

HEARING DATE: May 9, 2018

PLANNING DEPARTMENT STAFF REPORT

PURSUANT TO ORDINANCE 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.

REQUEST

Pursuant to the Los Angeles Municipal Code Section 17.50, Parcel Map No. AA-2016-4859-PMLA to allow the subdivision of one (1) lot into four (4) lots and the construction, use and maintenance of four (4) single family dwellings in the RE11-1 Zone, located at 1923 North Upperton Place. Access for Parcels A and B will be through a Private Street.

APPLICANT/OWNER

Esfandary LLC
8455 West 4th Street
Los Angeles, CA 90048

REPRESENTATIVE

Regina Minor
Arc Land Use & Entitlements Inc.
15610 Moorpark Street, Unit 7
Encino, CA 91436

RELEVANT CASES

OFF-SITE:

Case No. ZA-2006-5554-YV-ZAD: On January 26, 2007, the Zoning Administrator approved a Variance to permit the height of 65-feet in lieu of the maximum permitted height of 36-feet and approved a request to permit a reduced westerly side yard setback of 5-feet and a reduced easterly side yard of 5-feet 2-inches in lieu of the required 10-feet in conjunction with the construction, use and maintenance of a new 3,186 square foot single family dwelling with an attached two-car garage on an 8,740 square foot hillside lot.

Case No. ZA-2000-2927-ZAD: On March 23, 2001, the Zoning Administrator approved a determination to permit a single family dwelling exceeding 36-feet in height with a reduced front yard.

Case No. ZA-1989-943-YV: On November 30, 1989, the Zoning Administrator denied a request for a single family dwelling to exceed the 45-foot height limit and reduced side yard setbacks of 6-feet on each side.

PUBLIC RESPONSES

No letters have been received from the public.

GENERAL COMMENTS

The subject property is a sloping, irregular-shaped lot, totaling approximately 49,284.35 gross square feet in area. The applicant is proposing the creation of four (4) lots accessed by Upperton Place. Parcels A and B are proposed to be accessed by a Private Street off of Upperton Place.

EXISTING CONDITION

The site is currently vacant and never been developed. A review of City records (SurveyLA and Historic Places LA) indicates that this property was not considered a potential Historic Resource and was not located within a potential Historic District. There are a total of seven (7) trees on the property. Of those seven (7) trees, four (4) are Protected Trees and of those four (4) Protected Trees, one is proposed to be removed. One (1) non-protected tree is proposed to be removed as well. Approximately 38 cubic yards of earth will be exported from the site. The subject site is composed mostly of slope that is in the 45-59.99 percent slope band. The change in elevation from the most southern portion to the most northern portion is about 120-feet based on the contours of the site.

The property is zoned RE11-1, which requires a minimum lot size of 11,000 square feet. The RE11 Zone is consistent with the Northeast Los Angeles Community Plan, which designates the subject property as Very Low Residential with corresponding zones of RE20, RA, RE15, and RE11.

Surrounding Properties

The surrounding area is developed with one and two story single family dwellings. The lots to the west of the subject site are mostly oversized RE11 zoned lots measuring between approximately 13,000 to 49,000 square feet. Some lots have two single family dwellings on one lot, and some of the properties have been split into two or three lots. The lots to the north of the subject site are smaller lots measuring approximately 11,000 square feet and developed with single family dwellings on single lots. There is one lot directly across the subject site and across Upperton Place that measures approximately 32,000 square feet and is developed with one single family dwelling. Above that site there are multiple lots that have been tied that are vacant. The lots to the east of the subject site consist of smaller 6,000-7,000 square feet lots that have been tied and contain single family dwellings. The lots to the south of the subject site are R1 zoned lots with sizes of about 11,000 square feet and are developed with single family dwellings. Most of the subject block right of way does not have sidewalks.

The proposed Parcel Map is for the subdivision of one lot into four lots, to construct four single family dwellings. The proposed lots will be 13,325.6, 11,127.9, 11,610.6, and 13,233.1 net square feet, thus will still exceed the minimum 11,000 square foot lot size required for the RE11 Zone.

