



# North Valley Area Planning Commission

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

Determination Mailing Date: NOV 02 2005

CITY COUNCIL  
Room 395, City Hall

**CASE NO. APCNV 2004-3382(ZC)(ZAA)**

Related Case: Tentative Tract No. 61502

CEQA: ENV 2004-3379-MND

Location: 12712-12724 1/2 N. Bradley Avenue

Council District: 7

Plan Area: Sylmar

Request(s): Zone Change, pursuant to Section 12.32 of the Municipal Code from R1-1 to (T)(Q)RD3-1, Zone and Zoning Administrator's Adjustment, pursuant to Section 12.28.B.2 to allow a 24<sup>th</sup> condominium unit with a total of 2955 s.f. in lieu of the 3,000 s.f. per unit required in the RD3 zone.

Applicant: Ariel Preminger, Owner/Applicant  
Harvey Goodman, Representative

At its meeting on October 06, 2005, the following action was taken by the North Valley Area Planning Commission:

- Approved** a Zone Change from R1-1 to (T)(Q)RD3-1, incident to subdivision, as set forth in Section 12.32 of the Municipal code, subject to the attached (T) and (Q) conditions.
- 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.
- Approved** a Zoning Administrator Adjustment pursuant to Section 12.28.B.2 to allow a 24<sup>th</sup> condominium unit with a total of 2955 s.f. in lieu of the 3,000 s.f. per unit required in the RD3 zone.
- Adopted** Mitigated Negative Declaration No. ENV-2004-3379-MND
- Adopted** the attached Zone Change and Zoning Administrator's Adjustment Findings
- 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
- 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>North Valley Area Planning Commission</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
<input type="checkbox"/>	<input type="checkbox"/>	George Stavaris, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	David Honda, Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Dr. John Lett, Sr., Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Victor Sampson, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tony Torres, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Vote: 5-0

Fely C. Pingol, Commission Executive Assistant  
North 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, 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, Zoning Administrator  
Adjustment Conditions of Approval, Findings

c: Notification List

**CONDITIONS OF APPROVAL**  
**Zone Change and Zoning Administrator's Adjustment**

**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 Tentative Tract Map 61502, approved by the Advisory Agency on February 24, 2005 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. The Applicant may remove the (T) condition by dedicating and improving all the public streets to the satisfaction of the Bureau of Engineering or recordation of the final map. 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 made to the satisfaction of the City Engineer.
4. **Drainage.** Construction of necessary drainage and storm water runoff drainage facilities shall be made to the satisfaction of the City Engineer.
5. **Driveway/Parking Area Plan.** Preparation of a parking area and driveway plan shall be made to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.

