy Chief of Land Use Planning, Fourth District



