



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 6, 2012

Matthew Lasecki, California American Water Company
4701 Beloit Drive
Sacramento, CA 95838

**REGARDING: PROJECT NO. R2011-00719-(2)
CONDITIONAL USE PERMIT NO. 201100066
4118 ATHENIAN WAY, LOS ANGELES (APN #5011-021-003)**

Hearing Officer Paul McCarthy, by his action of **November 6, 2012**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

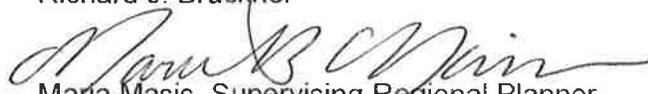
The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **November 20, 2012. Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement

MM:SM

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NUMBER R2011-00719 - (2)
CONDITIONAL USE PERMIT NO. 201100066
ENVIRONMENTAL DOCUMENT 201100100**

HEARING DATES: March 20, 2012, April 17, 2012, June 5, 2012, August 7, 2012, September 18, 2012, November 6, 2012

SYNOPSIS: The applicant, California Water Company, is requesting a conditional use permit (CUP) for the continued operations of the Olympiad reservoir facility and to replace an existing water supply booster station with the construction of a new water supply booster station with appurtenant piping and a new dechlorination vault located in the R-1 (Single-family Residence) zone pursuant to Los Angeles County Code Section 22.20.100. The existing booster station shall be removed once the new station is completed. The new booster pump station will consist of four new vertical turbine pumps with the provision for a fifth pump for future expansion. All facility mechanical components will be enclosed within the booster station to reduce noise generated from the operation of pumps and motors.

PROCEEDINGS BEFORE THE HEARING OFFICER:

March 20, 2012 Public Hearing

Hearing Officer, Paul McCarthy, continued the public hearing until April 17, 2012, to allow the applicant adequate time to hold a public meeting with the community to discuss the project.

April 17, 2012 Public Hearing

Hearing Officer, Paul McCarthy, continued the public hearing until June 5, 2012, to allow the applicant additional time to hold a public meeting with the community and to re-circulate the revised Initial Study.

June 5, 2012 Public Hearing

Hearing Officer, Paul McCarthy, continued the public hearing until August 7, 2012, to re-circulate the revised Initial Study.

August 7, 2012 Public Hearing

Hearing Officer, Paul McCarthy, continued the public hearing until September 18, 2012, to allow the applicant adequate time to respond to the View Park Preservation Society's request for an Environmental Impact Report.

September 18, 2012 Public Hearing

Hearing Officer, Paul McCarthy, continued the public hearing until November 6, 2012, to allow staff adequate time to further research the facility's nonconforming use and lack of a conditional use permit for the entire facility and to update the project description and re-circulate a revised Initial Study if necessary.

November 6, 2012

A duly noticed public hearing was held before the Hearing Officer. Hearing Officer Paul McCarthy was present. The applicant's representative, Tim Miller, presented testimony in favor of the request and answered questions presented by the Hearing Officer. Two speakers, Brian Shumake and Leon Davis, testified against the project. Mr. Shumake and Mr. Davis made various comments regarding the project including the noticing of the public hearing and revised

Initial Study, the purpose of two lots adjacent to the reservoir property, flooding, and structural integrity of old concrete. Mr. Miller provided a rebuttal statement to the opposition's comments.

There being no further testimony, Mr. McCarthy stated a list of grammar corrections and clarifications to be made to the Mitigated Negative Declaration and declared that the Mitigated Negative Declaration is adequate for the project. Mr. McCarthy then closed the public hearing and approved the applicant's request with findings and conditions for approval.

Findings

1. The subject property is located at 4118 Athenian Way in the unincorporated community of View Park and in the View Park Zoned District.
2. The subject property is zoned R-1 (Single-family Residence). The existing zoning for the surrounding properties are as follows:
 - North: R-1 (Single-family Residence) zone.
 - East: R-1 (Single-family Residence) zone.
 - South: R-1 (Single-family Residence) zone.
 - West: R-1 (Single-family Residence) zone.
3. The subject property contains an existing water reservoir and water booster station. The existing land use for the surrounding properties are as follows:
 - North: Single-family residences
 - East: Single-family residences
 - South: Single-family residences, Vacant Lot
 - West: Single-family residences
4. This approval is for the continued operations of the existing Olympiad reservoir facility and the construction and operation of a new water booster station with accompanying new piping and dechlorination vault to replace an existing booster station within the existing water reservoir facility. The completed booster station will be approximately 30 feet wide by 57 feet long and contain four vertical turbine pumps and the provision for a fifth pump for future expansion. The booster pump station will also contain an electrical room and a chemical room. A portion of the site located near the new booster station will be relandscaped with new shrubs, perennials, and succulents. The existing booster station shall be removed once the new station is completed.
5. Ordinance No. 4,988 enacted September 16, 1947, established the R-1 zone on the property.
6. The subject property is designated 1 – Low Density Residential in the General Plan. Currently, areas within this designation may have a variety of use types and intensities. Such uses typically include local commercial and industrial services, schools, churches, local parks and other community-serving public facilities. It is not the intent of General Plan policy to preclude further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map. The existing facility has been at the current site since the 1930s and the surrounding residential area developed around the facility in subsequent years. The proposed new water booster station will replace the existing booster station and will not change the use or character of the site.

