



NORTH VALLEY AREA PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

DETERMINATION OF THE NORTH VALLEY AREA PLANNING COMMISSION

Mailing Date: **OCT 17 2006**

CITY COUNCIL
Room 395, City Hall

Applicant: O. Sandoval

CASE NO. APCNV-2006-0172-ZC

CEQA: ENV-2006-0173-MND

Location: 12818 N. Telfair Avenue

Council District: 7 ✓

Plan Area: Sylmar

Zone: RA-1

District Map: 222B 145

Legal Description: Lot 4, Block 7, Tract Sylmar Acres

At its meeting on August 17, 2006, the following action was taken by the North Valley Area Planning Commission:

1. **Approved** the (T)(Q)R1-1 zone, pursuant to Section 12.32 of the Municipal Code, and **recommended that the City Council adopt the ordinance** to effect the change of zone, subject to the attached Conditions of Approval.
2. **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.
3. **Adopted** ENV No. 2006-0173-MND.
4. **Adopted** the attached Findings.
5. **Advised** the applicant that pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that 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.
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 action.

Moved: Stavaris
Seconded: Sampson
Ayes: Lett, Schroeder, Honda

VOTE: 5-0

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

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Appeals: If the Commission has disapproved the *Zone Change* 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.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: (T) Conditions, Zone Change Ordinance, Zone Change Map, (Q) Conditions, Zone Change
Signature Sheet, Findings

C: Notification List

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Los Angeles Municipal Code Section 12.32 G 1, the (T) the Tentative Classification shall be removed by the recordation of a final tract map or by posting of guarantees through the B-permit process of 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 Planning Department for attachment to the subject City Plan case file.

1. Dedication(s) and Improvements: 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 Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning 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 the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.
2. Street Dedication and Improvements: If determined necessary, dedicate and improve all adjacent streets and/or alleys to the satisfaction of the City Engineer.
3. Street Lighting: Installation of street lights to the satisfaction of the Bureau of Street Lighting. If new street light(s) are required, the property within the boundary of the development shall be formed or annexed into a Street Lighting Maintenance Assessment District prior to final recordation or issuance of the certificate of Occupancy.
4. Street Trees: Construct tree wells and plant street trees to the satisfaction of the Street Tree Division of the Bureau of Street Services.
5. Sewers: Construct sewers to the satisfaction of the City Engineer.
6. Drainage: Construct drainage facilities to the satisfaction of the City Engineer.
7. Parking/Driveway Plan. Submit a final site plan for parking and driveway to the Citywide Planning

Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street, Suite 400, Station 3.

8. The requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, 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.

9. The applicant shall make any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City right-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 Information Technology Agency (ITA).
10. Applicant shall make 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.
11. Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Recreation and Park fees to the satisfaction of the Department of City Planning and Department of Recreation and Parks.
12. 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. f

