



**CITY OF SAN FERNANDO  
COUNCIL CHAMBERS**

**PLANNING AND PRESERVATION COMMISSION AGENDA**

**December 6, 2011**

**Regular Meeting**

**1. CALL TO ORDER**

7:00 P.M.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Chairperson Julie Cuellar, Vice-chair Mario Rodriguez, Commissioners, Alvin F. Durham, Robert Montañez, and Jose Ruelas

**4. APPROVAL OF AGENDA**

December 6, 2011

**5. PUBLIC STATEMENTS**

There will be a three (3) minute limitation per each member of the audience who wishes to make comments in order to provide a full opportunity to every person who wishes to address the Commission on community planning matters not pertaining to items on this agenda.

**6. CONSENT CALENDAR**

Items on the consent calendar are considered routine and may be acted on by a single motion to adopt the staff recommendation or report. If the Commission wishes to discuss any item, it should first be removed from the consent calendar.

A. Approval of the Planning and Preservation Commission minutes of the November 1, 2011 meeting.

**7. NEW BUSINESS**

**A: Subject: Site Plan Review 2011-04 and Variance 2011-07**

**Location: 774 North Maclay Avenue, San Fernando, CA 91340**

**Applicant: Fawzy Tadros, 3009 Trudi Lane, Burbank, CA 91504**

**Proposal: The proposed project is a request to construct an approximately 1,800 square foot commercial building for use as a dental office with an ancillary pharmacy use at a vacant lot. The applicant is requesting the approval of a variance to provide a two-foot front setback and a 10-foot driveway for vehicles to access the proposed parking facilities at the rear of the property. The project site is an approximately 6,720 square foot lot located along the 700 block of North Maclay Avenue, between Glenoaks Boulevard and De Haven Street, within the Maclay District of the SP-4 (Corridor Specific Plan) zone.**

**Recommendation:** Staff recommends that the Planning and Preservation Commission approve Variance 2011-07 and Site Plan Review 2001-04, pursuant to Planning and Preservation Commission Resolution 2011-10 and conditions of approval attached as Exhibit “A” to the resolution (Attachment 1).

**B. Subject:** Affordable Housing Initiatives Update

**Location:** City of San Fernando

**Presentation:** Staff will present the Affordable Housing Initiatives Update requesting that the Planning and Preservation Commission provide staff with input regarding a proposed amendment to the City’s zoning and development standard for an affordable housing density bonus ordinance, as a first step in an effort to facilitate the development of various types of housing for all economic segments of the community.

If, in the future, you wish to challenge the items listed above in Court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Planning Commission at, or prior to, the public hearing. Decisions of Planning and Preservation Commission may be appealed to the City Council within 10 days following the final action.

8. **STAFF COMMUNICATIONS**

9. **COMMISSION COMMENTS**

10. **ADJOURNMENT**  
**Wednesday, January 4, 2012**

*Any public writings distributed to the Planning and Preservation Commission regarding any item on this regular meeting agenda will also be made available at the Community Development Department public counter at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City’s Web Site at [www.sfcity.org](http://www.sfcity.org).*

*In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services please call the Community Development Department office at (818) 898-1227 at least 48 hours prior to the meeting.*



**CITY OF SAN FERNANDO  
PLANNING COMMISSION**

**DRAFT MINUTES OF NOVEMBER 1, 2011, MEETING - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING IN THE COMMUNITY DEVELOPMENT DEPARTMENT.

**CALL TO ORDER**

The meeting was called to order by Chairperson Julie Cuellar at 7:04 P.M.

**PLEDGE OF ALLEGIANCE**

Led by Commissioner Robert Montañez

**ROLL CALL**

The following persons were recorded as present:

**PRESENT:** Chairperson Julie Cuellar, Vice-chair Mario Rodriguez, Commissioners Alvin F. Durham, Robert Montañez, and Jose Ruelas  
**ABSENT:** None  
**ALSO PRESENT:** City Planner Fred Ramirez, Assistant Planner Edgar Arroyo, and Community Development Secretary Michelle De Santiago

**PUBLIC STATEMENTS**

Ester Schiller – 10722 White Oak Avenue #5, Granada Hills, CA – Ms. Schiller asked the Planning and Preservation Commission to consider an ordinance for “Smoke-Free Choice in Apartments”. She gave a brief presentation on the issue.

**APPROVAL OF AGENDA**

Commissioner R. Montañez moved to approve the agenda of November 1, 2011. Seconded by Vice-chair M. Rodriguez, motion carried with the following vote:

**AYES:** R. Montañez, M. Rodriguez, J. Cuellar, A. Durham, and J. Ruelas  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**CONSENT CALENDAR**

Commissioner A. Durham moved to approve the minutes of October 4, 2011 meeting. Seconded by Commissioner J. Ruelas, the motion carried with the following vote:

**AYES:** A. Durham, J. Ruelas, J. Cuellar, R. Montañez, and M. Rodriguez  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

## **UNFINISHED BUSINESS**

None

## **PUBLIC HEARING 7A**

**Site Plan Review 2011-15 and Variance 2011-06 (Formerly Site Plan Review 2001-02 and Variance 2011-02) – 2010 Glenoaks Blvd., San Fernando, CA – Frigger Associates, Ltd., P.O. box 260128, Encino, CA – The proposed project is to construct an approximate 2,799 square foot addition to an existing commercial building. The project includes other improvements to the existing buildings and landscaping in the commercial center, and the total amount of available parking spaces will be increased. The applicant is also requesting the approval of a variance to allow for shared parking among businesses on different lots within the commercial center. The project site covers an area of approximately 117,000 square feet located along Glenoaks Boulevard, between Hubbard Street and Lazard Street within the C-2 (Commercial) zone.**

## **STAFF PRESENTATION**

Assistant Planner Edgar Arroyo gave the staff presentation recommending that the Planning and Preservation Commission approve Variance 2011-06 and Site Plan Review 2011-15 pursuant to Planning and Preservation Commission Resolution 2011-09 and conditions of approval attached as Exhibit “A” to the resolution (Attachment 1).

F. Ramirez explained the reason why the case was coming back to the Planning and Preservation Commission.

## **PUBLIC TESTIMONY**

None

## **COMMISSION DISCUSSION**

J. Ruelas asked if the proposed shared parking agreement was between the Food 4 Less and the new development.

E. Arroyo indicated that the agreement would be between all of the property owners of the subject sites at 2010 and 2040 Glenoaks Boulevard. He noted that the agreement would be a recorded document identifying the shared parking and that at no time could access to the existing parking be obstructed by erecting a wall or structure.

R. Montañez asked if that was part of the conditions of approval.

E. Arroyo pointed out the this requirements was noted in condition No. 9 of the project’s conditions of approval.

R. Montañez asked if the City of Los Angeles was in agreement with the shared parking requirement and how the agreement would be impacted if the parcels are sold off to different owners.

E. Arroyo indicated that the parcels could be sold to different entities. However, he also noted that the agreement is in place to ensure that there is always the minimum amount of parking needed for the current uses. If at any point a parcel and its respective parking is removed from being accessible to others within the current parking agreement, then the project site seeking the variance at 2010 Glenoaks Boulevard would be in violation the conditions of project approval.

F. Ramirez explained that the covenant is on the property and if that covenant can no longer be met by some other development, the owner on record would have to address the shortfall of the parking in order to comply with the project's conditions of approval.

J. Cuellar stated that the parking areas throughout the shopping center seem to be in need of maintenance. She asked if there needed to be language in the conditions of approval to address existing maintenance issues.

F. Ramirez indicated that the proposed project identifies 2010 Glenoaks Boulevard as the site for the majority of the physical improvements however, he noted that there are some additional physical improvements that are required to the parking facilities at 2040 Glenoaks Boulevard that must be undertaken in order to implement the shared parking agreement.

R. Montañez asked if the project will meet the landscape requirements for 2040 Glenoaks Boulevard.

F. Ramirez indicated that there is no new development being proposed for construction at 2040 Glenoaks Boulevard beyond the required re-striping to identify parking spaces as part of the shared parking agreement and therefore, no additional landscaping is required.

Subsequent to discussion Vice-chair M. Rodriguez moved to approved Variance 2011-06 and Site Plan Review 2011-15 pursuant to Planning and Preservation Commission Resolution 2011-09 and the conditions of approval attached as Exhibit "A" to the resolution. Seconded by Commissioner J. Ruelas, the motion carried with the following vote:

<b>AYES:</b>	M. Rodriguez, J. Ruelas, J. Cuellar, A. Durham, and R. Montañez
<b>NOES:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

## **STAFF COMMUNICATIONS**

F. Ramirez indicated that staff is currently working with the different council standing committees to consider a proposal by non-profit public advocacy groups for one or more ordinances ban smoking in apartment complexes, restaurants, and other public spaces. He also informed the commission about other ordinances that will be presented to the commission in the coming months. He indicated that he did talk to the Building and Safety Supervisor regarding potential building code violations associated with the carports at the apartment building at 650 Glenoaks Boulevard. He explained that city building and safety and code enforcement personnel are in communication with the property owner and their management company in order to address any potential building code and property maintenance issues at the subject site. He also informed the commission that any unresolved code issues that are not addressed after the required notification of the property owner may be referred to the City Prosecutor.

M. De Santiago informed the commission regarding the centennial pins provided to each commissioner as well as extending an invitation to the commissioners to take part in a trolley bus tour on Thursday, November 3, 2011 in order to showcase of the proposed new trolley route.

### **COMMISSION COMMENTS**

J. Cuellar asked if staff could provide the commission with any subsequent updates of code enforcement actions that take place with regards to the multi-family building at 650 Glenoaks Boulevard and the vacant single family home at 857 N. Brand Boulevard.

### **PUBLIC STATEMENTS**

None

### **ADJOURNMENT**

Commissioner R. Montañez moved to adjourn to the next regularly scheduled meeting of Tuesday, December 6, 2011. Second by Commissioner A. Durham, the motion carried with the following vote:

<b>AYES:</b>	R. Montañez, A. Durham, J. Cuellar, M. Rodriguez, and J. Ruelas
<b>NOES:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

7:43 P.M.