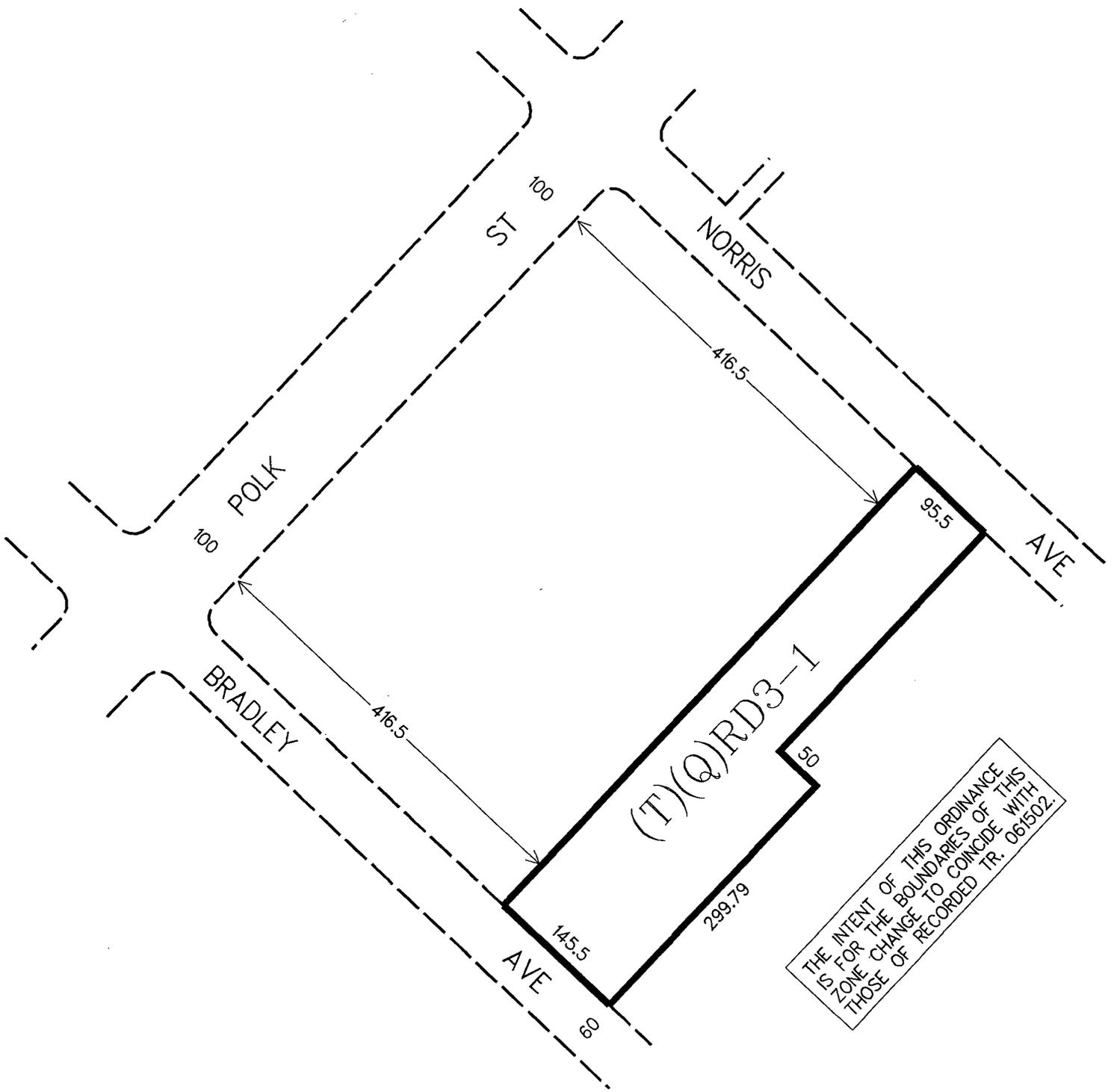
6. **Fire.** The recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, including the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.
7. **Cable.** 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. 222 B 149	APCNV 2004-3382 ZC ZAA
----------------	------------------------

AE/ *leeds*

10/27/05

### (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. **Design.** Ingress and egress to the site shall be from Bradley Street. Norris Avenue may only be used for emergency vehicle access.
3. **Parking.** Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus 1/4 guest parking spaces per dwelling. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 No. Spring Street, Room 750).

4. **Relocation Assistance.** A relocation plan, including payment of relocation assistance, for tenants of the buildings on these lots shall be submitted to the Planning Department for approval.
5. **Note to City Zoning Engineer and Plan Check:** The Advisory Agency has approved the following requirements as it applies to this subdivision and the proposed development on the site:
  - a. That prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
  - b. Install within the project an air filtration system (either charcoal or electronic) to reduce the air quality effects on the residents.
  - c. That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - d. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

## **Environmental Conditions**

### *Erosion/Grading/Short Term Construction Impacts:*

#### **Aesthetics (Landscaping)**

6. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.

#### **Aesthetics (Surface Parking)**

7. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.
8. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. Automatic irrigation plan shall be approved by the City Planning Department.

#### **Aesthetics (Graffiti)**

9. The owners shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E.
10. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs.

#### **Aesthetics (Light)**

11. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

#### **Air Pollution (Stationary)**

12. The applicant shall install air filtration system(s) to reduce the diminished air quality effects on occupants of the project.

#### **Tree Removal (Non-Oaks)**

13. 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.

14. 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.
15. The genus or genera of the tree(s) shall provide a **minimum crown** of 30'-50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No. 170,978), Guidelines K - Vehicular Use Areas.

**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.

### **Seismic**

16. 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.

