

**RESOLUTION NO. 6079**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 082845, TO SUBDIVIDE ONE PARCEL INTO THREE PARCELS LOCATED AT 3600 EAST 58<sup>TH</sup> STREET IN THE R-3 ZONE, AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CLASS 15)**

**WHEREAS**, an application was submitted by Jose Hernandez ("Applicant") seeking approval for a Tentative Parcel Map ("TPM") which proposes subdividing one parcel into three parcels. The 14,310 square foot (0.33-acre) project site is located at 3600 East 58<sup>th</sup> Street and Assessor's Parcel Number 6311-009-021, at the southeast corner of Everett Avenue and East 58<sup>th</sup> Street ("Project Site"); and

**WHEREAS**, the Project Site has a General Plan designation of Residential and zoning designation of R3 (Residential); and

**WHEREAS**, the City's Subdivision Ordinance provides that the Planning Commission serves as the Advisory Agency to recommend approval, conditional approval, or denial of applications for land divisions to the City Council after a public hearing; and

**WHEREAS**, City Planning Department staff reviewed the proposed TPM for compliance with the State Subdivision Map Act, the City's General Plan, and the City's Zoning and Subdivision Ordinances; and

**WHEREAS**, Planning Department staff also completed an initial environmental assessment of the proposed matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the City Council determine the project Categorically Exempt from CEQA review as a Class 15 exemption pursuant to State CEQA Guidelines Section 15315 because the project falls within the minor land division exemption for subdivisions for four or fewer parcels; and

**WHEREAS**, on October 15, 2019, the Planning Commission of the City of Maywood held a duly noticed public hearing on the Application at which time all persons wishing to testify in connection with the Application were heard and the Application was comprehensively reviewed. At the conclusion of the hearing, the Planning Commission unanimously adopted Resolution PC19-0452 with Commission Chair Perez absent, finding that the proposed TPM conforms to the City's General Plan, and recommending that the City Council conditionally approve the Application as outlined in Resolution PC-19-0452; and

**WHEREAS**, on November 13, 2019, the City Council of the City of Maywood held a duly noticed public hearing on the Application, considered written and oral comments, and facts and evidence presented by the Applicant, City staff, and other interested parties.

**NOW THEREFORE**, The City Council of the City of Maywood does hereby resolve as follows:

**SECTION 1. Incorporation of Recitals.** The City Council hereby finds that all of the facts in the above recitals are true and correct and incorporated and adopted as findings of the City Council as if fully set forth in this resolution.

**SECTION 2. CEQA Findings.** The City Council has independently reviewed the previous environmental document review determination, and based on the whole record before it, finds and determines that the proposed TPM is Categorically Exempt from CEQA review as a Class 15 exemption pursuant to State CEQA Guidelines Section 15315 (Class 15: Minor Land Divisions). The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 (Class 15: Minor Land Divisions) because the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

**SECTION 3. Findings.** Based on the entire record before the City Council and all written and oral evidence presented to the City Council, including the Planning Commission recommendation, the staff report, and pursuant to the provisions of State and local law, the City Council finds as follows:

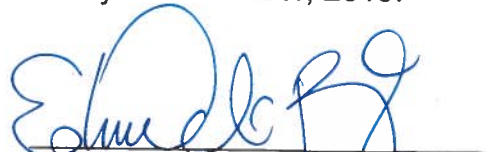
- A. The proposed TPM is consistent with the Maywood General Plan and the Maywood Zoning Ordinance because: i) the proposed land use is the same as the existing R-3 Residential zoning and therefore is consistent with the land use designation in the General Plan for the site (Residential); ii) the proposed subdivision will result in one additional housing unit an Accessory Dwelling Unit (ADU) above the garage on Lot 1 and the density would be within the allowable density established in the General Plan; and iii) pursuant to an Administrative Modification for minimum lot size, the proposed parcels are consistent with the R-3 (Residential) zoning district for the site with respect to the lot size, lot width, lot coverage etc. established under the residential standards; and
- B. Pursuant to Section 66474 (c) and (d) of the California Government Code, the Project Site of the proposed subdivision is physically suitable for the type and proposed density of development because the property was previously developed and has all necessary access and utilities provided; and

- C. Pursuant to Section 66474 (e) and (f) of the California Government Code, the design of the subdivision and its improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems because the site of the proposed subdivision was previously developed with three single- family residential units and, with the recommended conditions, contains no significant wildlife habitat or any potential health hazards; and
- D. Pursuant to Section 66474 (g) of the California Government Code, the design of the subdivision and its improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because existing easements are adjusted to accommodate the proposed new house; and
- E. Pursuant to Section 66474.6 of the California Government Code, the waste discharge from the proposed subdivision into the existing community sewer system will not result in violation of the existing requirements prescribed by the Los Angeles Regional Water Quality Control Board because the existing sewer system has adequate capacity to handle the waste discharge; and
- F. Based on the above findings, the City Council concludes that the proposed TPM, as conditioned, is in conformity with the Subdivision Map Act, the City General Plan, and Subdivision and Zoning Ordinances.