Fred Ramirez, Planning Commission Secretary

**MEETING DATE:** December 6, 2011

**PUBLIC HEARING:**

1. CHAIRPERSON TO OPEN THE ITEM AND REQUEST STAFF REPORT
2. STAFF PRESENTS REPORT
3. COMMISSION QUESTIONS ON STAFF REPORT
4. OPEN FOR PUBLIC HEARING
5. CLOSE PUBLIC HEARING
6. PLANNING AND PRESERVATION COMMISSION DISCUSSION
7. RECOMMENDED ACTION:
  - (a) **To Approve:**  
“I move to approve Variance 2011-07 and approve Site Plan Review 2011-04 at 774 N. Maclay Avenue, pursuant to Planning and Preservation Commission Resolution 2011-10 and conditions of approval attached as Exhibit “A” to the resolution (Attachment 1).
  - (b) **To Deny:**  
“I move to deny Variance 2011-07 and deny Site Plan Review 2011-04 at 774 N. Maclay Avenue, based on the following findings of fact...” (Roll Call Vote)
  - (c) **To Continue:**  
“I move to continue consideration Variance 2011-07 and continue Site Plan Review 2011-04, to a specific date...” (Roll Call Vote)

**PUBLIC HEARING:**

To Approve ( )

To Deny ( )

To Continue ( )

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Roll Call: \_\_\_\_\_

Item 7A:

**Variance 2011-07 and Site Plan Review 2011-04**

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## CITY OF SAN FERNANDO

### PLANNING AND PRESERVATION COMMISSION STAFF REPORT

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DATE: December 6, 2011

TO: SAN FERNANDO PLANNING AND PRESERVATION COMMISSION

FROM: Fred Ramirez, City Planner   
Prepared by: Edgar Arroyo, Assistant Planner 

SUBJECT: **Variance 2011-07 and Site Plan Review 2011-04**  
774 North Maclay Avenue, San Fernando, CA, 91340 (APN: 2515-014-010)

PROPOSAL: The proposed project is to construct an approximately 1,800 square foot commercial building for use as a dental office with an ancillary pharmacy use at a vacant lot located at 774 North Maclay Avenue. The applicant is requesting the approval of a variance to provide a two-foot front setback and a 10-foot wide driveway for vehicles to access the proposed parking facilities at the rear of the property. The project site is an approximately 6,720-square-foot lot located along the 700 block of North Maclay Avenue, between Glenoaks Boulevard and De Haven Street, within the Maclay District of the SP-4 (Corridors Specific Plan) zone.

APPLICANT(s): Fawzy Tadros, 3009 Trudi Lane, Burbank, CA 91504

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#### RECOMMENDATION:

Staff recommends that the Planning and Preservation Commission approve Variance 2011-07 and Site Plan Review 2011-04 pursuant to Planning and Preservation Commission Resolution 2011-10 and the conditions of approval attached as Exhibit "A" to the resolution (Attachment 1).

#### PROJECT OVERVIEW:

On April 20, 2011, Dr. Fawzy Tadros, the applicant for the proposed project, submitted a site plan review application to construct a new 2,000 square foot commercial building for use as a dental office on a vacant lot located at 774 N. Maclay Avenue. The proposed service commercial use as a dental office would be established at the project site pursuant to Section 2.1(D) of the development standards for the Maclay District and include an ancillary pharmacy use that would serve patrons and the nearby residential neighborhoods.

As part of the original proposal, the building would have been constructed to the property line along N. Maclay Avenue thereby maintaining a front setback that is comparable to that of the

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existing commercial buildings along the Maclay Avenue. Additionally, the project included a proposed parking facility to the rear of the property for nine vehicles accessible from by a 12-foot driveway, along the southwesterly portion of the property, fronting N. Maclay Avenue.

Subsequent to the initial submittal, staff provided comments to the applicant regarding the placement, size, and design of the proposed commercial building, along with comments regarding the width of the driveway aisle and the required on-site parking for the project. Staff continued to assist the applicant in refining and finalizing the proposed project. In regards to the required parking for the project, the originally proposed 2,000-square-foot building would have required 10 on-site parking spaces. The site would have been deficient in parking by only providing nine parking spaces. As such, staff recommended that the applicant search for off-site alternatives to comply with the parking requirements or reduce the size of the building.

In October 2011, the applicant submitted a revised set of plans that reduced the originally proposed size of the building from 2,000 square feet to 1,800 square feet in order to comply with the parking requirements. Also, the revised set of plans incorporated additional staff recommendations and site improvements to the façade of the building, landscaping, and layout of the parking lot at the rear of the property. Per staff's recommendation, the building would now provide a two-foot front setback along N. Maclay Avenue while being setback an additional two feet along the northwesterly portion of the building. This proposed configuration would allow for landscaping to be planted along the front of the building while providing a front setback that is similar to existing commercial buildings along N. Maclay Avenue. Pursuant to Section 5.1(B) of the development standards, the required front setback for new construction is 15 feet.

In addition, the revised project also includes the construction of a 10-foot wide driveway that would allow for vehicles to access the parking lot to the rear of the property from N. Maclay Avenue. Pursuant to Section 6.1 of the development standards, a driveway for two-way vehicular traffic is required to be a minimum of 20 feet in width and provide a five-foot setback along adjoining properties and a three-foot setback from adjacent buildings. The proposal includes the construction of the 10-foot driveway instead of the required 20-foot driveway due to physical site constraints created by the narrow width of the lot. The existing width of the project site, as originally subdivided, is 48 feet. The proposed front building setback and reduced vehicular driveway require the consideration of a variance by the Planning and Preservation Commission. As such, the applicant was informed that the proposal requires the submittal of a variance application for consideration of the proposed project by the commission.

On November 11, 2011, the applicant submitted a variance application for the city's consideration of a reduced front building setback and reduced vehicular driveway. Additional information regarding the requested variances from the applicable development standards is provided in Sections 4 and 5 of the analysis in this report.

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## BACKGROUND:

1. **Zoning and General Plan Designation:** The project site is located within the Maclay District of the SP-4 (Corridors Specific Plan) zone and land use designation in the city's general plan.
2. **Site Location and Description:** The project site is an approximately 6,720-square-foot vacant lot (140 feet in length by 48 feet in width) located along the 700 block of N. Maclay Avenue, between Glenoaks Boulevard and De Haven Street. The site is bound by similar and compatible service commercial uses within the Maclay District of the SP-4 (Corridors Specific Plan) zone to the north, south, and west, and residential uses within the R-1 (Single-Family Residential) and R-3 (Multiple Family) zones to the east.
3. **Environmental Review:** This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). It is staff's assessment that this project proposal qualifies for a Categorical Exemption under Class 32 (In-Fill Development Project) of San Fernando's CEQA Guidelines. If the Planning and Preservation Commission concurs with staff's determination, no further environmental assessment is necessary.
4. **Legal Notification:** On November 18, 2011, the public hearing notice was posted at two City Hall bulletins, at the County Public Library bulletin, and at the project site. Also, a notice was published in the November 19, 2011, legal advertisement section of the *Los Angeles Daily News* and on the on-line version of the *Daily News*. In addition, notices of this hearing were mailed to all property owners of record within 500 feet of the subject site.

## ANALYSIS:

1. **General Plan and Zoning Consistency.** The proposed construction of an 1,800-square-foot commercial building for use as a dental office with an ancillary pharmacy use is consistent with the following goals and objectives of the San Fernando General Plan Land Use Element by:

- ✓ Retaining the small town character of San Fernando;
- ✓ Promoting economic viability of commercial areas;
- ✓ Maintaining an identity that is distinct from surrounding communities; and,
- ✓ Attracting new commercial activities.

*(San Fernando General Plan Land Use Element Goals I-IV, Pg. IV-6)*

In addition, it is staff's assessment that the proposed building design and site improvements are consistent with the development standards for the Maclay District of the *San Fernando Corridors Specific Plan*. These standards seek to promote compatible building and site design that improves the visual quality of the surrounding area through aesthetically pleasing site planning, building design, and landscape architecture. The proposed project

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would be a significant improvement to the existing deteriorated vacant lot by the construction of a new building that employs a high quality of architectural design and various site improvements.

2. **Proposed Design.** As part of the proposed project, a new 1,800 square foot commercial building would be constructed on a currently vacant and deteriorated lot located at 774 N. Maclay Avenue. The new commercial building would include modern design style elements with various site improvements that assist in achieving a high quality of architectural design that is sought along properties within the Maclay District. The building would be constructed at a height of 17 feet, integrating well within the scale of existing commercial and residential buildings along the Maclay corridor. The building would be constructed with a two-foot front setback that is further setback to four feet along the midsection of the façade to improve building articulation and add depth. The proposed front setback would allow for the development to employ a similar front setback that exists on commercial buildings that are adjacent to and abut the project site, while incorporating areas for landscaping to be planted. The landscaping pockets within the front setback area would create a more inviting and aesthetically pleasing entry that also helps soften the front façade of the building.

The façade of the building would incorporate a stucco finish with the use of decorative expansion joints that break up would-be long sections of building wall. The entrances to the building are designed to face North Maclay Avenue, with design elements that are at a pedestrian scale. Decorative metal awnings would be located above each entrance and window along the pedestrian walkway located on the northeasterly portion of the property that creates a sheltered environment for pedestrians. Additionally, decorative brick veneer would wrap around the base of the building at an approximate height of three feet to add further detail to each elevation.

It is staff's assessment that the proposed design of the project would greatly improve the existing deteriorated condition of the vacant lot and provide a building with a high quality of architectural design. The proposed style of design is appropriate for the new commercial building and is a much needed improvement that will be visible along the prominent intersection of North Maclay Avenue and Glenoaks Boulevard.

3. **Parking Analysis.** The amount of parking required for the proposed dental office with an ancillary pharmacy use is determined by the overall size of the structure that is to be occupied. Pursuant to Section 8.1(E) of the development standards for the Maclay District, one parking space is required for every 200 square feet of floor area for medical and dental uses. The amount of parking required for the proposed project is as follows:

**Required**

Medical and Dental Offices:

9 parking spaces

1,800 square feet (One space per 200 square feet)

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Proposed

On-site Parking Spaces:

6 standard spaces  
2 compact spaces  
1 handicap accessible space

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**Total Provided:**

**9 parking spaces**

As proposed, the project would provide the parking required for the dental office use. The ancillary pharmacy use would be operated as part of the dental office and not as a stand alone business. As such, the parking ratio that is used for determining the required parking remains at one parking space for every 200 square feet of floor area. Therefore, it is staff's assessment that the project would comply with the development standards related to parking.