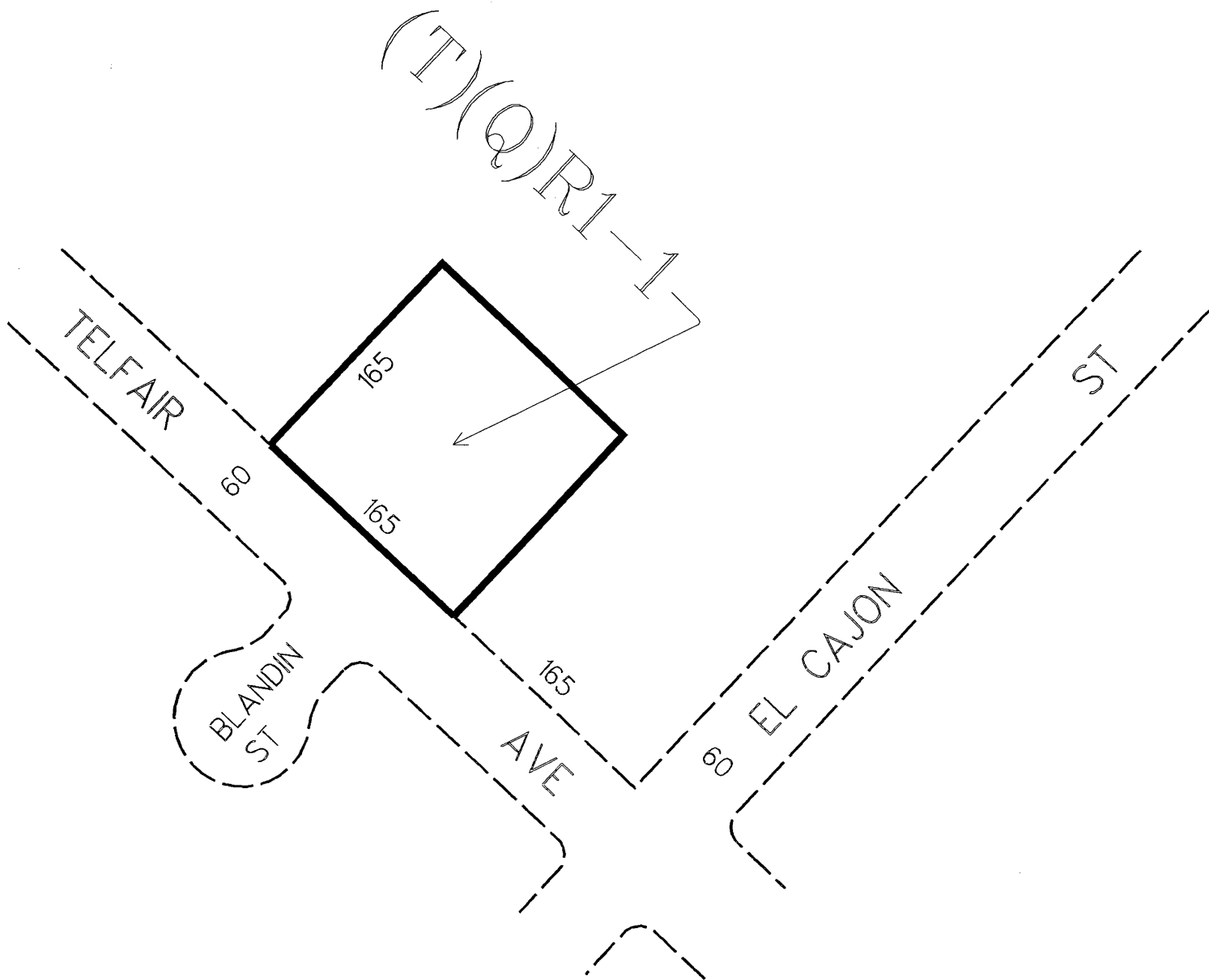
Notice: Certificates of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

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 145	APCNV 2006-0172 ZC
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AE/

10/03/06

[Q] QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32.G 2 of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the (Q) Qualified classification.

A. Entitlement Conditions.

1. Use. The use of the subject property shall comply with the use provisions of the R1-1 zone.
2. Lot Size. Notwithstanding LAMC Section 12.08 to the contrary, the minimum lot area shall be 7,500 square feet.
3. Density. A maximum of three (3) one family lots shall be permitted.
4. Site Plan. Prior to the issuance of a building permit for the subject project, detailed development plans shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject authorization.
5. Parking. Residential parking shall be provided pursuant to LAMC Section 12.21. A 4 and any amendment thereto,

B. Environmental Conditions

1. Aesthetics (Hillside Site Design). Grading shall be kept to a minimum. Natural features, such as prominent knolls or ridge lines shall be preserved. Project shall comply with the City's Hillside Development Guidelines.
2. 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.
3. Construction (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.
 - b. The owner or contractor shall maintain the construction area sufficiently dampened *to* control dust caused by grading, construction 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 the generation of excessive amounts 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 the generation of excessive amounts of dust.
 - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
4. Construction (Noise). The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the

- b. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
 - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.
5. Construction (Grading). Grading, excavations and fills shall comply with Chapter IX, Division 70 of the Municipal Code. All grading activities require shall receive grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within "hillside" areas. The application of Best Management Practices shall include but not be limited to the following measures:
- a. 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.
 - b. Appropriate erosion control and drainage devices shall be incorporated to the satisfaction of the Building and Safety Department, 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.
 - c. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
6. General Construction.
- a. 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 and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
 - b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
 - c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
 - d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
 - e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
 - e. 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.
7. **Liquefaction.** A geotechnical report shall be prepared by a registered civil engineer or certified engineering geologist in compliance with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss,