**SECTION 5. Conditions of Approval.** Based on the entire record before the Council, all written and oral evidence presented to the Council, the report from the Planning Commission, and the findings set forth in this Resolution, the Council hereby approves TPM Application No. 082845, to allow the creation of three parcel from one parcel on the Project Site, subject to the conditions of approval in Exhibit A.

**SECTION 6. Certification.** The City Clerk shall certify to the passage and adoption of this resolution and enter it into the original book of resolutions.

PASSED, APPROVED AND ADOPTED this 13th day of November, 2019.

  
Eduardo De La Riva, Mayor

ATTEST:

  
Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:



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Roxanne Diaz, City Attorney

I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Maywood held on the 13th day of November, 2019 by the following vote:

AYES: Alvarez, Marquez, Medina, Lara, De La Riva

NOES:

ABSTAINED:

ABSENT:



\_\_\_\_\_  
Gerardo Mayagoitia, City Clerk

## EXHIBIT A

**The Los Angeles Unified School District recommended a list of conditions for the project. Below are the conditions that would be incorporated into the resolution.**

### Air Quality

1. Construction vehicles shall not idle in excess of five minutes.
2. The Applicant shall ensure that construction equipment is properly tuned and maintained in accordance with manufacturer's specifications.
3. The Applicant shall water and/or mist soil as it is being excavated and loaded onto the transportation trucks.
4. The Applicant shall water and/or mist and/or apply surfactants to soil placed in transportation trucks prior to exiting the site.
5. The Applicant shall minimize soil drop height into transportation trucks or stockpiles during dumping.
6. The Applicant shall cover the bottom of the excavated area with polyethylene sheeting when work is not being performed.
7. The Applicant shall place stockpiled soil on polyethylene sheeting and cover with similar material.
8. The Applicant shall place stockpiled soil in areas shielded from prevailing winds.
9. The Applicant shall ensure that streets are swept at the end of the day if visible soil material is carried onto adjacent public paved roads.
10. The Applicant shall suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour (mph).

### Noise

1. The Applicant's contractor shall notify LAUSD's Transportation Branch at (213) 580-2950 with the expected start and ending dates of construction activity and shall provide the school and/or its designated representative(s) with contact information for the Applicant and/or Applicant's contractor for purposes of reporting any noise issues.

### Traffic/Transportation

1. The Applicant's contractor shall notify LAUSD's Transportation Branch at (213) 580-2950 with the expected start and ending dates of construction activity if that activity will affect traffic surrounding Loma Vista Avenue School.
2. During the construction phase, truck traffic and construction vehicles may not cause traffic delays for transported students.
3. Construction trucks and other vehicles are required to stop when encountering school buses using red-flashing-lights must-stop-indicators per the California Vehicle Code.
4. Contractors must install and maintain appropriate traffic controls (signs and signals) to ensure vehicular safety.

### Pedestrian Safety

1. The Applicant's contractor shall notify LAUSD's Transportation Branch at (213) 580-2950 with the expected start and ending dates of construction activity if that activity will affect pedestrian routes to or from Loma Vista Avenue School.
2. Contractors must install and maintain appropriate traffic controls (signs and signals) to ensure pedestrian safety.
3. Haul routes are not to pass by any school, except when school is not in session.

### **The City Engineer recommends conditions of approval for this project as follows:**

1. The Applicant shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned. Amended entitlement approvals may be necessary as a result.
2. No grading shall be performed without the prior issuance of a grading permit by the City.
3. Written permission shall be obtained from the affected property owners allowing the proposed grading and/or facilities to be installed outside of the project boundaries.
4. The Applicant/owner or contractor shall apply for an Encroachment Permit for work performed within the public right of way. Compliance with current environmental regulations applies and additional studies and/or permits may be required.