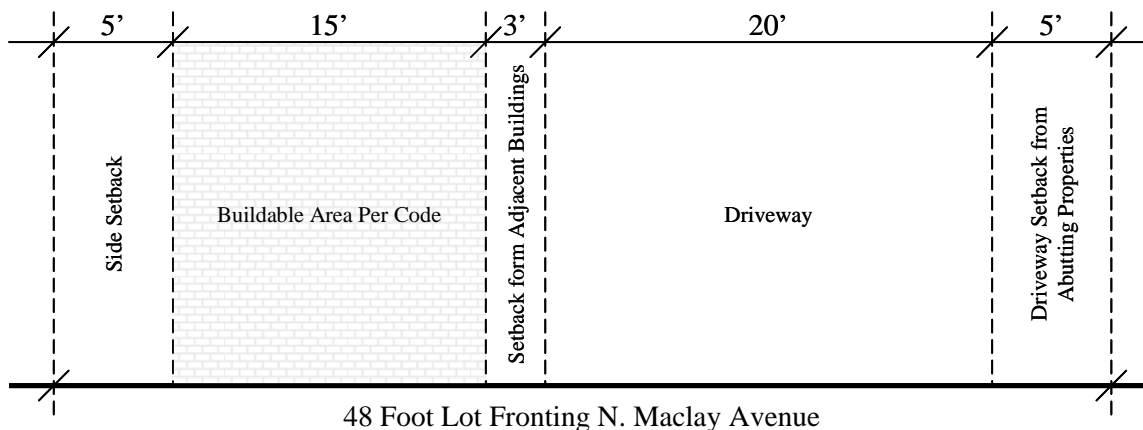
4. **Driveway.** As part of the proposed project, a 10-foot wide driveway would be constructed along the southwesterly portion of the property to allow vehicular ingress and egress to the parking facility at the rear from N. Maclay Avenue. The project would employ an active signaling system that would alert drivers entering or exiting the property of oncoming vehicles, before driving onto the driveway to avoid bottlenecking.

Pursuant to Section 6.1 of the development standards for the Maclay District, the minimum driveway width for two-way vehicular traffic is 20 feet. Additionally, the driveway is required to provide a five-foot landscaped setback along abutting properties and a three-foot setback from adjacent buildings. As proposed, a new 10-foot wide driveway would be constructed in lieu of the required 20-foot wide driveway and setback area due to constraints regarding the narrow width of the lot. As such, the applicant is requesting the approval of a variance to deviate from the development standards and provide a narrower driveway than is typically permitted for similarly zoned properties. The variance is due to physical site conditions in the shape of the lot that would otherwise result in an impediment to development of the lot, should strict adherence to all applicable commercial development standards be applied.

The project site is an approximately 6,720 square foot lot that is 140 feet in depth by 48 feet in width. It is staff's assessment that the narrow width of the lot creates a physical constraint on the development of the site with the strict implementation of all applicable development standards. By implementing all of the development standards required for driveway, approximately 33 feet of the width of the lot would be required to be maintained clear for building setbacks, driveway setbacks, and the driveway itself, as illustrated on the following page.

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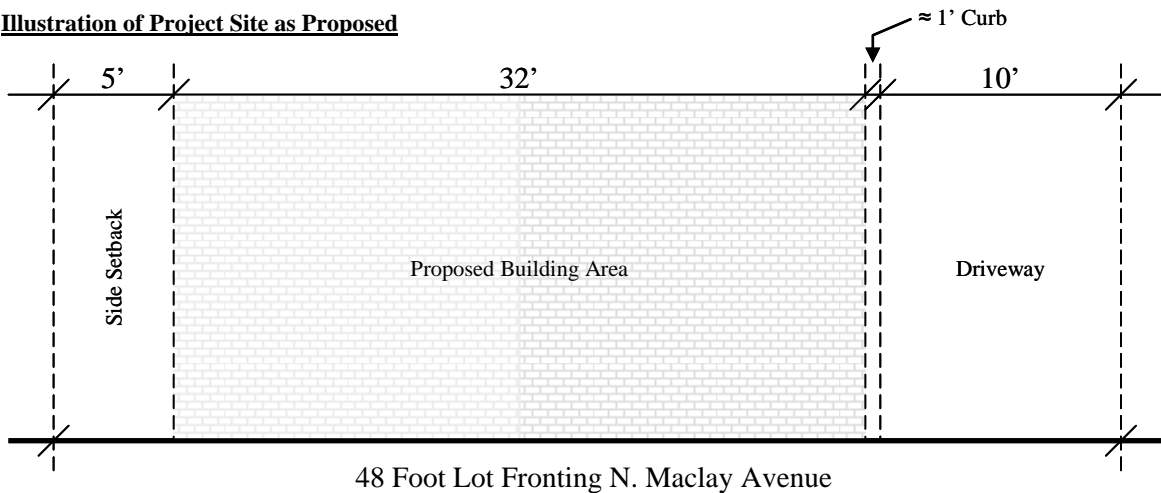
**Illustration of Project Site with All Applicable Development Standards**



In total, approximately 68.8 percent of the width of the lot would need to be dedicated to setback and driveway area, creating an impediment for the development of the lot and limiting the ability of the project to provide a high quality building and site design that is sought within the Maclay District and integrates well with existing development along the Maclay corridor.

The proposed placement of the new commercial building and approval of a variance to provide a 10-foot wide driveway would result in well designed project that provides the required parking for the intended dental and ancillary pharmacy uses. In providing a 32-foot-wide front façade, the design of the building is able to incorporate two functional storefront entrances along N. Maclay Avenue, with building elements that create an inviting and active pedestrian environment. Furthermore, the proposed driveway configuration would be similar to those that currently exist for some commercial properties within the district. More specifically, the abutting properties at 756 and 760 North Maclay Avenue are developed with 10-foot wide driveways that provide access to on-site parking. An illustration is provided below to show the proposed building coverage along North Maclay Avenue. The detailed elevations for the project are also provided as Attachment 6 to this report.

**Illustration of Project Site as Proposed**





Therefore, it is staff's assessment that the requested variance is merited due to the physical constraints resulting from the width of the lot. To mitigate potential concerns of bottlenecking along the driveway, staff has included as a condition of approval that the applicant will provide the active signaling system that will alert drivers of any oncoming vehicles before entering the driveway. Further information regarding the proposed variance and the required findings are provided in Section 6 of the analysis.

5. **Setbacks.** Pursuant to Section 5.1(B) of the development standards for the Maclay District, the front setback for all new development shall be 15 feet. As proposed, half of the 32-foot frontage (16 feet) of the new commercial building would be constructed with a two-foot front setback. The remaining portion of the frontage would be constructed with a four-foot front setback to add depth to the design of the building and provide landscaping within the setback area. The addition of landscaping within the front setback will help create an inviting entry along active storefronts to be located on N. Maclay Avenue and assists in softening the massing of the building by incorporating elements that are of a pedestrian scale.

However, the proposal to construct the building with a two-foot front setback would not comply with the minimum front setback requirement. Therefore, the applicant is requesting approval of a variance to deviate from the development standards that require a 15-foot front setback.

In review of the project, it is staff's assessment that the proposed site and building layout would allow the building to be constructed with similar front setbacks that exist on abutting and neighboring commercial properties within the Maclay District. In a survey conducted by staff along the 700 block of N. Maclay Avenue, it was determined that eight out of ten commercial buildings along the block are constructed with their frontage built out to the front property line. The findings of staff's survey are included below and a map noting those properties is provided as Attachment 4 to this report.

<i><b>Commercial Properties along 700 Block of North Maclay Avenue</b></i>	
<i><u>Property</u></i>	<i><u>Built Out to Front Property Line</u></i>
701 North Maclay Avenue	Yes
707 North Maclay Avenue	Yes
715 North Maclay Avenue	No
716 North Maclay Avenue	Yes
722 North Maclay Avenue	Yes
731 North Maclay Avenue	Yes
750 North Maclay Avenue	Yes
756 North Maclay Avenue	Yes
760 North Maclay Avenue	Yes
776 North Maclay Avenue	No

It is staff's assessment that the proposed commercial building would be constructed with a front setback similar to those that exist on other properties along the 700 block of N.

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Maclay Avenue. However, in this case, the frontage would be setback at two feet instead of being built out to the property line, as noted in staff's survey of similar properties above. In addition, half of the front façade of the building would be further setback to four feet to add additional depth to the building and allow for the project to incorporate landscaping pockets to soften the front elevation. Additionally, by locating the proposed commercial building closer to the street will allow the project to accommodate the nine parking spaces that are required for the proposed dental and ancillary pharmacy use.

It is staff's assessment that strict adherence to the development standards for front setbacks would require the building to be constructed further to the rear and eliminate necessary space to provide the required parking, parking aisle, perimeter landscaping, and pedestrian path of travel, creating an impediment to the development of the lot. Also, approval of the requested variance for front building setbacks would allow the project to provide the required parking on-site and help would alleviate conditions regarding the limited number of on-street public parking along N. Maclay Avenue.

Therefore, it is staff's assessment the requested variance in this case is warranted to allow the project to incorporate a high quality of architectural design that would fit well with neighboring commercial and residential properties in the vicinity. Further information regarding the proposed variance and the required findings are provided in Section 6 of the analysis.

6. **Variance.** A variance is a discretionary permit issued by the Planning and Preservation Commission allowing a property owner to deviate from a development standard or to build a structure not otherwise permitted under the applicable development standards. The statutory justification for a variance is that the owner would otherwise suffer a unique hardship under the general zoning regulations because the particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location and/or surroundings.

A variance is subject to discretionary review by the Planning and Preservation Commission. The variance review process allows the commission the opportunity to assess the proposal's consistency with the city's general plan policies, redevelopment plan goals and objectives, zoning development standards, and design guidelines. This process provides for a review of the quality of site design and building layout, and of compatibility of the proposed development within its immediate surroundings.

Conditions imposed on the applicant through the discretionary review process may call for any measures that are reasonably related to the project. This principal is applied in the form of seven findings of fact that the commission must consider in making its decision. All findings must be justified and upheld in the affirmative for approval of the variance. A negative determination on any single finding will uphold a denial.

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If the Planning and Preservation Commission concurs with staff's assessment, it would be the commission's determination that the findings for approval of the variance could be made in this instance based on the aforementioned discussion, and as explained below.

