



South Valley Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

Determination of the South Valley Area Planning Commission

Mailing Date: FEB 01 2005

City Council
Room 395, City Hall
Los Angeles, California

Applicant: Shawn Evenhaim, Village Homes Corporation

CASE NO. APCSV 2004-5409(ZC)(SM)
CEQA: ENV 2004-5343-MND
Location: 18343 W. Ingomar Street
Council District: 3
Plan Area: Reseda-West Van Nuys
Request(s): Zone Change pursuant to Section 12.32 of the Municipal Code from RA-1 to RE 1-1 and Slight Modification to permit lot widths of 48 feet, 4 inches for all 6 proposed lots in lieu of the minimum 50 feet required.

At its meeting on December 16, 2004 the following action was taken by the South Valley Area Planning Commission;

1. **Approved** and **recommended that the City Council adopt the ordinance** to effect the change of zone, from RA-1 to (T)(Q)R1-1, subject to the attached conditions of approval.
2. **Denied** without prejudice the Slight Modification request for a reduced lot width. The Slight Modification shall be heard by the Advisory Agency at a later date.
3. **Recommended** that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative or "Q" Qualified classification are specified in Section 12.32.G of the L.A.M.C. Conditions must be satisfied prior to the issuance of building permits and, that the (T) Tentative classification be removed in the manner indicated in the attached Staff Recommendation.
4. **Adopted** the attached Findings
5. **Adopted** Mitigated Negative Declaration No. ENV-2004-5343-MND.
6. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City will monitor or require evidence that any mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
7. **Advised** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

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

This action was taken by the following vote:

<u>Moved</u>	<u>Seconded</u>	<u>South Valley Area Planning Commission</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
<input type="checkbox"/>	<input type="checkbox"/>	David Iwata, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Thomas Hudnut, Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Tina Choi, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Michael Grobstein, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Vacant, Commissioner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE: 4-0

Fely C. Pingol, Commission Executive Assistant
South Valley Area Planning Commission

Effective Date/Appeals: The Commission's determination will be final **20 days** from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Third Floor, Los Angeles, or at 6255 Van Nuys Boulevard, First Floor, Van Nuys. Forms are also available on-line at www.lacity.org/pln. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action and received and receipted at a Public Counter office on or before the final day of the appeal period or the appeal will not be accepted.

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.

Attachments: (T) Conditions, Ordinance, Ordinance Map, (Q) Conditions, Signature Sheet, Findings

c: Notification List

**CONDITIONS FOR EFFECTUATING TENTATIVE
(T) CLASSIFICATION REMOVAL**

Pursuant to LAMC Section 12.32 G, the (T) Tentative classification shall be removed by recordation of a parcel or by posting guarantees satisfactory to the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Planning Department for attachment to the subject City Plan Case.

1. Dedication(s) and Improvement(s). Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary).

A. Responsibilities/Guarantees.

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.

2. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.

2. Construction of necessary sewer facilities to the satisfaction of the Bureau of Engineering.
3. Construction of necessary drainage facilities to the satisfaction of the Bureau of Engineering.
4. Construction of tree wells and planting of street trees and parkway landscaping to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
5. Preparation of a parking area and driveway plan to the satisfaction of the appropriate district office of the Bureau of Engineering and the Department of Transportation. A parking area and driveway plan shall be prepared for approval by the appropriate district office of the Bureau of Engineering and the Department of Transportation. The driveway, parking and loading area(s) shall be developed substantially in conformance with the Site Plan, dated **November 12, 2004**, and labeled **E-3** of the administrative file as to their location and access, but may be modified in order to comply with provisions

and conditions of the subject Department of Transportation authorization. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.