Environmental

The site is located within an Urban Agricultural Incentive Zone, Special Grading Area (BOE Basic grid Map A-13372), Landslide Zone, and within the Raymond Fault.

Trees

According to the submitted tree report, the site was reviewed on April 12, 2017 and there were a total of seven (7) trees found on-site. Of those, four (4) are Protected Trees and three (3) are not. The applicant is requesting that one of the Protected Trees be removed which is in the location of the proposed Fire Department turnaround. There are no street trees along the subject street frontage. The submitted Tree Report was stamped and signed by the Urban Forestry Division on March 27, 2018.

Upon recordation of this parcel map, four new single-family dwellings may be constructed and no potential adverse impact on fish or wildlife resources as far as earth, air, water, plant life, animal life, or risk of upset are anticipated as part of the project. The subject site is not within 500 feet of any schools.

Street Designation

Upperton Place is designated a Local Street per the Mobility 2035 Plan, with a dedicated right of way of a variable 10-feet to 40-feet and roadway width of 40 feet. As noted, most of the street has not been improved and is without sidewalks, curbs, or gutter. There is an existing driveway in front of proposed Parcels B and C that will be turned into a Private Street.

REPORTS RECEIVED

BUREAU OF ENGINEERING: Reports that the Preliminary Parcel Map layout is generally satisfactory as submitted and recommends approval subject to conditions pertaining to dedications and improvements along Upperton Place. See recommended conditions in **Draft Preliminary Parcel Map report with Conditions** under department.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION: Recommends that the project be subject to conditions stated in the memo dated September 11, 2017. See recommended conditions in **Draft Preliminary Parcel Map report with Conditions** under department.

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 April 10, 2018 have been satisfied. See recommended conditions in **Draft Preliminary Parcel Map report with Conditions** under department.

DEPARTMENT OF TRANSPORTATION: Recommends that the project be subject to conditions stated in the memo dated April 5, 2018. See recommended conditions in **Draft Preliminary Parcel Map report with Conditions** under department.

FIRE DEPARTMENT: Recommends that the project be subject to conditions stated in the memo dated March 6, 2018. See recommended conditions in **Draft Preliminary Parcel Map report with Conditions** under department.

BUREAU OF STREET LIGHTING: No comments were available at the writing of the staff report.

ENVIRONMENTAL CLEARANCE

On October 13, 2017, the Department of City Planning, determined that the State CEQA Guidelines designates the subject project as categorically exempt under Class 32, ENV-2016-4860-CE.

STAFF RECOMMENDATIONS

The Planning Department staff recommends approval of Preliminary Parcel Map No. AA-2016-4859-PMLA subject to the standard conditions and the additional conditions in the **Draft Preliminary Parcel Map Report with Conditions**.

Prepared by:



Nicole Sánchez
City Planning Associate

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

DRAFT PRELIMINARY PARCEL MAP REPORT WITH CONDITIONS

Esfandiary, LLC (A)(O)
8455 W. 4th Street
Los Angeles, CA 90048

Regina Minor (R)
Arc Land Use & Entitlements, Inc.
15610 Moorpark Street
Encino, CA 91436

Case No.: AA-2016-4859-PMLA
CEQA: ENV-2016-4860-CE

1923 North Upperton Place
Northeast Los Angeles
Zone: RE11-1
D.M.: 159A227
C.D.: 14
Legal Description: Lot: 46 (Arb 5); Block:
None and Tract: TR 1403

In accordance with provisions of Section 17.53 of the Los Angeles Municipal Code (LAMC), the Advisory Agency adopted Categorical Exemption (ENV-2016-4860-CE) as the environmental clearance; approved Parcel Map No. AA-2016-4859-PMLA for a maximum of four single-family residential lots and Private Street as shown on revised map stamp-dated March 23, 2018 in the Northeast Los Angeles Community Plan. (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.) For an appointment with the Public Counter call (213) 482-7077 or (818) 374-5050. 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. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of Building and Safety for purposes of having a building permit issued.