- **There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.**

The proposed project entails the construction of a new 1,800-square-foot commercial building on a deteriorated vacant lot located at 774 N. Maclay Avenue. The project site is an approximately 6,720 square foot lot that is 140 feet in depth by 48 feet in width. As part of the project, the applicant is requesting the approval of variances to deviate from the applicable development standards relating to front building setbacks and the required minimum vehicular driveway width. As proposed, the project would be constructed with a front building setback of two feet along North Maclay Avenue, in lieu of the required 15-foot front setback. Additionally, a 10-foot driveway would be constructed along the southwesterly portion of the property to provide vehicular access to the on-site parking lot located at the rear of the property, in lieu of the required 20-foot wide driveway, five-foot setback from abutting properties, and three-foot setback from adjacent buildings.

In review of the project, the variances requested by the applicant are warranted in this case due to the fact that strict application of the zoning ordinance and applicable development standards would create an impediment to development of the property based on physical constraints resulting from the narrow width of the lot. The proposed two to four foot front building setback would allow for the project to be developed with similar setbacks that exist on neighboring commercial buildings. As such, the requested variance to allow for a two to four foot front setback would allow for the development to a new and modern style front façade that is consistent with the existing development pattern for commercial buildings along the 700 block of N. Maclay Avenue and improve upon it through the implementation of various site improvements. The project would incorporate landscaping within the front setback to soften and improve the aesthetic appearance of the front façade. Additionally, by locating the building closer to the street, the applicant is able to provide the required parking for the project on-site at the rear of the property and reduce the potential demand for limited on-street parking.

The proposed 10-foot wide driveway would allow for vehicular ingress and egress to the on-site parking lot located at the rear of the property from N. Maclay Avenue. The proposed driveway would maintain a similar width to other driveways that currently existing on neighboring commercial properties on the same block. The proposed driveway configuration allows the commercial building to be constructed with two prominent and functional storefronts facing the street while incorporating the sought

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after design elements at a pedestrian scale and creates ample area at the rear of the property to maintain the required parking for the project. Strict implementation of the development standards on this narrow, 48-foot, commercial lot would reduce the maximum buildable area to 15 feet, or 31.2 percent of the width of the lot, resulting in an ongoing impediment to development of a quality project at the subject site that is consistent with the pattern of commercial development sought within the Maclay District. Therefore, there are special circumstances associated with the physical characteristics applicable to this property related to the size, shape, location, and surroundings that create constraints to strict application of aforementioned development standards that would deprive the property owner of privileges enjoyed by other properties in the vicinity and under the identical zoning classification. Thus, it is staff's recommendation that this finding can be made in this case.

- **The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located.**

The granting of variances to deviate from the applicable development standards relating to front building setbacks and the required minimum vehicular driveway width and subject to the conditions of project approval would allow for the proposed project to be constructed in substantial conformance with the design guidelines for the Maclay District. The proposed two to four foot front setback would allow for the building to be constructed with similar front building setbacks to that of existing neighboring commercial properties. Also, in contrast to the existing properties, the project would incorporate landscaping within the two to four foot front setback that would create and inviting entry and soften the façade of the building as viewed from Maclay Avenue.

In addition, the request to construct a 10-foot wide vehicular driveway would provide access to the parking spaces located at the rear of the property from N. Maclay Avenue. To improve safety, a condition of project approval requires installation of an active signaling system in order to alert drivers of oncoming vehicles before entering the driveway to prevent bottlenecks. The driveway would be constructed in similar width to existing driveways on neighboring commercial properties. Furthermore, by locating the commercial building close to the street and providing a 10-foot driveway, the required parking for the project can be provide completely on-site, without impacting the limited availability of on-street parking. Therefore, the granting of the requested variances will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located. Thus, it is staff's recommendation that this finding can be made in this case.

- **The granting of such variance will not be contrary to or in conflict with the general purposes and intent of the zoning ordinance, nor to the goals and programs of the General Plan.**
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The granting of variances to deviate from the applicable development standards relating to front building setbacks and the required minimum vehicular driveway width would enable the site to be utilized for its maximum potential while providing a building design and site improvements including traffic safety measures that are consistent with the development standards for the Maclay District and safe guard the public health, safety, and general welfare of the community. The development standards for this district seek to promote compatible building and site design on a narrow commercial lot that improves the visual quality of the surrounding area through aesthetically pleasing site planning, building design, and landscape architecture.

The general intent and purpose of the variance section in the city's zoning ordinance is to relieve a property owner from the inability to make reasonable use of a property in the same manner that other properties of like character in the vicinity and zone can be used (City Code Section 106-291). By providing a two to four foot front building setback, the project would be constructed with similar setbacks to that of existing commercial buildings along the 700 block of N. Maclay Avenue.

However, unlike similar properties that have their frontage constructed up to the property line, the project would be further improved with landscaping in the proposed two to four foot front setback. Additionally, the proposed 10-foot wide driveway would provide access to the on-site parking spaces located at the rear of the property in a similar configuration to the abutting commercial properties located at 756 and 760 N. Maclay Avenue. Together, the requested setback and driveway variances would enable the project to comply the required on-site parking for the project and enable the property owner to make use of the site in the same manner that other properties in the vicinity and zone can be used.

The proposed project with the requested variances would allow for much needed physical improvements to the subject property. As proposed, the project would improve the deteriorated and blighted condition of the vacant lot in a manner that is consistent with goals and objectives of the San Fernando General Plan Land Use Element by "retaining the small town character of San Fernando, promoting the economic viability of commercial areas, maintaining an identity that is distinct from surrounding communities, and attracting new commercial activities" within the city (General Plan Land Use Element Goals 1-3 and Objective 2, Pg. IV-6). In addition, the requested variances would allow for the overall project to meet the intended purpose and function of the city general plan by "establishing a pattern of compatible uses that reflects existing conditions and to guide future development." Therefore, the granting of the requested variances will not be contrary to or in conflict with the general purposes and intent of the zoning ordinance, nor to the goals and programs of the general plan. Thus, it is staff's recommendation that this finding can be made in this case.

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- **The variance request is consistent with the purpose and intent of the zone in which the site is located.**

The purpose and intent of the Maclay District of the SP-4 (Corridors Specific Plan) zone is to establish a mixed-use spine along the Maclay Corridor that is integrated with the residential properties that lie behind. Pursuant to Section 2.1(D) of the development standards for the district, the proposed dental office is a permitted use that would provide a residentially-compatible use that would be available to serve the residents of nearby residential neighborhoods.

The granting of variances to deviate from the applicable development standards relating to front building setbacks and the required minimum vehicular driveway width would allow for the required parking for the project to be located on-site, while providing secure vehicular access along a driveway that will be signalized to prevent bottlenecks. In addition, the proposed building design and site improvements are consistent with the development standards for the district, which seek to promote compatible building and site design that improves the visual quality of the surrounding area through aesthetically pleasing site planning, building design, and landscape architecture. The project would be constructed with front setbacks and a driveway width that is similar to those of neighboring and abutting properties, allowing the building to fit well within its surroundings while safeguarding pedestrian and vehicular safety along Maclay Avenue. Therefore, the requested variances are consistent with the purpose and intent of the Maclay District of the SP-4 (Corridors Specific Plan) zone. Thus, it is staff's recommendation that this finding can be made in this case.

- **The subject site is physically suitable for the proposed variance.**

The project site is an approximately 6,720-square-foot lot that is 140 feet in depth by 48 feet in width, located at 774 North Maclay Avenue. The granting of variances to deviate from the applicable development standards relating to front building setbacks and the required minimum vehicular driveway width would allow for the project to comply with other applicable development standards that would otherwise be infeasible due to the narrow width of the lot. Due to the narrow width of the lot, strict implementation of all applicable development standards would reduce the maximum buildable width of a building on the subject site to 15 feet. In addition, the 20-foot driveway, with the applicable clearances from abutting properties and adjacent buildings, would significantly reduce the area available to provide vehicular parking on-site. This condition would create an impediment to high quality development of the property in conformance with the design guidelines of the Maclay District. Therefore, approval of the narrower driveway width with the proposed traffic mitigation measures to safeguard vehicular traffic flow to and from the site will enable development of a commercial building with high quality architectural design and functional storefronts that invite and protect pedestrian and vehicular traffic on Maclay Avenue while still providing the pattern of commercial development envisioned for the corridor. Furthermore, the proposed project would provide a setback and driveway width

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similar to other commercial properties along the 700 block of North Maclay, while providing a high quality of architectural design, the required parking, attractive front setback landscaping, and additional site improvements. Thus, it is staff's recommendation that this finding can be made in this case.

- **There are adequate provisions for water, sanitation and public utilities and services to ensure that the proposed variance would not be detrimental to public health and safety.**

The proposed construction of the new commercial building would be adequately served by future water, sanitation, and public utilities that will be developed as part of the project. All infrastructure and utility upgrades that are necessary for the proposed new development would be made in compliance with the requirements of the city's current building codes and any additional requirements from the Community Development Department and Public Works Department. Additionally, as applicable to all new development, the project would provide for undergrounding of all overhead utility lines.

The proposed front setback and driveway variances will not have an impact on existing or future water, sanitation and public utilities and services as all new services would be established on the currently vacant lot as part of the project. Thus, it is staff's recommendation that this finding can be made in this case.

- **There will be adequate provisions for public access to service the property which is the subject of the variance.**

The proposed construction of the new commercial building that results in the redevelopment of the vacant lot would require physical improvements to the site in order to accommodate the proposed project and provide adequate public access to and from the site. As part of the project, pedestrian access to and from the street and the parking facilities at the rear would be provided by a handicap accessible walkway along the northeasterly portion of the property. Additionally, the project site would maintain adequate vehicular access through a 10-foot wide driveway that would be constructed along the southwesterly portion of the property. The proposed driveway's overall design will ensure adequate dimensions to accommodate entry for emergency response personnel and patron's vehicles from N. Maclay Avenue. Also, the project would implement an active signaling system as a required traffic mitigation measure that would alert drivers entering and exiting the property of oncoming vehicles to prevent bottlenecks along the driveway. Thus, it is staff's recommendation that this finding can be made in this case.

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## **CONCLUSION:**

In light of the forgoing analysis, it is staff's assessment that the requested variances to allow a two to four foot front setback and a 10-foot wide driveway would significantly improve the subject property in a manner consistent with the general plan's goals and objectives, and the development standards and design guidelines for the Maclay District of the SP-4 (Corridors Specific Plan) zone.

