



North Valley Area Planning Commission

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

Determination Mailing Date: FEB 24 2005

CITY COUNCIL
Room 395, City Hall

CASE NO. APCNV 2003-9302(ZC)(ZAA)
Related Case: Tentative Tract 60666
CEQA: ENV 2003-9304-MND
Location: 9231, 9237, 9251 Lemona Avenue
Council District: 7
Plan Area: Mission Hills-Panorama City-North Hills
Request(s): Zone Change incident to subdivision pursuant to Section 12.32 of the Municipal Code from RA-1 to (T)(Q)RD3-1 Zone.

Applicant: Mark Handel and Sarah Lulloff

At its meeting on August 5, 2004, the following action was taken by the North Valley Area Planning Commission:

1. **Approved** and **recommended** that the City Council adopt a zone change from RA-1 to (T)(Q)RD3 -1, subject to the attached conditions of approval.
2. **Dismissed** the Zoning Administrator's Adjustment as filed.
3. **Approved** and **recommended** that the City Council adopt Mitigated Negative Declaration No. ENV-2003-9304.
4. **Adopted** the attached Findings.
5. **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 on the attached page.
6. **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:

Moved	Seconded	North Valley Area Planning Commission	Yes	No	Absent
X	<input type="checkbox"/>	Sandor L. Winger, President	X	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	X	George Stavaris, Vice President	X	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	David Honda, Commissioner	X	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Dr. John Lett, Sr., Commissioner	X	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Tony Torres, Commissioner	X	<input type="checkbox"/>	<input type="checkbox"/>

Vote: 5-0

Fely Q. Pingo, Commission Executive Assistant
North Valley Area Planning Commission

Appeals: If the Commission has disapproved the request, in whole or in part, the applicant may appeal that disapproval to the Council within 20 days after the mailing date of this determination. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

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

CONDITIONS OF APPROVAL

Zone Change

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

Pursuant to section 12.32 G.1 of the Los Angeles Municipal Code the following limitations are hereby imposed upon the use of that property shown in Section 1 hereof which is subject to the (T) Tentative Classification.

Procedure: The tentative classification shall be removed by the recordation of a final tract map for Vesting Tentative Tract Map 60666 as approved by the Advisory Agency on July 2, 2004, and by any subsequent actions on this map approved by the Advisory Agency or by provision of the following or by the posting of guarantees satisfactory to the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approvals or guarantees provided to the City Planning Department for attachment to the subject City Plan Case File. Recommendation that recordation of the final map of Tract Map 60666 be made as a condition of the Zone Change Approval. The above language does not preclude the Advisory Agency from requiring the recordation of a final map for compliance with the subject conditions or similar conditions:

Notice. Certificates of Occupancies 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.

1. **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 owners in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Furthermore, the agreement shall be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be given to the City Planning Department for attachment to the subject file.
2. **Street Dedications and Improvements.** Street Dedications and improvements shall be provided to the satisfaction of the City Engineer.
3. **Sewer.** Construction of necessary sewer facilities, or payment of sewer fees, shall be to the satisfaction of the City Engineer.