7. Pursuant to Section 22.20.100 of the County Code, construction and operation of a water supply booster station is permitted in the R-1 (Single-family Residence) zone, provided that a CUP is obtained and in full force and effect.
8. Construction and operation of the water booster station will help enhance the water supply for the reservoir and help satisfy current and future peak water demand for the community.
9. The proposed booster station will be located on the southeast corner of the property. The booster station's pumps and all other mechanical components will be enclosed within the booster station to reduce noise. The pumps will also be located approximately 6 feet below finish grade to help further reduce noise. The Department of Public Health has reviewed the noise specifications for the project and determined that noise impacts will be less than significant.
10. The project site contains existing landscaping that consists of various trees, shrubs, and grass. A landscaped water conservation garden is located on the western edge of the property along the sidewalk and parkway on Valley Ridge Avenue. New additional landscaping will be planted near the new booster station and will consist of new shrubs, perennials, and succulents.
11. The Initial Study identified two areas of potential significant environmental impact: biological resources and hydrology. These impacts can be mitigated to a less than significant level with the implementation of mitigation measures.
12. Therefore, the project qualifies as a Mitigated Negative Declaration and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of project does not have a significant effect on the environment with the implementation of the proposed mitigation measures.
13. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
14. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to March 11, 2028.
15. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Zoning Permits Section, Los Angeles County Department of Regional Planning.
16. The Michael Brandman Associations (MBA) Report analyzed a prior version of the Initial Study that was finalized in July 2012. Since then, subsequent revisions to the Initial Study were made to all ten resource areas discussed in the MBA Report.

17. The existence of public controversy and public opposition to a project in and of itself does not constitute a basis for the preparation of an Environmental Impact Report.
18. A condition has been prepared and will be imposed to restrict the use of chemicals, other than Vita-D-Chlor tablets, in the dechlorination vault.
19. The installation of a dechlorination vault is a requirement of the Regional Water Quality Control Board.
20. The addition of the new dechlorination vault is appropriately addressed in the Mitigated Negative Declaration and has been appropriately conditioned.
21. The reservoir was constructed in 1938, six years after the 1932 Olympic Games. Therefore, there are no historical structures related to the 1932 Olympic Games, or otherwise, located on the site.
22. The opposition has made statements about water pressure concerns regarding their water delivery system. The water pressure coming from the reservoir is regulated by the California Public Utilities Commission and the installation of pressure reducing devices is required by the California State Plumbing Code on all homes where needed.
23. The possible presence of asbestos has been addressed in the Mitigated Negative Declaration and would not require the preparation of an Environmental Impact Report. Construction for the project is expected to result in the emission of less than significant amounts of asbestos, if any.
24. An inspection conducted by Tank Industry Consultants, an engineering consulting firm that specializes in water tank engineering and inspection, was completed for the Olympiad Reservoir on March 11, 2008. The inspection addressed the structural integrity of the concrete reservoir and concluded that with routine maintenance, the reservoir can expect to provide useful service for another 20 years or more (or at least until March 11, 2028).
25. There will be no increase to the current capacity of the reservoir.
26. The applicant is allowed to fill the reservoir to its existing maximum capacity at its discretion. The applicant is not required to receive permission from the County to do so.
27. The applicant is entitled to make routine maintenance of the facility without permission from the Department of Regional Planning.
28. The opposition has made repeated references in oral and written testimony to water quality issues. Their assertions may or may not be valid. However, it is not within the purview of the Department of Regional Planning and the Hearing Officer to regulate water quality issues. The California Regional Water Quality Control Board is the responsible agency that addresses such issues.
29. Written testimony submitted by the opposition in regards to native bugs is not relevant to the pending matter. No substantial evidence has been submitted that shows that the existing covered concrete reservoir and ongoing operations of the facility are impacting the size of