BUREAU OF ENGINEERING

Bureau of Engineering approvals are conducted at the Land Development Group, located 201 N. Figueroa Street, Suite 200. Any questions regarding these conditions should be directed to Mr. Ray Saidi by calling (213) 977-7097.

1. That a 2-foot wide strip of land be dedicated along Upperton Place to complete a 22-foot half right-of-way dedication in accordance with the LA Mobility Plan 2035 Designation.
2. That a revised map be submitted showing that sufficient land be dedicated at the terminus of Upperton Place to provide a modified public minimum turning area that may include a portion of the private street acceptable to the City Engineer.
3. That a 24-foot wide private street easement be provided to serve the subdivision, including a turning area at the terminus of the private street.

4. That a sanitary sewer easement be dedicated full-width of the proposed private street.
5. That the private street easement be a part of the adjoining parcels acceptable to the City Engineer.
6. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary easements for ingress, egress and public facilities over the private street areas upon the sale of the respective parcels and they will maintain the private street free and clear of obstructions and in a safe condition for vehicular use at all times.
7. That a Covenant and Agreement be recorded stating that the private street will be posted in a manner prescribed in Section 18.07 of the Los Angeles Municipal Code (Private Street Regulations).
8. That an appropriate name for the private street be submitted to the Bureau of Engineering for approval.
9. That a Covenant and Agreement be recorded agreeing that the right of ingress, egress through the private street be granted to all the property owners adjoining the private street, having access to the private street of Parcel Map 2016-4859.
10. That all the proposed parcel map boundary lines be properly established in accordance with Section 17.07D of the Los Angeles Municipal Code prior to the recordation of the final map acceptable to the City Engineer.
11. That the existing sanitary sewer easement within the subdivision be shown on the final map.
12. That if necessary, provide any additional sanitary sewer easement within the subdivision acceptable to the City Engineer.
13. That a Covenant and Agreement be recorded advising all future owners and builders that prior to issuance of a building permit, a Notice of acknowledgment of Easement be recorded and an application to do work in any sanitary sewer easements and to construct over the existing sanitary sewer facilities shall be submitted to the City Engineer for approval.
14. That any hillside surcharge fee in conjunction with the Very High Fire Hazard Severity Zone be paid.
15. That the property to comply with the provisions of the hillside ordinance and any fee in conjunction with the hillside Ordinance area be paid.
16. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a. Improve the private street and the turning area being provided by the construction of a 2-foot wide longitudinal concrete gutter and suitable surfacing to complete a 20-foot wide roadway with any necessary removal

and reconstruction of the existing improvements all acceptable to the City Engineer.

- b. Improve the public turning area at the terminus of Upperton Place, including any necessary excavation or retaining wall satisfactory to the City Engineer.
 - c. After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer, drainage facilities may be required to drain the runoff water from the subdivision to an appropriate outlet acceptable to the City Engineer.
 - d. Improve Upperton Place being dedicated and adjoining the subdivision by the construction of the following:
 - 1. A concrete curb, a concrete gutter, and a 4-foot wide concrete sidewalk adjacent to the subdivision.
 - 2. Suitable surfacing to provide the necessary pavement and to complete a minimum 18-foot wide half roadway in accordance with the hillside ordinance provisions and based on LA Mobility Plan 2035 Designation, including the necessary retaining walls approved by the City Engineer.
 - 3. Any necessary removal and reconstruction of the existing improvements.
 - 4. The necessary transitions to join the existing improvements.
 - e. Construct the necessary mainline sewers and house connections to serve each parcel, or any other arrangement acceptable to the Central Engineering District Office of the Bureau of Engineering.
17. That the following requirements in connection with grading and construction in and adjacent to public right-of-way, private street and slope area be complied with in a manner satisfactory to the City Engineer:
- a. Cut or fill slopes in artificial fill and residual soils shall be no steeper than 2:1(H:V). Cut slopes shall be no steeper than 1.5:1 (H:V) in competent bedrock.
 - b. The toes and crests of all cut and fill slopes shall be located on private property and shall be set back 2 and 3 feet, respectively, from the property line.
 - c. Where fill overlies a cut slope, the fill shall be keyed horizontally into bedrock a minimum of 12 feet or the slope shall be over-excavated a minimum of 12 feet and replaced as a compacted fill slope.
 - d. All streets shall be founded upon firm natural materials or property compacted fill. Any existing loose fill, loose soil, or organic material shall be removed prior to the placement of engineered fill.