### **Erosion/Grading/Short-Term construction Impacts**

#### **Air Quality**

17. 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.
18. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
19. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
20. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
21. All clearing, 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.
22. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

#### **Noise**

23. 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.

24. Construction and demolition 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.
25. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
26. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
27. 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.

### **General Construction**

28. 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.
29. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
30. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
31. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
32. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
33. 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.

### **Explosion/Release (Asbestos Containing Materials)**

34. 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.

### **Multi-Family Subdivision**

35. Project applicants are required to implement stormwater BMP's 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 BMP's meet this numerical threshold standard is required.

36. 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.
37. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
38. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
39. 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.
7. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
8. 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.
9. 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.
10. Guest parking lots constitute a significant portion of the impervious land coverage. To reduce the quantity of runoff, parking lots can be designed one of two ways:  
  
Hybrid Lot - parking stalls utilize permeable materials, such as crushed aggregate, aisles are constructed of conventional materials such as asphalt.  
  
Parking Grove - is a variation on the permeable stall design, a grid of trees and bollards are added to delineate parking stalls. This design presents an attractive open space when cars are absent, and shade when cars are present.
11. Promote natural vegetation by using parking lot islands and other landscaped areas.
12. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
13. Promote natural vegetation by using parking islands and other landscaped areas.
14. 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.

15. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
16. Legibility of stencils and signs must be maintained.
17. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
18. The storage area must be paved and sufficiently impervious to contain leaks and spills.
19. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
20. 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.
21. Runoff from hillside areas can be collected in a vegetative swale, wet pond, or extended detention basin, before it reaches the storm drain system.
22. Cut and fill sloped in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
23. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.
24. 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 BMP' in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

### **Relocation Assistance**

25. Environmental impacts may result from project implementation due to relocation of families. However, these potential impacts will be mitigated to a level of insignificance by providing relocation assistance and submitting a relocation plan to the City Planning Department for approval.

**Public Services (Schools)**

26. Payment of school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

**Recreation (Increase Demand For Parks Or Recreational Facilities)**

27. Per Section 17.12 A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

**Utilities (Solid Waste)**

28. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

**Administrative Conditions:**

29. **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.
30. **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.
31. **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.
32. **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.
33. **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 the mitigation monitor(s) who are required to provide periodic status reports on the implementation of the mitigation items required by conditions 6-57. To ensure continued implementation of the mitigation items, the areas of responsibility of the mitigation monitor(s) regarding post-construction/ maintenance mitigation shall be identified as well.

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

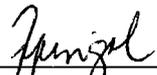
Approved as to Form and Legality

\_\_\_\_\_  
ROCKARD J. DELGADILLO, City Attorney

**Pursuant to Section 552 of the City Charter, the North Valley Area Planning Commission on October 06, 2005, recommended that this ordinance be adopted by the City Council.**

By \_\_\_\_\_

\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
**Fely C. Pingol**  
Commission Executive Assistant

File No. \_\_\_\_\_

**DETERMINATION**  
**(Zoning Administrator's Adjustment (Lot Size))**

Pursuant to Los Angeles Municipal Code Section 12.28.B.2. I hereby **APPROVE**

A Zoning Administrator's Adjustment from Section 12.09.B.4. to permit, for the twenty-fourth unit only, a minimum lot size of 2,955 s.f. in lieu of the 3,000 s.f. required in the RD3 zone;

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The developer shall submit a plot plan that conforms to the project as approved by the decision maker to the satisfaction of the Zoning Administrator.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in and printed on the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.