- the local bug population at this time. The proposed booster station and dechlorination vault, which have not been constructed yet, cannot have any effect on the local bug population at this time.
- 30. Written testimony from the opposition claims that cancer rates and respiratory ailments are at higher than normal rates around the Olympiad reservoir. There has been no substantial evidence that has been submitted that shows that the existing covered concrete reservoir and ongoing operations of the facility is related to cancer rates and respiratory ailments in the community. There can be no possible link between cancer rates and respiratory ailments in the community and a booster station and dechlorination vault that have not been constructed yet. If cancer or respiratory-related concerns are related to the water quality of drinking water in the reservoir, those concerns must be expressed to the California Regional Water Quality Control Board.
- 31. In its written testimony submitted by the opposition, references are made to the collapse of the Baldwin Hills reservoir in 1963 in their contention that the existing on-site reservoir is unsafe. The Baldwin Hills reservoir was an earthen-filled structure. The subject on-site reservoir tank of the Olympiad reservoir is constructed of concrete. An inspection of the reservoir conducted on March 11, 2008 concluded that the tank's structural integrity can expect to provide useful service for another 20 years or more.
- 32. The County Fire Department has reviewed the project for adequate fire access and confirmed in its comment letter dated August 30, 2011 that the project will comply with all fire access requirements.
- 33. Written testimony submitted by the opposition complains of pooling and puddling of water in the community. No evidence has been submitted that shows that the water is chlorinated water from the reservoir or if the water is coming from natural sources. In the event that the pooling water is chlorinated and the source is found to be leaking pipes, further investigation should determine if the leaking pipes are owned and maintained by the property owners or by the water company. The maintenance of pipes is not under the jurisdiction of the Department of Regional Planning or the Hearing Officer.
- 34. Written testimony submitted by the opposition regarding the 2004 sale of two adjoining lots (Athenian Way Lots 2 and 4), which were previously part of the subject property, makes repeated references to an indictment of a former employee of the water company (United States of America vs. Francisco Gerard Del Toro, July 7, 2009). The matters of the case appear to be irrelevant to the proposed booster station and dechlorination vault or to the continued operation of the existing reservoir which has been in operation since 1938. The criminal conviction of the former employee on numerous counts of mail and wire fraud and money laundering is irrelevant to the pending application.
- 35. Written testimony submitted by the opposition contends that the sale of Athenian Way Lots 2 and 4 and the subsequent construction of two single-family residences on the lots created an obstruction for potential overflow water from the reservoir.
- 36. The 10-foot wide easement, intended to accommodate potential overflow from the reservoir, was not impacted, physically or legally, by the construction of the two-single-family

residences. A 10-foot wide easement remains at the rear of Athenian Way Lots 2 and 4 to serve as a drainage course for potential overflow of reservoir water.

37. The sale of Athenian Way Lots 2 and 4 were fully legal and did not violate applicable regulations of the California Public Utilities Commission.
38. Notices were sent out regarding the revised project description and revised Initial Study on October 3, 2012, informing surrounding residents that revised project materials were made available for review at the View Park Library at 3854 W. 54th Street, Los Angeles, and on the Department of Regional Planning's website.
39. No new construction is proposed to be built upon any existing on-site concrete water facility infrastructure. The proposed booster station and dechlorination vault will be built on land where no structures previously existed. There will be no new structures constructed atop the existing reservoir. The existing booster station will be completely demolished once the new booster station is built.
40. The California Environmental Quality Act contains no provisions for the preparation of a "Phase I" Environmental Impact Report.
41. The applicant's proposal to install a new booster station and dechlorination vault and the continued operation of the existing reservoir facility with the ability to do routine maintenance does not constitute piecemealing as defined by the California Environmental Quality Act.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the existing use is consistent with the adopted general plan for the area;
- B. That the request to construct and operate a new water booster station with accompanying piping and dechlorination vault following the attached conditions of approval, will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

The information submitted by the applicant and presented at the public hearing substantiate the required findings identified by Section 22.56.090 of the Los Angeles County Code.