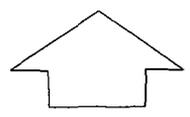
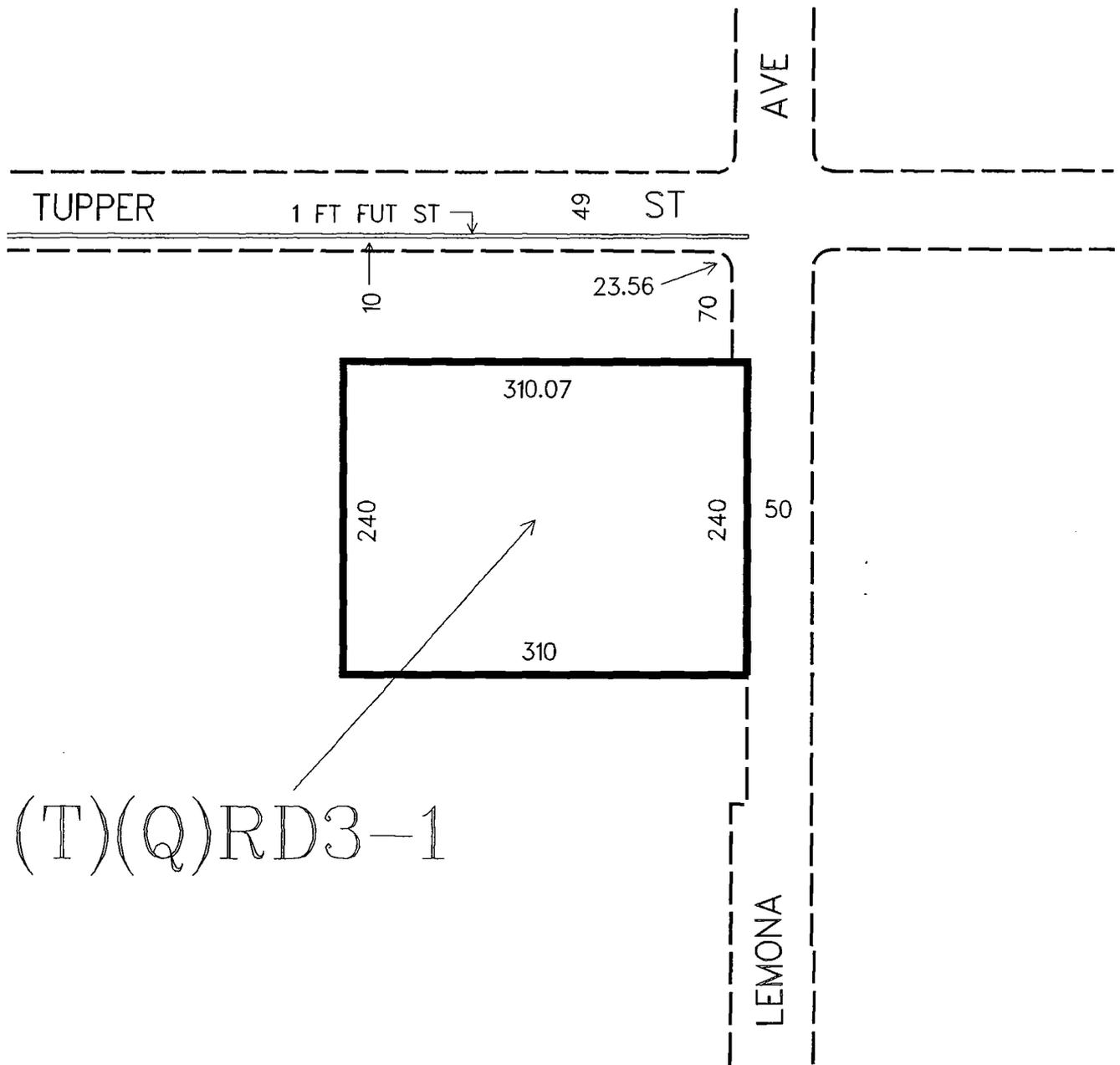
4. **Drainage.** Construction of necessary drainage and storm water runoff drainage facilities to the satisfaction of the City Engineer.
5. **Driveway/Parking Area Plan.** Preparation of a parking area and driveway plan to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
6. **Fire.** Incorporate into the building plans the recommendations of the Fire Department relative to fire safety, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.
7. **Cable.** Make 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 17.05.N to the satisfaction of the Department of Telecommunications.
8. **Recreation and Park Fees.** Payment of the appropriate recreation and park fees to the Department of Recreation and Parks.

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. 198 B 145, 198 B 149	APCNV 2003-9302 ZC ZAA
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(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G. 2 of the Los Angeles Municipal Code the following limitations are hereby imposed upon the use of that property shown in Section 1 hereof which is subject to the (Q) Qualified Classification:

Entitlement

1. **Use.** Limit the proposed development to a maximum of 24 dwelling units.
2. **Parking.** Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus 1/2 guest parking spaces per dwelling. All guest spaces shall be readily accessible, conveniently located and specifically reserved for guest parking.
3. **Height.** No building or structure located on the subject property shall exceed 45 feet in height.
4. **Landscape.** The applicant shall provide a 5-foot landscape buffer between the wall along Lemona Avenue and the sidewalk.
5. **Plans.** That Prior to the issuance of building permits, detailed development plans, including a project design plan be consistent with Chapter V of the Mission Hills-Panorama City Community Plan.
6. **Schools.** Prior to the issuance of any demolition or grading permit or any other permit allowing site preparation and/or construction activities on the site, satisfactory arrangements shall be made with the Los Angeles Unified School District.