8. Stormwater and Urban Runoff Pollution. The project shall comply with the following:

- a. Ordinance Nos. 172,176 and 173,494 (Stormwater and Urban Runoff Pollution Control), which require the application of Best Management Practices (BMPs).
- b. Chapter IX, Division 70 of the Municipal Code, which addresses grading, excavations, and fills.
- c. The Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board (A copy of the SUSMP can be downloaded at <http://www.swrcb.ca.gov/rwqcb4/>).
- d. Applicable requirements associated with the National Pollutant Discharge Elimination System Permit regulations. The developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to the issuance of any building or grading permits. A General Permit for Stormwater Discharge shall be obtained from the Southern California Regional Water Quality Board, in accordance with NOI instructions.
- e. The Project is 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 shall be required from a California licensed civil engineer or licensed architect that the proposed BMPs comply with this numerical threshold standard.
- f. A Storm water Pollution Prevention Plan shall be prepared by a California licensed civil engineer or licensed architect, to the satisfaction of the Stormwater Management Division of the Bureau of Sanitation, that shall include the following:
 - 1) Identifies the sources of sediments and other pollutants that affect the quality of storm water discharge.
 - 2) A monitoring program and reporting plan for the construction period.The Stormwater Pollution Prevention Plan shall be retained at the construction site.
- g. Appropriate erosion control and drainage devices 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.
- h. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- i. All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping. The legibility of stencils must be maintained. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- j. The owner shall record a covenant and agreement satisfactory to the Department of City Planning 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.
- k. Design an efficient irrigation system to minimize runoff including: (1) drip irrigation for shrubs to limit excessive spray; (2) shutoff devices to prevent irrigation after significant precipitation; and (3) flow reducers.

9. Public Services (Fire). The requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, 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. The plot plan shall include the following minimum design features:

- a. Fire lanes, where required, shall be a minimum of 20 feet in width;
- b. All structures shall be within 300 feet of an approved fire hydrant;
- c. Entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

10. Public Services (Schools). If residential construction ever occurs, the applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at school serving the project area.

11. 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. [

C. Other Conditions

12. Posting of Construction Activities. The adjacent residents shall be given regular notification of major construction activities and their duration. A visible (at a distance of 50 feet) and readable sign shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.

13. Truck Traffic Restricted Hours. Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site shall occur on any local or collector street within the project vicinity outside of that time period.

D. Administrative Conditions

14. 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 Department of City Planning for placement in the subject file.

15. 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.

16. Building Plans. Page 1 of the grant 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.

17. 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 assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

19. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
20. **Condition Modification.** The authorized use shall be conducted at all times with due regard for the character of the surrounding neighborhood. The right is reserved to the Department of City Planning to impose additional corrective conditions if such conditions are deemed necessary for the protection of the neighborhood. (Note: Conditions cannot be modified to be less restrictive, except as allowed by these conditions or City law, except by filing a new application).
21. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, , officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant **of** any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

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 entrance to the City Hall; one copy on the bulletin board located at the Main Street Entrance to Los Angeles City Hall East; 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

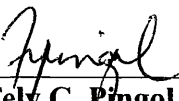
Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

Pursuant to Section 558 of the City Charter, the North Valley Area Planning Commission on August 17, 2006, recommended that this ordinance be adopted by the City Council.

By _____

City Attorney



Fely C. Pingol
Commission Executive Assistant

File No.

FINDINGS

1. General Plan Land Use Designation. The subject property is located within the area covered by the Sylmar Community Plan, which was adopted by the City Council on August 8, 1997. The Plan map designates the subject property Low Residential, which allows for the following zones: RE9, RS, R1, and RD6. The zone change request from RA-1 to R1-1 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, is consistent with the existing lot sizes and densities of the surrounding properties.

Further, the applicant has agreed to a minimum lot size of 7,500 square feet. This proposed lot size is consistent with the lot sizes immediately south of the proposed development (across Telfair Avenue), which are zoned RS-1. This request is the first zone change request on a block of properties that are zoned RA-1 (Suburban Zone, minimum lot size 17,500, minimum lot width 70- feet). Properties south-east and south-west of the site are primarily zoned RA-1 and RS-1 (Suburban Zone, minimum lot size 7,500, minimum lot width 60-feet). 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 interest 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. The Transportation Element of the General Plan will be affected by the recommended action herein. However, any necessary dedication and/or improvement of adjoining streets will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to 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. Street Lights. Any City required installation or upgrading of street lights is necessary to complete the City street improvement system sot as to increase night safety along the street which adjoin the subject property.
6. Environmental. For the reasons set forth in Proposed Mitigated Negative Declaration No. ENV 2006- 173-MND, the project will not have a significant effect on the environment.
7. Fish and Game. The subject project, which is located in Los Angeles County, Will Not have an impact on I fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2 The project qualified for the De Minimus Exemption from Fish and Game Fees (AB 3158).