- e. Fill material shall be compacted to a minimum of 90 percent relative compaction as defined in the Bureau of Engineering Standard Plan S-610. Fill shall be benched into competent material.
- f. All slopes shall be planted and an irrigation system installed as soon as possible after grading to alleviate erosion.
- g. Adequate perforated pipe and gravel sub-drain systems approved by the City Engineer shall be placed beneath canyon fills and behind retaining walls.
- h. Slopes that daylight adversely oriented bedrock and are not demonstrated per grading code to have strength characteristics sufficient to produce a stable slope shall be supported by either a retaining wall or a designed buttress fill.
- i. Where not in conflict with the above conditions, the recommendations contained in the C.Y. Geotech, Inc. geotechnical reports, dated October 25, 2016, and May 10, 2017, by the consulting registered Civil Engineer Paul Cai (RCE 80352) and Engineering Geologist John T. Tsao (CEG 1783), shall be implemented.
- j. If required, any necessary slope easements be dedicated by Separate Instrument to the satisfaction of the City Engineer.

Department of Building and Safety - Grading Division

Grading Division approvals are conducted at 201 N. Figueroa Street, 3rd Floor, Counter 24.

18. That prior to issuance of a grading or building permit or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance satisfactory to the Department of Building & Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated September 11, 2017, Log No. 95519-03 and attached to the case file for AA-2016-4859-PMLA.

Department of Building and Safety - Zoning Division

*Building and Safety approvals are conducted by appointment only- **contact Eric Wong at (213) 482-6876** to schedule an appointment. Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. Plan check may be required before any construction, occupancy or change of use. Unless filed concurrently and included as part of the hearing notice with this subdivision, any additional deviations from the Los Angeles Municipal Code required by the Department of Building and Safety Office of the Zoning Engineer preliminary to the Zoning Engineer clearing the items on the report to the Advisory Agency, shall be separately filed through the City Planning Department Office of the Zoning Administrator.*

19. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
- a. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard requirements shall be required to comply with current code as measured from new property lines after dedication.

DEPARTMENT OF TRANSPORTATION

Transportation approvals are conducted at 201 N. Figueroa Street, 4th Floor, Station 3. Please contact DOT at (213) 482-7024 for any questions regarding the following.

20. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. In addition, the following items shall be satisfied:
- a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line or to the satisfaction of the Department of Transportation or to the satisfaction of Los Angeles Department of Transportation (LADOT).
 - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
 - c. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 550, Station 3.
 - d. That a fee in the amount of \$205 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.

FIRE DEPARTMENT

Fire Department approvals and review are conducted at 201 North Figueroa Street, 3rd floor. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6509. You should advise any consultant representing you of this requirement as well.