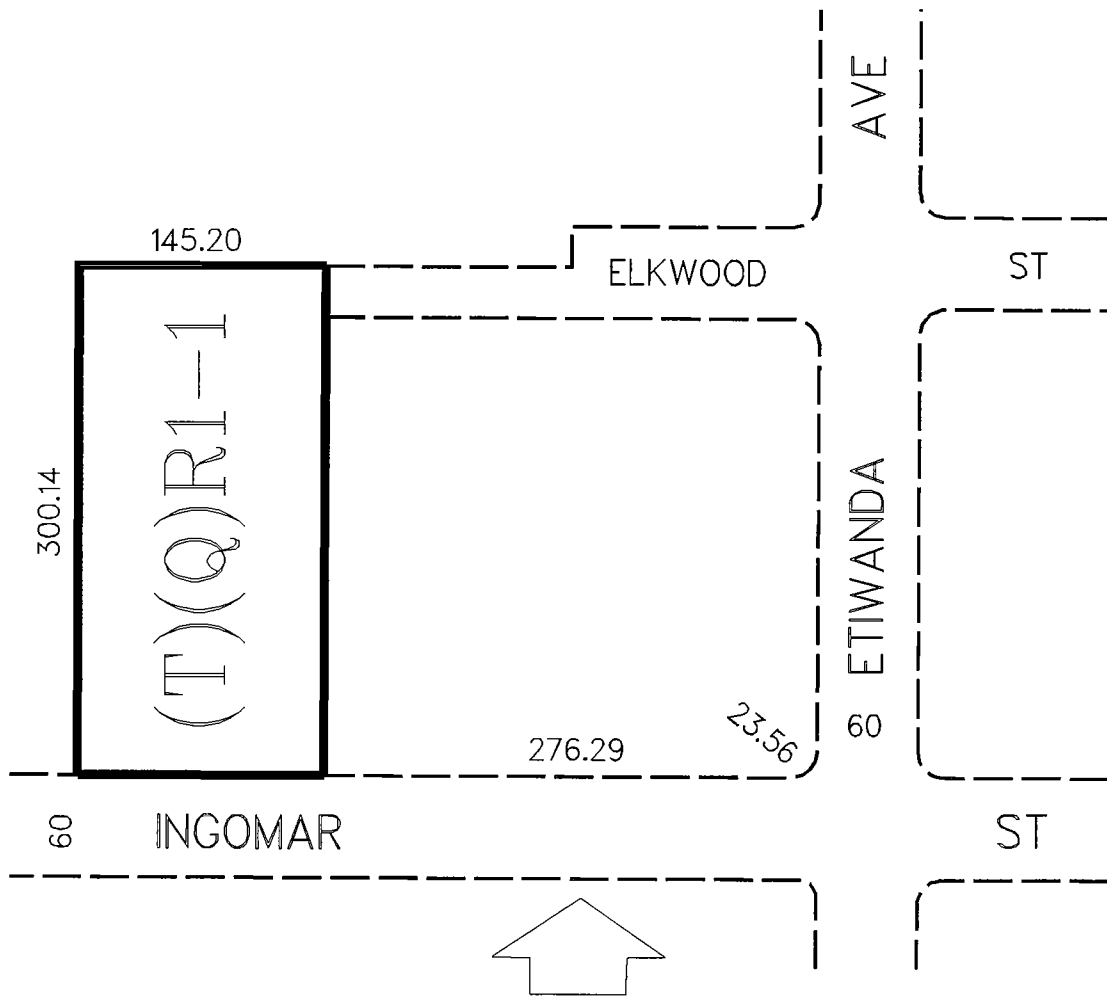
6. Installation of street lights to the satisfaction of the Bureau of Street Lighting.
7. That street lighting modifications be required at an intersection if there are improvements by the Department of Transportation (also for off-site improvements).
8. Preparation of a plot plan to the satisfaction of the Fire Department.
9. Making any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05N, to the satisfaction of the Department of Telecommunications.
10. Notice: If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.
11. Notice: Prior to issuance of a clearance letter by the Bureau of Engineering, all engineering fees pertaining to Ordinance No. 171,502 adopted by the City Council, must be paid in full at the Development Services Division office.
12. Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.
13. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.
14. Recreation and Parks Dedication. Per Section 12.33 of the Los Angeles Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