Environmental Conditions

Erosion/Grading/Short Term Construction Impacts: Air Quality

7. 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. (MM)
8. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. (MM)

9. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust. (MM)
10. 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. (MM)
11. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. (MM)

Noise

12. 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. (MM)
13. Construction shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday. (MM)
14. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.(MM)
15. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. (MM)
16. 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. (MM).

General Construction

17. 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. (MM)
18. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains. (MM)
19. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible. (MM)

20. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting. (MM)
21. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets. (MM)
22. 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. (MM)
23. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

-Locate the sign in a conspicuous place on the subject site or structure (if development) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing.

-Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.

-If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.

Stormwater Runoff

24. Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
25. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.

26. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
27. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
28. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
29. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
30. Paint messages that prohibits the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Department of Public Works, Stormwater Management Division.
31. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
32. Legibility of stencils and signs must be maintained.
33. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
34. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

Administrative Conditions:

34. **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 Recorders Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. 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.
35. **Approval verification and submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approvals, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
36. **Definition.** Any agencies, public officials, or legislation referenced in these conditions shall mean the agencies, public officials, legislation or their successors, designees or amendments to any legislation.
37. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except as such regulations are herein specifically varied or required.
38. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor, and in accordance with any stated laws or regulations, or any amendments thereto.
39. **Mitigation Monitoring.** Prior to the issuance of any building permit the applicant shall prepare and record a covenant and agreement (Planning Department General Form CP-6770.M) in a manner satisfactory to the Planning Department, requiring the subdivider to identify (a)mitigation monitor(s) who shall require periodic status reports on the implementation of mitigation items required by conditions 7-34. The mitigation monitor(s) shall be identified as to their areas of responsibility, post-construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

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

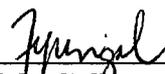
Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

Pursuant to Section 552 of the City Charter, the North Valley Area Planning Commission on August 05, 2004, recommended that this ordinance be adopted by the City Council.

By _____

City Attorney



Fely C. Pingol
Commission Executive Assistant

File No. _____

FINDINGS OF FACT**Zone Change****ZONE CHANGE**

1. **General Plan Land Use Designation.** The subject property is located within an area covered by the Mission Hills-Panorama City Community Plan which was adopted by the City Council on June 9, 1999 (Case No. CPC 95-0353-CPU). The Plan map designates the subject property for Low Medium I Residential, with corresponding zones of R2, RD3, RD4, RD5, and RD6. Thus, the recommended (T)(Q)RD3-1 is consistent with the land use designation on the plan map and is in substantial conformance with the purpose, intent and provisions of the General Plan as reflected in the adopted district plan.
2. **General Plan Text.** The Mission Hills-Panorama City Community Plan text includes the following relevant statements in the land use objectives, policies and programs section:
 - 1) Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods. (Policy 1-3.1)
 - 2) Provide for development of townhomes and other similar condominium type housing units to increase home ownership options. (Policy 1-5.4)
3. **The Transportation Element** of the General Plan will not be affected by the recommended action herein. Moreover, requirements from the Bureau of Engineering on street dedication and improvements were included in the attached Advisory Agency Action for Tract 60666 all satisfactory to the City Engineer and consistent with Municipal Code Section 17.05.
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. **Environmental.** See "ADDITIONAL MANDATORY FINDINGS OF FACT, Environmental," below.
6. **Fish and Game.** See "ADDITIONAL MANDATORY FINDINGS OF FACT, Fish and Game," below.

7. 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.
8. Based upon the above findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

ADDITIONAL MANDATORY FINDINGS OF FACT

9. **Flood Management.** The subject property is not located in an area for which a flood insurance rate map has been prepared. The National Flood Insurance Program rate map, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
10. **Environmental.** On January 28, 2004, the City Planning Department issued a Mitigated Negative Declaration No. ENV-2003-9304-MND and determined that by imposing conditions the impacts could be reduced to a level of insignificant. The records upon which this decision is based are with the Environmental Review Section in Room 763, 200 North Spring Street.
11. **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.