21. Submit plot plans for Fire Department review and approval prior to recordation of this Parcel Map Action. Access for Fire Department apparatus and personnel to and into all structures shall be required. In addition, the following items shall be satisfied:
- a. This project is located in the very high fire hazard severity zone and shall comply with requirements set forth in the section 4908, 2014 City of Los Angeles Fire Code.
 - b. Irrigated and managed greenbelts around the perimeter of all structures for a distance of 100 feet shall be considered as a buffer between the brush and the proposed project.
 - c. All landscaping shall use fire-resistant plants and materials. A list of such plants is available from the contact Brush Clearance Unit 6262 Van Nuys Blvd., Room 451, Van Nuys 91401 (800) 994-4444.
 - d. All homes shall have noncombustible roofs. (Non-wood)
 - e. The brush in the area adjacent to the proposed development shall be cleared or thinned periodically by the homeowner's Association under supervision to the Los Angeles City Fire Department in order to reduce the risk of brush fires spreading to the homes.
 - f. Any required roadway improvement within the Hillside Ordinance shall be completed prior to the Fire Department signing off on building plans or building permit application.
 - g. For any new construction of, or addition to, a one-family dwelling on a lot that does not have a vehicular access route from a street improved with a minimum 20 foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area, no building permit or grading permit shall be issued unless the construction or addition meets the requirements of this Subdivision or has been approved pursuant to Section 12.24 x 21.
 - h. Access for Fire Department apparatus and personnel to and into all structures shall be required.
 - i. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
 - j. 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.

- k. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- l. 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.
- m. Submit plot plans indicating access road and turning area for Fire Department approval.
- n. Private streets shall be recorded as Private Streets, AND Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
- o. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- p. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- q. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- r. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
- s. Private streets and entry gates will be built to City standards to the satisfaction of the City Engineer and the Fire Department.
- t. Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.
- u. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
- v. Standard cut-corners will be used on all turns.
- w. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- x. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- y. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

- z. Mitigating measures shall be considered. These measures shall include, but not be limited to the following.
 - i. Boxed-in eaves.
 - ii. Single pane, double thickness (minimum 1/8" thickness) or insulated windows.
 - iii. Non-wood siding.
 - iv. Exposed wooden members shall be two inches nominal thickness.
 - v. Noncombustible finishes.

BUREAU OF SANITATION

- 22. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found potential problems to their structure or potential maintenance problem, as stated in the memo dated April 10, 2018. 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).)

DEPARTMENT OF RECREATION AND PARKS

Park fees are paid at 1200 West 7th Street, Suite 700, Los Angeles

- 23. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

DEPARTMENT OF CITY PLANNING - SITE SPECIFIC CONDITIONS

Approvals conducted at 201 North Figueroa Street, 4th Floor

- 24. 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. **Use.** Limit the proposed development to a maximum of four lots and accompanying Private Street.
 - b. **Parcels "A" and "B".** The proposed Private Street that is a minimum of 20-feet in width, shall provide access to Parcels "A" and "B" and will maintain sole access to the westerly neighboring property per existing easement.
 - c. **Parking.** That a minimum of two (2) parking spaces per dwelling unit shall be provided. All exterior parking area lighting shall be shielded and directed onto the site.

- d. **Landscape Plans.** That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any permit. The landscape plan shall identify tree replacement on a 4:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site. Preservation of the other existing three (3) Protected Trees along the southern portion of Parcels C and D shall be retained.

Failure to comply with this condition as written shall require the filing of a modification to this parcel map in order to clear the condition.

In the event the subdivider decides not to request a permit before the recordation of the final map, the following statement shall appear on the plan and be recorded as a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:

- i. The planting and irrigation system shall be completed by the developer/builder prior to the close of escrow of each housing unit.
 - ii. The developer/builder shall maintain the landscaping and irrigation after completion of the landscape and irrigation installation until close of escrow.
 - iii. The developer/builder shall guarantee all trees and irrigation for a period of six (6) months and all other plants for a period of 60 days after landscape and irrigation installation, or close of escrow, whichever comes last.
- e. **Plans.** Prior to the issuance of building permits, detailed development plans, including a project design plan shall be prepared consistent with the Community Plan.
- f. **Energy Conservation.** That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
- g. **Air Filtration.** The applicant shall install 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.
- h. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the

environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS OF FACT

FINDINGS OF FACT (CEQA)

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Class 32. Categorical Exemption No. ENV-2016-1475-CE was issued on October 13, 2017 for an in-fill development meeting the conditions described in this section.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