ORDINANCE NO. _____

An ordinance amending Section .12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



NOT TO SCALE

C.M. 189 B 125	APCSV 2004-5409 ZC SM
----------------	-----------------------

AE/

(Q) CONDITIONS OF APPROVAL

1. **Density.** Project shall comply with all provisions of the R1 zone.
2. **Plan:** The use and development of the property shall be in substantial conformance with the proposed Tentative Tract submitted with the application and marked Exhibit "E-3", dated **November 12, 2004**.
3. **Height:** The project shall not exceed 30-feet in height.
4. **Wall:** A 6-foot-high solid decorative masonry wall or wood fence adjacent to any single-family use shall be constructed if no such wall exists.

Environmental

5. **Landscaping:** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained including an automatic irrigation plan.
6. **Bonding (Oak Tree Survival)**
That the developer shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Street Tree Division and Advisory Agency (or other decision-maker) guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership will require that the new owner post a new oak tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's oak tree bond may be exonerated.

The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Street Tree Division that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

7. **Seismic:** The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

8. **Severe Noise Levels (Aircraft Noise - Residential):** All exterior windows shall be constructed with double-pane glass. Before the granting of a building permit, an acoustical engineer must specify the CNEL contour within which the building will be located and, based on such CNEL contours, the measures necessary to achieve an interior noise level which will not exceed 45 dBA in any habitable room.
9. **Public Services (Street Improvements Not Required By DOT):** The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation.
10. **Inadequate Emergency Access:** Submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that shall provide code-required emergency access.
11. **Public Services (Schools):** The project is subject to any applicable school fees (Los Angeles Unified School District) to offset the impact of additional student enrollment at schools serving the project area.
12. **Safety Hazards:** Submit a parking and driveway plan, that incorporates design features that shall reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.
13. **Tree Removal (Non-Oaks)**
 - a. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning and the Street Tree Division of the Bureau of Street Services. All trees in the public right-of-way shall provided per the current Street Tree Division standards.
 - b. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency.

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Street Tree Division at: 213-485-5675

14. **Erosion/Grading/Short-Term Construction Impacts:** Short-term air quality, grading and noise impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a level of insignificance by the following measures:

Air Quality

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

Noise

- g. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- h. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
- i. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- j. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- k. The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

Grading

- l. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.

- m. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.
- n. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

General Construction

- o. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
 - p. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
 - q. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
 - r. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
 - s. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
 - t. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.
15. **Explosion/Release (Asbestos Containing Materials):** Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

Administrative:

16. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.

17. **Code Compliance.** Area, height and use regulations of the **R1** zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
18. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
19. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
20. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
21. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.

Sec. __. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

Pursuant to Section 552 of the City Charter, the South Valley Area Planning Commission on December 16, 2004, recommended that this ordinance be adopted by the City Council.

By _____



Fely C. Pingol
Commission Executive Assistant

City Attorney

File No. _____

FINDINGS

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Reseda - West Van Nuys Community Plan, updated and adopted by the City Council on November 17, 1999. The Plan designates the subject property as Low density residential for the site, with corresponding zones of RE9, RS, R1 and RD6. The zone change request IS CONSISTENT with the land use designation on the plan map and IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.
2. **Zone Change, L.A.M.C. Sec. 12.32.F:** The recommended zone change is in conformance with the public necessity, convenience, general welfare or good zoning practice in that:
 - The recommended zone change from RA-1 to (T)(Q)R1-1 will permit a development which, as conditioned will be consistent with the surrounding densities and the development trend in the area.

The action, as recommended, has been made contingent upon compliance with the “(T)” and “(Q)” conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

3. **Environmental.** For the reasons set forth in Mitigated Negative Declaration No. 2004-5343 the project will not have an effect on the environment.
4. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
5. **Fish and Game.** The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.
6. Based upon the above findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.