Therefore, staff recommends that the Planning and Preservation Commission approve Variance 2011-07 and Site Plan Review 2011-04 pursuant to Planning and Preservation Commission Resolution 2011-10 and conditions of approval attached as Exhibit "A" to the resolution (Attachment 1).

## **ATTACHMENTS (6):**

1. Planning and Preservation Commission Resolution 2011-10 and Exhibit "A": Conditions of Approval
  2. Vicinity Map
  3. Zoning Map
  4. Existing Setbacks for Commercial Properties – 700 Block of North Maclay Avenue
  5. Project Site Photos
  6. Proposed Site Plan, Floor Plan, and Elevations
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**ATTACHMENT 1:**

**Planning and Preservation Commission  
Resolution 2011-10 and  
Exhibit “A”: Conditions of Approval**

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## RESOLUTION NO. 2011-10

### **A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING VARIANCE 2011-07 AND SITE PLAN REVIEW 2011-04 TO ALLOW FOR THE CONSTRUCTION OF A NEW 1,800-SQUARE-FOOT COMMERCIAL BUILDING FOR USE AS A DENTAL OFFICE WITH AN ANCILLARY PHARMACY USE AND ALLOW FOR THE PROJECT TO BE CONSTRUCTED WITH A TWO-FOOT FRONT SETBACK AND A 10-FOOT WIDE DRIVEWAY AT 774 NORTH MACLAY AVENUE.**

WHEREAS, an application has been filed by Fawzy Tadros with the city to construct a new 1,800-square-foot commercial building for use as a dental office with an ancillary pharmacy use. The subject property is an approximate 6,720-square-foot lot located at 774 North Maclay Avenue, within the Maclay District of the SP-4 (Corridors Specific Plan) zone; and

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the project, written and oral at the public hearing held on the 6th day of December 2011.

NOW, THEREFORE, BE IT RESOLVED that the Planning and Preservation Commission finds as follows:

SECTION 1: This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). It is staff's assessment that this project proposal qualifies for a Categorical Exemption under Class 32 (In-Fill Development Project) of San Fernando's CEQA Guidelines; and

SECTION 2: The proposed project and provisions for its design and improvements are consistent with the objectives, policies, and general land uses and programs provided in the City's General Plan; and

SECTION 3: Pursuant to City Code §106-295, the Planning and Preservation Commission finds that the following findings for Variance 2011-07, to allow for a two-foot front setback and a 10-foot wide driveway, have been justified and upheld in the affirmative. The Planning and Preservation Commission findings are as follows:

- 1) There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges, enjoyed by other property in the vicinity and under the identical zoning classification.**

The proposed project entails the construction of a new 1,800-square-foot commercial building on a deteriorated vacant lot located at 774 N. Maclay Avenue. The project site is an approximately 6,720 square foot lot that is 140 feet in depth by 48 feet in width. As part of the project, the applicant is requesting the approval of variances to deviate from the applicable development

standards relating to front building setbacks and the required minimum vehicular driveway width. As proposed, the project would be constructed with a front building setback of two feet along North Maclay Avenue, in lieu of the required 15-foot front setback. Additionally, a 10-foot driveway would be constructed along the southwesterly portion of the property to provide vehicular access to the on-site parking lot located at the rear of the property, in lieu of the required 20-foot wide driveway, five-foot setback from abutting properties, and three-foot setback from adjacent buildings.

In review of the project, the variances requested by the applicant are warranted in this case due to the fact that strict application of the zoning ordinance and applicable development standards would create an impediment to development of the property based on physical constraints resulting from the narrow width of the lot. The proposed two to four foot front building setback would allow for the project to be developed with similar setbacks that exist on neighboring commercial buildings. As such, the requested variance to allow for a two to four foot front setback would allow for the development to a new and modern style front façade that is consistent with the existing development pattern for commercial buildings along the 700 block of N. Maclay Avenue and improve upon it through the implementation of various site improvements. The project would incorporate landscaping within the front setback to soften and improve the aesthetic appearance of the front façade. Additionally, by locating the building closer to the street, the applicant is able to provide the required parking for the project on-site at the rear of the property and reduce the potential demand for limited on-street parking.

The proposed 10-foot wide driveway would allow for vehicular ingress and egress to the on-site parking lot located at the rear of the property from N. Maclay Avenue. The proposed driveway would maintain a similar width to other driveways that currently existing on neighboring commercial properties on the same block. The proposed driveway configuration allows the commercial building to be constructed with two prominent and functional storefronts facing the street while incorporating the sought after design elements at a pedestrian scale and creates ample area at the rear of the property to maintain the required parking for the project. Strict implementation of the development standards on this narrow, 48-foot, commercial lot would reduce the maximum buildable area to 15 feet, or 31.2 percent of the width of the lot, resulting in an ongoing impediment to development of a quality project at the subject site that is consistent with the pattern of commercial development sought within the Maclay District. Therefore, there are special circumstances associated with the physical characteristics applicable to this property related to the size, shape, location, and surroundings that create constraints to strict application of aforementioned development standards that would deprive the property owner of privileges enjoyed by other properties in the vicinity and under the identical zoning classification. Thus, it is the commission's assessment that this finding can be made in this case.

- 2) The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located.**

The granting of variances to deviate from the applicable development standards relating to front building setbacks and the required minimum vehicular driveway width and subject to the

conditions of project approval would allow for the proposed project to be constructed in substantial conformance with the design guidelines for the Maclay District. The proposed two to four foot front setback would allow for the building to be constructed with similar front building setbacks to that of existing neighboring commercial properties. Also, in contrast to the existing properties, the project would incorporate landscaping within the two to four foot front setback that would create an inviting entry and soften the façade of the building as viewed from Maclay Avenue.

In addition, the request to construct a 10-foot wide vehicular driveway would provide access to the parking spaces located at the rear of the property from N. Maclay Avenue. To improve safety, a condition of project approval requires installation of an active signaling system in order to alert drivers of oncoming vehicles before entering the driveway to prevent bottlenecks. The driveway would be constructed in similar width to existing driveways on neighboring commercial properties. Furthermore, by locating the commercial building close to the street and providing a 10-foot driveway, the required parking for the project can be provided completely on-site, without impacting the limited availability of on-street parking. Therefore, the granting of the requested variances will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located. Thus, it is the commission's assessment that this finding can be made.

**3) The granting of such variance will not be contrary to or in conflict with the general purposes and intent of the zoning ordinance, nor to the goals and programs of the General Plan.**

The granting of variances to deviate from the applicable development standards relating to front building setbacks and the required minimum vehicular driveway width would enable the site to be utilized for its maximum potential while providing a building design and site improvements including traffic safety measures that are consistent with the development standards for the Maclay District and safeguard the public health, safety, and general welfare of the community. The development standards for this district seek to promote compatible building and site design on a narrow commercial lot that improves the visual quality of the surrounding area through aesthetically pleasing site planning, building design, and landscape architecture.

The general intent and purpose of the variance section in the city's zoning ordinance is to relieve a property owner from the inability to make reasonable use of a property in the same manner that other properties of like character in the vicinity and zone can be used (City Code Section 106-291). By providing a two to four foot front building setback, the project would be constructed with similar setbacks to that of existing commercial buildings along the 700 block of N. Maclay Avenue.

However, unlike similar properties that have their frontage constructed up to the property line, the project would be further improved with landscaping in the proposed two to four foot front setback. Additionally, the proposed 10-foot wide driveway would provide access to the on-site parking spaces located at the rear of the property in a similar configuration to the abutting

commercial properties located at 756 and 760 N. Maclay Avenue. Together, the requested setback and driveway variances would enable the project to comply the required on-site parking for the project and enable the property owner to make use of the site in the same manner that other properties in the vicinity and zone can be used.

The proposed project with the requested variances would allow for much needed physical improvements to the subject property. As proposed, the project would improve the deteriorated and blighted condition of the vacant lot in a manner that is consistent with goals and objectives of the San Fernando General Plan Land Use Element by “retaining the small town character of San Fernando, promoting the economic viability of commercial areas, maintaining an identity that is distinct from surrounding communities, and attracting new commercial activities” within the city (General Plan Land Use Element Goals 1-3 and Objective 2, Pg. IV-6). In addition, the requested variances would allow for the overall project to meet the intended purpose and function of the city general plan by “establishing a pattern of compatible uses that reflects existing conditions and to guide future development.” Therefore, the granting of the requested variances will not be contrary to or in conflict with the general purposes and intent of the zoning ordinance, nor to the goals and programs of the general plan. Thus, it is the commission’s assessment that this finding can be made.

**4) The variance request is consistent with the purpose and intent of the zone in which the site is located.**

The purpose and intent of the Maclay District of the SP-4 (Corridors Specific Plan) zone is to establish a mixed-use spine along the Maclay Corridor that is integrated with the residential properties that lie behind. Pursuant to Section 2.1(D) of the development standards for the district, the proposed dental office is a permitted use that would provide a residentially-compatible use that would be available to serve the residents of nearby residential neighborhoods.

The granting of variances to deviate from the applicable development standards relating to front building setbacks and the required minimum vehicular driveway width would allow for the required parking for the project to be located on-site, while providing secure vehicular access along a driveway that will be signalized to prevent bottlenecking. In addition, the proposed building design and site improvements are consistent with the development standards for the district, which seek to promote compatible building and site design that improves the visual quality of the surrounding area through aesthetically pleasing site planning, building design, and landscape architecture. The project would be constructed with front setbacks and a driveway width that is similar to those of neighboring and abutting properties, allowing the building to fit well within its surroundings while safeguarding pedestrian and vehicular safety along Maclay Avenue. Therefore, the requested variances are consistent with the purpose and intent of the Maclay District of the SP-4 (Corridors Specific Plan) zone. Thus, it is the commission’s assessment that this finding can be made.