**FINDINGS OF FACT**  
**(Zone Change & Zoning Administrator's Adjustment (Slight Modification))**

**ZONE CHANGE**

1. **General Plan Land Use Designation.** The subject property is located within an area covered by the Sylmar Community Plan, which was adopted by the City Council on May 12, 1999 (Case No. CPC-93-0345-CPU). The Plan map designates the subject property for Low Medium 1 Multi-family Residential, with corresponding zones of RD5, RD4, RD3, and RD2. The recommended (T)(Q)RD3-1 zone 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 proposed project is consistent with the following objectives, goals, policies, and programs of the Sylmar Community Plan:
  - Objective 1-1 - "To provide for the preservation of existing and the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010."
  - Policy 1-1.1 - "Designate lands for single and multi-family residential development."
  - Policy 1-5.1 - "Provide for the development of townhouses and other similar condominium type housing units to increase home ownership options."
  - Objective 1-3 - "To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods."
3. **Transportation Element.** 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 61502 all to the satisfaction of the City Engineer and are consistent with Municipal Code Section 17.05.
4. **Sewerage Facilities Element.** The General Plan will be affected by the recommended action, however, the requirements for construction of sewer facilities to serve the subject project will assure compliance with the goals of this General Plan Element and completion of the City sewer system for the health and safety of City inhabitants.
5. 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 compatible with surrounding properties and to secure an appropriate development in harmony with the General Plan.
6. Based on the above findings, the recommended action is deemed consistent with public necessity, convenience, general welfare, and good zoning practice.

**ZONING ADMINISTRATOR'S ADJUSTMENT (Area)**  
Pursuant to Section 12.28 C 4 of the Municipal Code:

The RD3 zone requires 3,000 square feet of lot area per dwelling unit. The subject property contains 71,955 square feet. The RD3 zone would allow 23.9 dwelling units on this site. The granting of the adjustment to permit a twenty-fourth dwelling unit with 2955 square feet, would lack less than 2% (1.5% or 45 square feet) of the required 3000 square feet required in the RD3 zone.

**7. The granting of an Adjustment will result in development compatible and consistent with the surrounding uses.**

This development will not negatively impact the neighboring community. A dedication requirement of two feet on Bradley Avenue has created a shortfall of 45' for the 24<sup>th</sup> unit. There are other multi-family projects in the neighborhood. In 1996, this site was approved for 23 units, or 24 if a slight modification were obtained. The proposed use of twenty-four detached condominium units will be compatible and consistent with the surrounding uses.

**8. The granting of an Adjustment will be in conformance with the intent and purpose of the General Plan of the City.**

The adopted Sylmar Community Plan designates the subject property as Low Medium 1 Residential land use with corresponding zones of RD5, RD3, and RD2. The proposed project meets a primary goal of the General Plan: to provide opportunities for new home ownership and to enhance the City's housing stock. Therefore, allowing the 24<sup>th</sup> unit will be consistent with the General Plan.

**9. The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.**

The RD3 zone would permit 23.9 dwelling units on the subject site. The ZAA request would round-up the number of units to 24. If the adjustment is granted, there would be a minor deviation (1.5%) from the total area for the 24<sup>th</sup> unit. Because of a dedication for public purposes, the size of the property was reduced to less than that required by the RD3 zone. Other properties in the neighborhood have been allowed to construct multi-family dwellings. The density of the project is consistent with the pattern of development in the area and the spirit and intent of the zoning code.

**10. There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.**

This application is incident to a subdivision, Tract 61502. ENV-2004-3379-MND imposed mitigation measures which will mitigate potential impacts to a level of insignificance. The granting of this adjustment does not impose any adverse impacts on the adjoining properties.

11. **That the site and/or existing improvements make strict adherence to the zoning regulations impractical or unfeasible.**

Due to a minor (2') dedication on Bradley Avenue, here is a 45' shortfall for the 24<sup>th</sup> unit. This dedication results in a shortfall of 1.5% less than that required in the RD6 zone. This site has a northerly frontage on Norris Avenue and a southerly frontage on Bradley Avenue. The property is a through lot and the site consists of two parcels of unequal width.

#### **ADDITIONAL MANDATORY FINDINGS OF FACT**

12. **Flood Management.** The National Flood Insurance Program rate map, which are a part of the Flood Hazard Management Specific Plan, adopted by the City Council in Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, an area of minimal flooding.
13. **Environmental.** Mitigated Negative Declaration No. ENV-2004-3379-MND was issued on June 23, 2004 after the City Planning Department determined that, by imposing conditions on the project, the impacts could be reduced to a level of insignificance. The records upon which this decision is based are with the Environmental Review Section in City Hall, Room 750, 200 North Spring Street. The hearing officer of the Advisory Agency concurs in that action.
14. **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.