5. The Applicant's contractor is required to submit for a haul route permit for the hauling of material to and from the project site. Said permit will include limitations of haul hours, number of loads per day and the posting of traffic control personnel at all approved entrances/exits onto public roads. Hauled material shall be to/from an approved site.
6. Storm water and non-storm water discharges from the project site shall be mitigated in conformance with the applicable Regional Water Quality Control Board permit(s) and/or site specific SWPPP prior to entering into the MS4s including, but not limited to, storm drains, streets, channels, etc.
7. The developer/Applicant shall provide all tenants/employees/homeowners with educational materials regarding Best Management Practices for Stormwater Pollution Prevention. Educational materials are available on the California Stormwater Quality Association's website.
8. Prior to filing the Final Map for review and approval, the Applicant shall provide street improvements adjacent to the proposed land division to the satisfaction of the City Engineer. Improvements shall include, but are not limited to, driveway modifications, sidewalk improvements, ADA improvements, replacement of damaged curb and gutter, and street resurfacing and/or slurry seal of street pavement within the boundary of the dedicated Right-of-Way property as directed by the Engineer.
9. The Applicant shall dedicate, design and construct all improvements in accordance the City of Maywood standards, as further conditioned herein and to the satisfaction of the City Engineer.
10. All grading shall conform to the California Building Code, including Appendix J, and all other relevant laws, rules, and regulations governing grading in the City of Maywood. Prior to commencing any grading which includes 50 or more cubic yards, the developer shall obtain a grading permit from the Building and Planning Department.
11. All necessary measures to control dust shall be implemented by the developer during grading to the satisfaction of the City Engineer.
12. Graded slopes shall be limited to a maximum steepness ratio of 2:1 (horizontal to vertical) with surface drainage collection unless otherwise approved by the City Engineer. Contour grade to mimic natural slopes in the area. All retaining walls shall require a separate permit from the Building and Planning Department.
13. Erosion control – landscape plans, required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded. The soils engineer shall review the erosion control plans for conformance with the Geotechnical Report's Findings and Recommendations. Erosion control

shall be placed within 30 days of meeting final grades to minimize erosion and to ensure slope coverage prior to the rainy season. The Developer shall plant & irrigate all manufactured slopes steeper than a 4:1 (horizontal to vertical) ratio and 3 feet or greater in vertical height with soil stabilizers and ground cover; slopes 15 feet or greater in vertical height shall be planted with additional shrubs or trees or as approved by the City Engineer and City Planner.

14. The Applicant shall design and construct all driveways in accordance with the City of Maywood's standards.
15. Improvement Plans for underground utilities (eg. Water, sewer, electrical, telecommunications, etc.) to be placed in public right of way or easement that will be owned and maintained by other entities shall be reviewed by the City prior to Utility Agency approval. The City shall have a place on the Title Sheet to accept the plans with a statement "The city's acceptance is limited to the placement of utilities relative to public infrastructure clearances, uses and future plans within the right of way." The plans shall be attached to a city Encroachment Permit.

**Planning staff recommends conditions of approval for this project as follows:**

1. The use and improvements authorized by the proposed TPM shall conform to the Conditions of Approval contained herein and to the improvement plans and specifications approved by the City. Any appreciable modification of the approved plans and specifications, as determined by the Director of Building and Planning, shall require prior approval of the City Council.
2. The proposed TPM which, if not used within twenty-four (24) months, will expire and become null and void and of no effect, except if an extension is applied for prior to the expiration date and an extension is granted by the Planning Commission. Extensions shall not exceed twelve (12) months.
3. The Applicant agrees to allow the City inspector access to the Project Site to reasonably inspect the same at all times to assure compliance with these Conditions of Approval. Failure to provide reasonable access will constitute cause for a Revocation of the proposed TPM.
4. The Applicant shall comply with the requirements of the Maywood Subdivision Map Ordinance, Article V. Tentative Maps.
5. Prior to the issuance of an occupancy permit for the authorized use, all applicable Conditions of Approval shall be completed to the reasonable satisfaction of the City.
6. The Applicant shall defend, indemnify and hold harmless the City of Maywood (City) and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any approval or condition of approval of the City



concerning this project, including but not limited to any approval or mitigation measure imposed by the City Council, Planning Commission, or Director of Building and Planning. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter.

7. This proposed TPM shall be subject to revocation for any violation of or noncompliance with any of these Conditions of Approval and/or other codes, regulations, or standards enforced by or beneficial to the City of Maywood. The Applicant acknowledges that failure to meet any of the Conditions of Approval contained herein will be cause for a revocation of the proposed TPM.
8. This approval will not be effective until ten (10) days after the date upon which it is granted by the City Council. Also, within ten (10) days from the adoption of the Resolution approving this Application, the Applicant and/or Owner of the subject property shall execute, notarize and record with the Los Angeles County Clerk an affidavit agreeing to comply with the aforementioned conditions.

**The Planning Commission recommends a condition of approval as follows:**

1. This approval is subject to effectively safeguarding the health of children in proximity to any construction activities occurring on this project with respect to lead contaminated soil. Prior to the approval of a final map or before any construction activities commence, the Applicant shall provide staff with either a no further action required letter from the State of California Department of Toxic Substances Control (DTSC), or proof that the entire site has been properly remediated under the supervision of the DTSC.