**5) The subject site is physically suitable for the proposed variance.**

The project site is an approximately 6,720-square-foot lot that is 140 feet in depth by 48 feet in width, located at 774 North Maclay Avenue. The granting of variances to deviate from the applicable development standards relating to front building setbacks and the required minimum vehicular driveway width would allow for the project to comply with other applicable development standards that would otherwise be infeasible due to the narrow width of the lot. Due to the narrow width of the lot, strict implementation of all applicable development standards would reduce the maximum buildable width of a building on the subject site to 15 feet. In addition, the 20-foot driveway, with the applicable clearances from abutting properties and adjacent buildings, would significantly reduce the area available to provide vehicular parking on-site. This condition would create an impediment to high quality development of the property in conformance with the design guidelines of the Maclay District. Therefore, approval of the narrower driveway width with the proposed traffic mitigation measures to safeguard vehicular traffic flow to and from the site will enable development of a commercial building with high quality architectural design and functional storefronts that invite and protect pedestrian and vehicular traffic on Maclay Avenue while still providing the pattern of commercial development envisioned for the corridor. Furthermore, the proposed project would provide a setback and driveway width similar to other commercial properties along the 700 block of North Maclay, while providing a high quality of architectural design, the required parking, attractive front setback landscaping, and additional site improvements. Thus, it is the commission's assessment that this finding can be made.

**6) There are adequate provisions for water, sanitation and public utilities and services to ensure that the proposed variance would not be detrimental to public health and safety.**

The proposed construction of the new commercial building would be adequately served by future water, sanitation, and public utilities that will be developed as part of the project. All infrastructure and utility upgrades that are necessary for the proposed new development would be made in compliance with the requirements of the city's current building codes and any additional requirements from the Community Development Department and Public Works Department. Additionally, as applicable to all new development, the project would provide for undergrounding of all overhead utility lines.

The proposed front setback and driveway variances will not have an impact on existing or future water, sanitation and public utilities and services as all new services would be established on the currently vacant lot as part of the project. Thus, it is the commission's assessment that this finding can be made.

**7) There will be adequate provisions for public access to service the property which is the subject of the variance.**

The proposed construction of the new commercial building that results in the redevelopment of the vacant lot would require physical improvements to the site in order to accommodate the proposed project and provide adequate public access to and from the site. As part of the project, pedestrian access to and from the street and the parking facilities at the rear would be provided by a handicap accessible walkway along the northeasterly portion of the property. Additionally, the

project site would maintain adequate vehicular access through a 10-foot wide driveway that would be constructed along the southwesterly portion of the property. The proposed driveway's overall design will ensure adequate dimensions to accommodate entry for emergency response personnel and patron's vehicles from N. Maclay Avenue. Also, the project would implement an active signaling system as a required traffic mitigation measure that would alert drivers entering and exiting the property of oncoming vehicles to prevent bottlenecking along the driveway. Thus, it is the commission's assessment that this finding can be made.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby approves Variance 2011-07 and Site Plan Review 2011-04, subject to the conditions attached as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 6th day of December 2011.

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JULIE CUELLAR, CHAIRPERSON

ATTEST:

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FRED RAMIREZ, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   ) ss  
CITY OF SAN FERNANDO     )

I, FRED RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 6th day of December 2011; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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FRED RAMIREZ, SECRETARY TO THE PLANNING AND  
PRESERVATION COMMISSION

**EXHIBIT “A”**  
**CONDITIONS OF APPROVAL**

**PROJECT NO.** : **Variance 2011-07 and Site Plan Review 2011-04**

**PROJECT ADDRESS** : 774 North Maclay Avenue (APN: 2515-014-010)

**PROJECT DESCRIPTION** : The proposed project is to construct an approximately 1,800 square foot commercial building for use as a dental office with an ancillary pharmacy use at a vacant lot located at 774 North Maclay Avenue. The applicant is requesting the approval of a variance to provide a two-foot front setback and a 10-foot wide driveway for vehicles to access the proposed parking facilities at the rear of the property. The project site is an approximately 6,720-square-foot lot located along the 700 block of North Maclay Avenue, between Glenoaks Boulevard and De Haven Street, within the Maclay District of the SP-4 (Corridors Specific Plan) zone.

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The following conditions shall be made a part of the approval of the project, and shall be complied with in their entirety, as determined by the Community Development Department:

1. Variance Entitlement. The variance is granted for the land described in this application and any attachments thereto, as reviewed by the Planning and Preservation Commission on December 6, 2011, except as herein modified to comply with these Conditions of Approval.
2. Occupancy per Approval. The subject property shall be improved in substantial conformance with the plans, as reviewed by the Planning and Preservation Commission on December 6, 2011, except as herein modified to comply with these Conditions of Approval.
3. Attached Checklist. The applicant shall comply with the requirements as listed in the attached Public Works Department Development/Improvement Review Checklist (See “Attachment 1” of these Conditions of Approval).
4. Construction Plans. A copy of the Conditions of Approval shall be printed on the final building plans submitted to the Community Development Department prior to the issuance of a building permit for the conversion of the structure from residential to a commercial use as a dental office and pharmacy and the rehabilitation of the building.
5. Building Code Requirements. The applicant shall comply with all applicable building and construction requirements of the City of San Fernando’s building codes, as specified by the city’s Community Development Department.
6. Design. The construction plans shall provide details as necessary to accomplish the architectural design intent conveyed by the preliminary building elevations, in a manner consistent with the design principles of the *Maclay District Design Guidelines*. Any further architectural design details and refinements shall

address, but not be limited to, the following:

- a) The development shall be of the highest architectural quality, appearance, construction, and exterior materials in substantial compliance with the site plan and elevation drawings;
  - b) The character and design of the project including the proposed architectural details shall be retained and maintained over time. All features and amenities provided as specified on the approved plans and/or by these conditions of approval, including high grade dimensional (e.g., architectural shingles) roofing materials and high quality building exterior materials and fixtures, landscape, hardscape, etc., shall be retained and maintained in good condition for the life of the project;
  - c) All buildings and structures shall be painted with compatible earth tone colors. The color palette for all existing and proposed buildings and structures shall be approved in advance by the Community Development Department prior to painting;
  - d) Architectural details compatible with a high level of design quality that are referenced in the conceptual plan shall be identified in the approved site plan and be reflected in the final construction drawings. Building materials and exterior finishes shall be of a high quality material consistent with the proposed architectural style of the building. Windows and doors shall be consistent with the overall design of the building addition and noted on the approved conceptual plans;
  - e) All proposed exterior finish materials, dimensions, and exterior decorative lighting to be used (i.e. - windows, door openings, glazing, roofing, trim, stucco, veneer, etc.) shall be clearly identified and noted on the approved site plan. Colors, materials and textures that are suitable to the scale, character and design theme of the project shall be provided; and,
  - f) Any proposed variations or modifications to the site plan and/or elevations shall require prior review and approval by the Community Development Department.
7. Landscape. All proposed on-site and off-site plantings shall be kept in a healthy and growing condition, consistent with the design of a landscape and irrigation plan approved by the Community Development Department. Fertilization, cultivation, tree pruning shall be a part of regular maintenance. Good horticultural practices shall be followed in all instances. The landscape design shall be further refined as necessary to improve the level of design quality by focusing on important design principles. Further landscape design refinements shall address, but not be limited to, the following:
- a) The landscaping shall be provided with an appropriate low-maintenance landscape design and material selection that is attractive, durable and drought-tolerant. All proposed landscape shall be arranged to emphasize visual attractiveness as viewed from the public right-of-way. To achieve a maximum visual impact and soften the appearance of exterior building walls, the landscape plan shall incorporate mature plants that are planted at high densities;
  - b) All proposed landscaped areas shall be served by well-balanced automatic irrigation system operated by an electrically timed controller station set for early morning irrigation and maintained in a manner consistent with the approved landscape plan. The final landscape/irrigation plan shall identify the size and location of all landscape materials and irrigation equipment. Water



conservation measures shall be incorporated in the irrigation plan; and,

- c) The landscape plan shall provide specifications for the following: design of hardscape elements, including pedestrian walkways, paved areas, common areas, seating, landscape planters, lighting, etc.; planting materials, including, trees, shrubs, ground cover, grass, miscellaneous plant materials, landscape containers and soil preparation; and, automatic irrigation plans, including materials and details.
8. Trash Enclosure. The trash enclosure shall be arranged both for convenience to the tenants and for convenient vehicular access and pickup. The trash enclosure shall include decorative obscured doors with an exterior wall finish that is complementary to the overall design of the building. The final design and location of the enclosure shall be reviewed and approved by the Community Development Department prior to the issuance of any building permit. Trash and recycling bins shall be kept within the approved trash enclosure area only, and the trash area shall be kept free of trash overflow and maintained in a clean manner at all times with no trash visible from the public right-of-way.
9. Lighting. All exterior lighting shall be decorative cut-off fixtures (where no light is emitted above the horizontal plane) with the light source fully shielded or recessed to preclude light trespass or pollution up into the night sky. Also, any building-mounted luminaries shall be attached to walls or soffits, and the top of the fixture shall not exceed the height of the roof. All proposed light fixtures shall be designed in a manner that is consistent with the overall design of the building and shall not disturb or create glare towards neighboring properties. In addition, any decorative uplighting, such as those that illuminate building facades or landscaping, shall be operated on timers that turn off illumination no later than 12 midnight, nightly. The Community Development Department shall review and approve all light fixtures prior to installation.
10. Mechanical and Utility Equipment. All roof-mounted and/or ground mounted mechanical and utility equipment, including but not limited to transformers, terminal boxes, risers, backflow devices, gas meters, electric meters, meter cabinets, and heating, ventilation, and air conditioning (HVAC) units shall be screened from public view and treated to match the materials and colors of the building. All Electrical service facilities and equipment on or adjacent to the site shall be planned and located, relocated or modified in a manner consistent with Southern California Edison Company guidelines to minimize human exposure to electromagnetic fields on the site and on adjacent properties, and with any other applicable requirements or guidelines of the California Public Utilities Commission or any other agency with jurisdiction, unless otherwise specified by the Community Development Department. All mechanical and utility equipment locations and screening/treatment shall be approved by the Community Development Department prior to installation or modification.
11. Utilities. All utilities shall be located underground. The applicant shall comply with all applicable requirements or guidelines of any relevant utility company, the California Public Utilities Commission, or any other agency with jurisdiction, relating to construction and/or occupancy of structures in proximity to any over-head or underground utility lines which are adjacent to or extend through the subject property, unless otherwise specified by the Community Development Department. Applicant shall provide any utility easements as necessary.
12. Automatic Fire-Extinguishing System. Prior to issuance of a building permit, the applicant shall obtain all the required fire safety clearances from the Los Angeles Fire Department and the City of San

Fernando. The building shall be fully equipped with an automatic fire-extinguishing system reviewed and approved by the City of San Fernando and the Los Angeles Fire Department, unless determined otherwise by the Los Angeles Fire Department and the Community Development Department.