The project is for the subdivision of one (1) lot into four (4) lots for the construction of four (4) single-family dwellings. Parcels A and B are proposed to be accessed by a Private Street. As the subdivision of land for the purpose of constructing single family dwellings, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

The site is zoned RE11-1 and has a General Plan Land Use Designation of Very Low Residential. As shown in the case file, the project is consistent with the applicable Northeast Los Angeles Community Plan designation and policies and all applicable zoning designations and regulations. The subject site is wholly within the City of Los Angeles, on a site that is approximately 1.13 acres. Lots adjacent to the subject site are developed with the following urban uses: single family dwellings. The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. As identified in the Tree Report prepared by Harmony Gardens on March 18, 2018, there are four (4) Protected Trees on the property and of those four (4) Protected Trees, one (1) is proposed to be removed. This tree will be replaced at a 4:1 ratio per the Urban Forestry Division. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of four single-family dwellings will

be on a site which has been previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

Exceptions Narrative for Class 32 (and other, if applicable) Categorical Exemption

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes the subdivision of one (1) lot into four (4) lots for the construction of four (4) single-family dwellings in an area zoned and designated for such development. All adjacent lots are developed with single family dwellings or are vacant, and the subject site is of a similar size and slope to nearby properties. The subdivision of one (1) lot into four (4) for the creation of four single family dwellings is not unusual for the vicinity of the subject site. Thus, there are no unusual circumstances which may lead to a significant effect on the environment. Additionally, the only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project location is about 30 miles northeast of this State Scenic Highway, therefore resulting in no potential damage to this resource. Therefore the subject site will not create any impacts within a designated as a state scenic highway. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

The National Flood Insurance Program rate maps, which are a part of the Specific Plan for the Management of Flood Hazards adopted by the City Council (see Section 5 of Ordinance 172,081), have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Parcel Map No. AA-2016-4859-PMLA, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66474 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

The subject property is located within the adopted Northeast Los Angeles Community Plan which designates the subject property for Very Low Residential land use with corresponding zones of RE20, RA, RE15, and RE11. The applicant

is proposing four (4) single family dwellings on four (4) lots in conjunction with the construction of a Private Street. The subject site is not located within any Specific Plan area.

The Preliminary Parcel Map proposed a land use consistent with the site's residential land use within the Northeast Los Angeles Community Plan and with the corresponding zones. Single family dwellings are permitted in the RE11 Zone with the minimum lot area of 11,000 square feet, and the request to subdivide the lot into four (4) is consistent with the zone.

Therefore, the proposed map is substantially consistent with the applicable General Plan affecting the project site and demonstrates compliances with Sections 17.53 of the LAMC as well as with the intent and purpose of the General Plan.

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

Pursuant to Section 66418 of the Subdivision Map Act, "design" of a map refers to street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and other such specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. In addition, Section 66427 of the Subdivision Map Act expressly states that the "design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

The existing site is an irregular shaped lot that is to be subdivided into four lots, of which two lots will have access from a private street. The subject site is not located in liquefaction or preliminary fault rupture study areas but it is located in a landslide area. Additionally, the Grading Division of the Department of Building and Safety has determined that the subject site does not require any grading to remove geological hazards. The subject site is not located in a Specific Plan area. The new design and improvement of the proposed subdivision will provide much needed new home ownership opportunities within the City of Los Angeles and the Northeast Los Angeles Community Plan area.

The design and layout of the preliminary map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code (LAMC). Several public agencies (including Bureau of Engineering, Building and Safety, Department of Transportation, and Fire Department) have reviewed the map and found the subdivision design satisfactory, as conditioned. These agencies have imposed improvement requirements and/or conditions of approval. Sewers are available and have been inspected and deemed adequate in accommodating the proposed project's sewerage needs.

Therefore, as conditioned, the design and improvement of the proposed subdivision are consistent with the intent and purpose of the applicable General and Specific Plans.