HEARING OFFICER ACTION:

record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Hearing Officer, and adopts the Mitigated Negative Declaration for the project.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201100066 is **approved** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MM:SM:sm

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2011-00719-(2)
CONDITIONAL USE PERMIT NO. 201100066**

PROJECT DESCRIPTION

The project is for the continued operations of the Olympiad reservoir facility and the replacement of an existing water supply booster station with the construction of a new water booster station and appurtenant piping and dechlorination vault on the existing Olympiad reservoir and booster station site subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 10 and 11. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 9, and 11 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and

duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant, **including the Mitigation Monitoring Program**, in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on March 11, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,200.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **six (6) (one every three years)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Within three (3) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently \$2,176.50 (\$2,101.50 for a Negative Declaration or Mitigated Negative Declaration plus \$75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.
12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring Program ("MMP"), which are incorporated by this reference as if set forth fully herein.
13. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.
14. The permittee shall deposit an initial sum of \$6,000.00 with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
15. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
16. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
17. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
18. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
19. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

20. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
21. No other substances or chemicals, except for Vita-D-Chlor tablets, shall be used or stored in the dechlorination vault.

**MITIGATION MONITORING PROGRAM
PROJECT NO. R2011-00719 / CUP NO. 201100066 / ENV NO. 201100100**

The Department of Regional Planning staff has determined that the following mitigation measures for the project are necessary in order to assure that the proposed project will not cause significant impacts on the environment.

The permittee shall deposit the sum of \$6,000.00 with the Department of Regional Planning within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring Program.

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<p>BIOLOGICAL RESOURCES</p> <p>Project related activities likely to have the potential of disturbing suitable bird nesting habitat shall be prohibited from February 1 through August 31, unless a biological monitor acceptable to the Director of Planning surveys the project area prior to disturbance to confirm that disturbance to habitat will not result in the failure of nests on-site or immediately adjacent to the area of disturbance. Disturbance shall be defined as any activity that physically removes and/or damages vegetation or habitat, any action that may cause disruption of nesting behavior such as noise exceeding 90dB from equipment, or direct artificial night lighting. Surveys shall be conducted on the subject property within 300 feet of disturbance areas (500 feet for raptors) no earlier than seven (7) days prior to the commencement of disturbance. If an active nest is discovered on-site or can be reasonably deduced to exist immediately adjacent off-site (in cases where access to adjacent properties is prevented), the project biologist shall demarcate an area to be avoided by construction activity until the active nest(s) is vacated for the season and there is no evidence of further nesting attempts. This demarcated area will incorporate a buffer area surrounding the active nest that is suitable in size and habitat type to provide a reasonable expectation of breeding success for nesting birds. Limits of avoidance shall be demarcated</p>	<p>Bird nesting surveys</p>	<p>Prior to grading and other site disturbance if conducted from February 1 through August 31</p>	<p>Applicant</p>	<p>Department of Regional Planning</p>

	with flagging or fencing. The project proponent shall record the results of the surveys and recommended protective measures described above and submit the records to the Department of Regional Planning to document compliance with applicable State and Federal laws pertaining to the protection of native birds			
HYDROLOGY/WATER QUALITY				
2	Project construction will implement and maintain Los Angeles County Best Management Practices for storm water and surface runoff.	Implement BMPs for storm water and surface runoff	During construction	Applicant Department of Public Works
MITIGATION COMPLIANCE				
	As a means of ensuring compliance of above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting compliance report to the Department of Regional Planning for review, and for replenishing the mitigation monitoring account if necessary until such as all mitigation measures have been implemented and completed.	Submittal and approval of compliance report and replenishing mitigation monitoring account	Yearly and as required until all measures are completed.	Applicant and subsequent owner(s) Department of Regional Planning

As the applicant, I agree to incorporate these mitigation measures into the project, and understand that the public hearing and consideration by the Hearing Officer and/or Regional Planning Commission will be on the project as mitigation measures.


 Applicant

 Staff

11/6/12
 Date
 11/6/12
 Date

Notice of Determination

Appendix D

To:

Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: Los Angeles Environmental Findings
Address: 12400 E. Imperial Hwy., #1101
Norwalk, CA 90650

From:

Public Agency: LA County Regional Planning
Address: 320 W Temple St, 13th Floor
Los Angeles, CA 90012

Contact: _____
Phone: _____

Lead Agency (if different from above): _____
Address: _____

Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): N/A

Project Title: California American Water Olympiad Reservoir & Booster Station (Project No. 2011-00719)

Project Applicant: California American Water Company

Project Location (include county): 4118 Athenian Way, View Park, Los Angeles County

Project Description:

The project is a conditional use permit application to continue the existing operations at the Olympiad Reservoir facility and to replace an existing water supply booster station with and new booster station with appurtenant piping and a new dechlorination vault.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

County of Los Angeles Department of Regional Planning 320 West Temple Street, 13th Floor, Los Angeles, CA 91030

Signature (Public Agency):  Title: Regional Planning Assistant II

Date: 11/6/12 Date Received for filing at OPR: _____