13. Parking. All on-site parking spaces shall comply with the parking regulations of the San Fernando City Code for design and minimum dimension (i.e.- wheel stops, double striping, back out space, turning radius). All on-site parking spaces, parking space and surface striping, drive aisles, and parking area paving shall be maintained unobstructed and the surface maintained in good condition. Any physical deterioration of the asphalt pavement within the parking area on project parcels shall be repaired to the satisfaction of the Community Development Department.
14. Traffic Signage. Traffic and directional signage shall be installed throughout the site to guide vehicular movement along dedicated paths of travel. Additionally, signage shall be installed that informs drivers to yield to oncoming vehicles. A plan showing the locations of such signage shall be submitted to the Community Development Department for review and approval prior to its installation.
15. Active Signaling System. The applicant shall install an active signaling system on each end of the driveway that shall inform drivers of oncoming vehicles before entering the driveway to prevent bottlenecks. Each signal shall be placed in a location that is unobstructed and at a clearly visible angle to drivers. Additionally, signage shall be mounted on or located near to the signal that clearly informs drivers to yield to oncoming vehicles. The required signal shall provide a minimum of two lights per signal and shall consist of one (1) red light and one (1) green light. The vehicle detection system shall be installed in a location on the parking lot and along the driveway to alert drivers of oncoming vehicles with sufficient time to yield. A plan with the proposed location of each signal and vehicle detection system shall be submitted for review by the Community Development Department prior to its installation and before the issuance of a Certificate of Occupancy. As necessary, the Community Development Department may impose additional conditions to mitigate any traffic issues that may arise once the project is in operation.
16. Signs. All proposed signs and sign fixtures must be architecturally compatible with the building's overall design. Any proposed signs (i.e., building identification, window, or monument) shall be reviewed and approved by the Community Development Department prior to permit issuance and installation.
17. Property Maintenance. The subject site and its immediate surrounding area shall be maintained in a clean, neat, quiet and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
18. Graffiti Removal. The property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code. The property owner(s), operator and all successors shall provide for the immediate removal of any graffiti vandalism occurring on the property and, where applicable, the restoration of the surface on which the graffiti exists. Such restoration shall entail repainting or refinishing of the surface with a color or finish that matches the color or finish of the remaining portions of the structure being painted, and including treatment of the surface or site with measures to deter future graffiti vandalism as approved or required by the Community Development Department. Unless removed by the property owner or their designee within the specified time frame required by city code, property owner(s), operator and all successors shall grant the right of access to

authorized agents of the City of San Fernando to remove graffiti from any surface on the property that is open and accessible from city property or public right-of-way, at the expense of the owner(s) or operator and all successors.

19. Site Inspections. Prior to the issuance of a Certificate of Occupancy, the Community Development Department shall inspect the site to assure compliance with these Conditions of Approval. Subsequent to occupancy, owners and all successors shall grant the right of access to authorized agents of the City of San Fernando to conduct periodic inspections of the property.
20. Modifications. Unless the Community Development Department approves a proposed change to the approved plans, all other modifications to the development plan, including these Conditions of Approval, shall require review and approval by the Planning and Preservation Commission.
21. Encroachment Permit. Under no circumstances shall any public right-of-way be obstructed during construction by materials, vehicles, equipment or other related objects without prior approval from the City Engineer. An Encroachment Permit must be obtained from the Public Works Department prior to any demolition and/or new construction activity that would require staging and/or construction within the public right-of-way.
22. General Compliance. The applicant shall comply with all requirements of applicable federal, state, or local law, ordinance, or regulation.
23. Surface Runoff. All requirements of the National Pollutant Discharge Elimination System (NPDES) shall be complied with and an NPDES permit, including but not limited to the installation of any required clarifiers and/or on-site infiltration system, must be obtained prior to any occupation or use of the site. During construction, the project site shall comply with all applicable Best Management Practices (BMPs).
24. Construction Hours. Construction activity on Mondays through Fridays shall comply with the current San Fernando City Code standards for construction in commercial zones. In addition, any construction on Saturday shall commence no earlier than 8:00 a.m.
25. Acceptance. Within thirty (30) days of approval of Variance 2011-07 and Site Plan Review 2011-04, the property owner(s) or their duly authorized representatives shall certify the acceptance of the conditions of approval or modifications thereto by signing a statement using an acceptance affidavit form provided by the Community Development Department that acknowledges acceptance and shall be bound by all of the conditions.
26. Recordation. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide the Community Development Department with proof that the Conditions of Approval have been recorded with the Los Angeles Registrar Recorder/County Clerk's Office.
27. Expiration. Variance 2011-07 shall be subject to expiration and Site Plan Review 2011-04 shall become null and void unless exercised by submitting construction plans in application for a building permit within six (6) months of final approval or until such additional time as may be granted by the Community Development Department, upon receipt of a written request for an extension received prior to such

expiration date. Subsequent failure to obtain and exercise an active building permit shall also cause expiration of the variance and site plan review.

**CITY OF SAN FERNANDO PUBLIC WORKS DEPARTMENT**  
**DEVELOPMENT / IMPROVEMENT REVIEW CHECK LIST**  
**PROJECT: SPR 2011-04                      Dental Office                      DATE: 3/24/11**

PROJECT ADDRESS:      780 N. Maclay Avenue		REQUIRED?		COMPLIED?	COMMENTS
ITEM		YES	NO		
1.	Site plan must show:				
	a. Existing building or structure	✓			
	b. Existing public improvements (concrete sidewalk driveways, curbs and gutters, parkway trees, street lights, hydrants, etc.) including existing and proposed dimensions, square footage, etc.	✓			
	c. Existing utilities (gas, sewer, water, storm drains, catch basins, power poles).	✓			
2.	Submit offsite improvement plan.	✓			
3.	Prior to issuance of building permit:				
	a Pay sewer capital facility charge.	✓			<i>Fee for Dental Office:</i> <i>2,000 sf x \$1,539/1000 sf =      \$3,078*</i>
	b Pay water capital facility charge.	✓			<i>Based on 1 inch water meter:      \$1,644*</i>
	c Pay water service installation charge.	✓			<i>Based on 1 inch water meter:      \$1,964*</i>
	d Pay fire hydrant installation deposit.		✓		
	e Pay plan check fee (Offsite).	✓			
	f Pay inspection fee (Offsite).	✓			
	g Provide labor and material bond.		✓		
	h Provide performance bond.		✓		
4.	Is there existing sewer house connection to property?		✓		
5.	Is there existing water service to the property?		✓		
6.	Provide separate water service for each building or separate ownership.	✓			
7.	Provide separate sewer connection for each building.	✓			
8.	Underground all utilities to each unit/building.	✓			
9.	Cap off existing sewer connection that will no longer be used.		✓		
10.	Replace existing old and substandard water service.		✓		
11.	Upgrade existing substandard hydrant to 6-inch wet barrel hydrant (4"X 2.5" outlet).		✓		
12.	Install new hydrant per City standard.		✓		
13.	Satisfy City of Los Angeles Fire Dept. fire flow requirements.	✓			
14.	Provide City approved backflow device for the domestic water service and/or landscape irrigation, and provide proof that said equipment has been tested by a certified tester.	✓			<i>Provide one backflow device for every water service. Provide additional backflow device for irrigation/landscaping.</i>

**PROJECT ADDRESS: 780 N. Maclay Avenue**

ITEM		REQUIRED?		COMPLIED?	COMMENTS
		YES	NO		
15.	Remove existing driveway approach that will no longer be used. Replace depressed curb.		✓		
16.	Construct PCC driveway approach 6-inch thick per City Standard.		✓		
17.	Construct wheel chair ramp per City Standard.		✓		
18.	Remove and replace broken/damaged concrete sidewalk adjacent to property.		✓		
19.	Remove and replace broken curb/gutter adjacent to property.		✓		
20.	Plant parkway trees per City Standard and City Master Tree Plan.		✓		
21.	Construct tree wells per City Standard with tree grates.		✓		
22.	A permit from the Public Works Dept. (Engineering Division) is required for all offsite improvements.	✓			
23.	All on-site pavement shall be minimum of 3-inch AC on 4 inch CAB or 6-inch PCC pavement without soil recommendation.	✓			
24.	Construct trash enclosure, nominal size 5 feet X 9 feet with PCC slab and 6-inch PCC curb with 6-inch PCC apron.	✓			
25.	Verify that clarifier/grease trap intercepts effluent before entry into the sewer lateral.	✓			
26.	Federal NPDES Requirements				
	a. Submit SWPPP Owners's Certification (form OC1 attached) that incorporates construction BMP's in compliance with Federal NPDES.	✓			See attached BMP's suggested for use during construction.
	b. Provide a SUSMP that incorporates design elements and facility BMP's in compliance with Federal NPDES.	✓			
27.	Comply with all applicable existing conditions of approval for the proposed development.	✓			
28.	Additional requirements: *Sewer and Water Capital and Installation fees are subject to change. The latest fee will be assessed prior to sign off for building permit. <ul style="list-style-type: none"><li>• <b>Change Address to 774 N. Maclay Avenue.</b></li><li>• Construct gutters &amp; catch basins &amp; curb drains in parking lot to prevent sheet flow runoff from parking lot to sidewalk.</li><li>• Provide easy trash collection access for trash enclosure.</li><li>• Satisfy NPDES.</li></ul>				