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

The project is a sloping, irregular-shaped parcel of approximately 49,284.35 square feet. The site is surrounded by single-family dwellings on irregularly shaped lots in the RE11-1, R1-1, and RE15-1 Zones. The project is providing an appropriate development that is consistent with the RE Zone and the Very Low Residential land use designation on the Northeast Los Angeles Community Plan.

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

The General Plan identifies (through its Community and Specific Plans) geographic locations where planned and anticipated densities are permitted. Zoning applying to subject sites throughout the City are allocated based on the type of land use, physical suitability, and population growth that is expected to occur.

The adopted Northeast Los Angeles Community Plan currently designates the subject property for Very Low Residential land uses, corresponding to the RE20, RA, RE15, and RE11 Zones. The site is zoned RE11-1, which is consistent with its current land use designation. The property is surrounded by other single-family dwellings on irregular-shaped parcels which are zoned RE11-1, R1-1, and RE15-1. The size of the site and those of the proposed parcels are of sufficient size for a two-lot single family home subdivision and the density of the proposed project is consistent with that of the adjoining single family residential developments.

There are no known physical impediments or hazards that would be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. Therefore, the project site is physically suitable for the proposed density of development.

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

The categorical exemption, granted on October 13, 2017, is for in-fill development meeting the conditions described in CEQA Guidelines Section 15332.

According to the Tree Report from Shelley Sparks with Harmony Gardens, a Certified Arborist, dated March 18, 2018, there are seven (7) trees existing on the site including four (4) Protected Trees. One of the Protected Trees is proposed to be removed in order to provide a turnaround for LAFD. The project has been conditioned to provide replacement trees at a 4:1 ratio.

The project site is currently vacant and surrounded by existing single-family dwellings and does not provide a natural habitat for fish or wildlife. The project has been conditioned to provide four new trees to replace the one (1) Protected Tree that needs to be removed. Preservation of the other existing three (3) Protected Trees along the southern portion of Parcels C and D have also been conditioned as part of this project.

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

The proposed subdivision and subsequent improvements are subject to the provisions of the Los Angeles Municipal Code (LAMC) (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The project is not located over a hazardous materials site, flood hazard area and is not located on unsuitable soil conditions. The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances.

The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system, where collected sewage is directed to sewer treatment plants, which have been upgraded to meet Statewide Ocean Discharge Standards. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

(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 on site. The project has proposed a Private Street to be approved by Bureau of Engineering and Department of Transportation. Needed public access for roads and utilities will be acquired by the City prior to the recordation of the Parcel Map.

THE FOLLOWING NOTES ARE FOR INFORMATIONAL PURPOSES AND ARE NOT CONDITIONS OF APPROVAL OF THIS PARCEL MAP:

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

To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated

response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

The above action shall become effective upon the decision date noted at the top of this letter unless an appeal has been submitted to the West Area Planning Commission within 15 calendar days of the decision date. If you wish to appeal, a Master Appeal Form No. CP-7769, must be submitted, accepted as complete, and appeal fees paid by 5:00 PM on **the appeal expiration date** at one of the City Planning Department Public Counters, located at:

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

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

West Los Angeles Office
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2901

***Please note the cashiers at the public counters close at 3:30 PM.**

Appeal forms are available on-line at www.planning.lacity.org

There is no longer a second level of appeal to the City Council for Parcel Map actions of the Advisory Agency.

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

No sale of separate parcels is permitted prior to recordation of the final parcel map. The owner is advised that the above action must record within 36 months of the date of approval, unless an extension of time has been requested in person before 5:00 p.m. **the appeal expiration date.**

No requests for time extensions or appeals received by mail shall be accepted.

If you have any questions, please contact Nicole Sánchez at (213) 978-3034.

VINCENT P. BERTONI, AICP
Director of Planning

KEVIN GOLDEN
Deputy Advisory Agency

JANE CHOI, AICP
Senior City Planner

cc: Bureau of Engineering
Dept. of Building & Safety, Zoning
Department of Building & Safety, Grading
Department of Fire
Department of Recreation & Parks
Bureau of Street Lighting
Department of Transportation
Street Tree Division