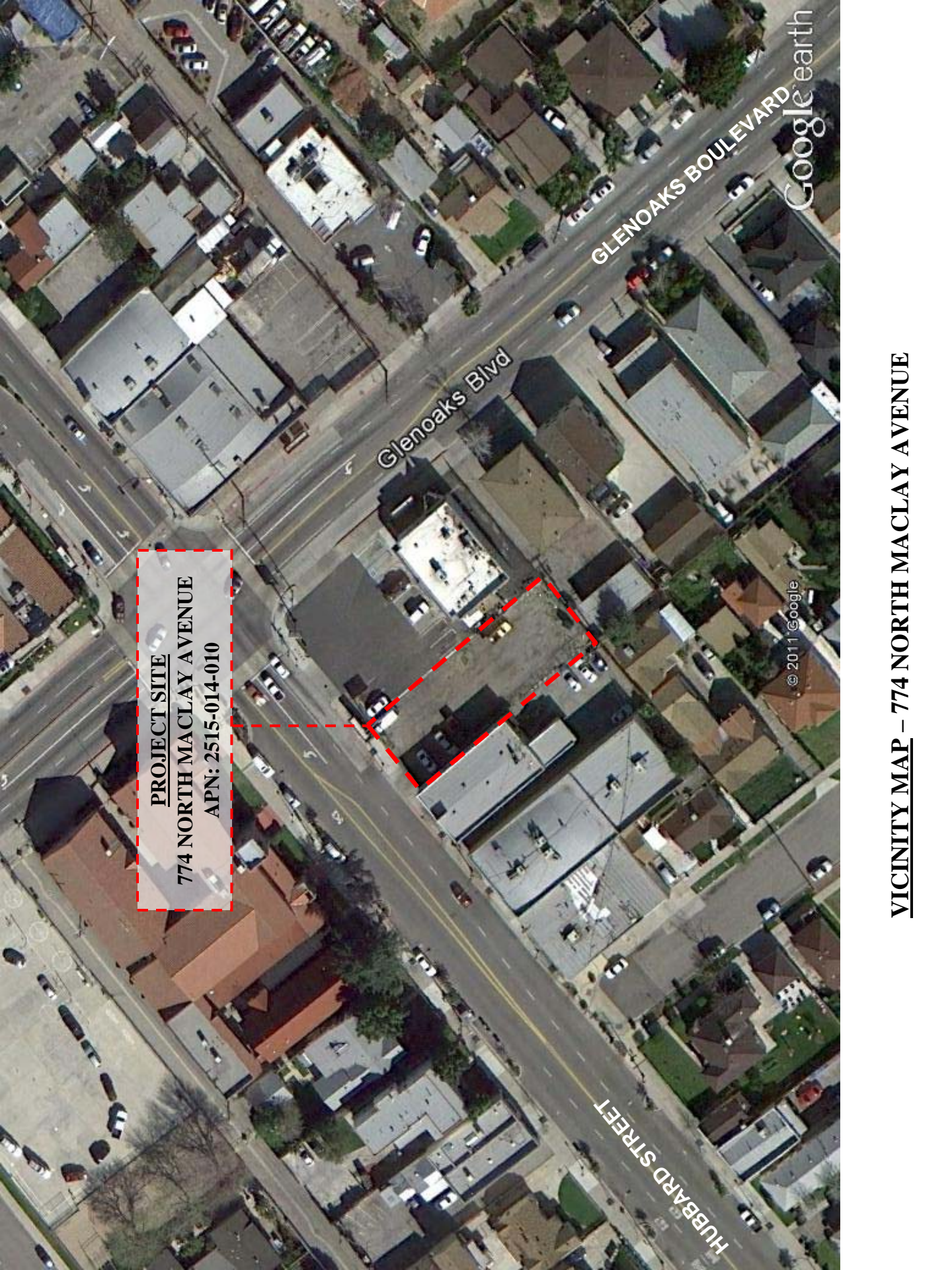
  
PUBLIC WORKS DEPARTMENT5/24/11  
DATE

**ATTACHMENT 2:**

**Vicinity Map**

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**PROJECT SITE**  
**774 NORTH MACLAY AVENUE**  
**APN: 2515-014-010**

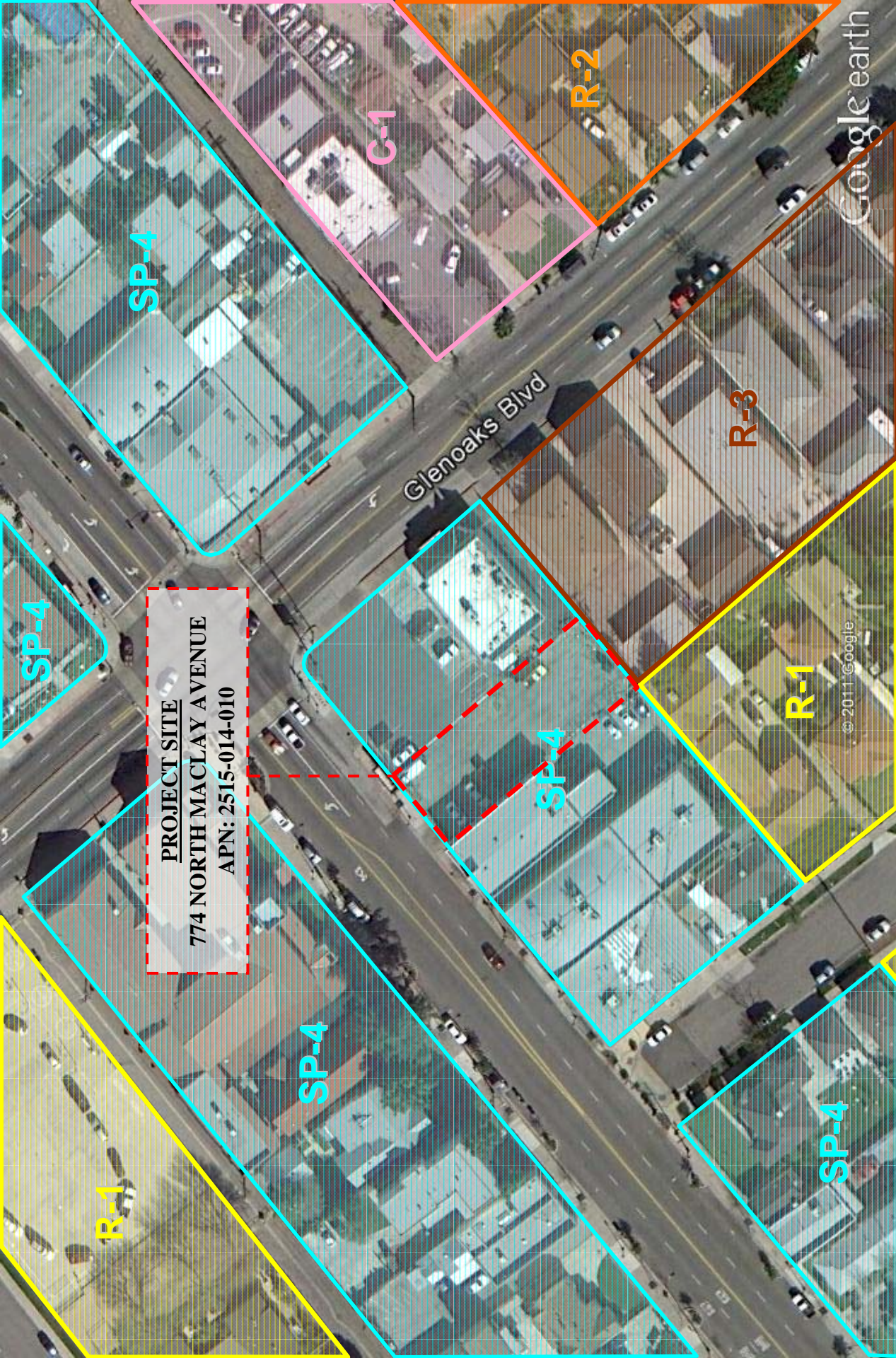
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**ATTACHMENT 3:**

**Zoning Map**

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**PROJECT SITE**  
**774 NORTH MACLAY AVENUE**  
**APN: 2515-014-010**

**ZONING MAP – 774 NORTH MACLAY AVENUE**

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**ATTACHMENT 4:**

**Existing Setbacks for Commercial Properties  
700 Block of North Maclay Avenue**

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700 BLOCK OF  
NORTH MACLAY AVENUE

Glenpaks Blvd

PROJECT SITE  
774 NORTH MACLAY AVENUE  
APN: 2515-014-010

© 2011 Google

Google earth

EXISTING SETBACKS FOR COMMERCIAL PROPERTIES

700 BLOCK OF NORTH MACLAY AVENUE



Built out to front setback.



Built with a front setback.

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**ATTACHMENT 5:**

**Project Site Photos**

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**FRONTAGE - 774 N MACCLAY AVENUE**



**PARKING LOT OF NEIGHBORING PROPERTY**

## **SITE PHOTOS - 774 NORTH MACCLAY AVENUE**



**ABUTTING PROPERTY - 760 N MACCLAY AVENUE**



**MULTI-FAMILY PROPERTY AT REAR OF PROPERTY**

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7-11 CONVENIENCE STORE - 776 N MACLAY AVE



COMMERCIAL PROPERTY - 760 N MACLAY AVE

## PHOTOS OF NEIGHBORING PROPERTIES



COMMERCIAL PROPERTY - 756 N MACLAY AVE



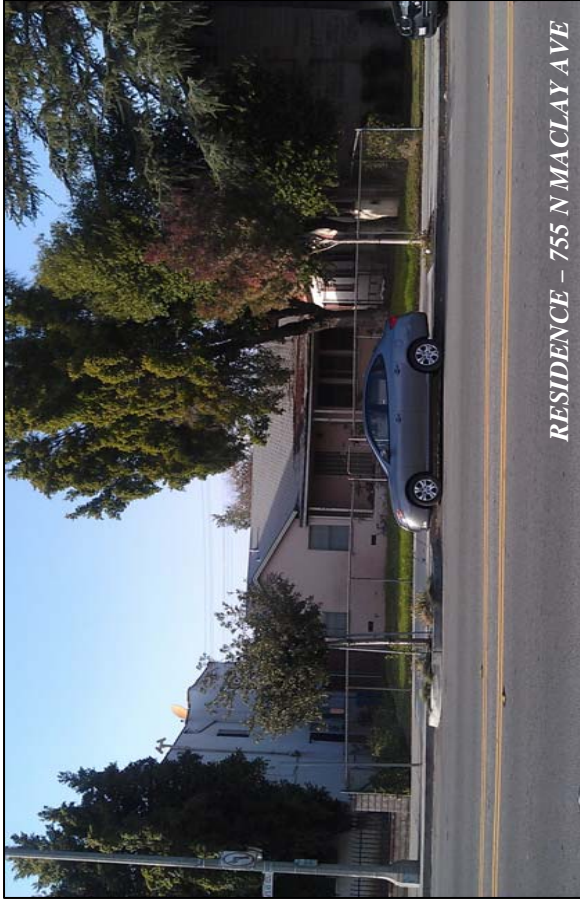
COMMERCIAL PROPERTY - 750 N MACLAY AVE

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CHURCH - 777 N MACCLAY AVE



RESIDENCE - 755 N MACCLAY AVE

## PHOTOS OF NEIGHBORING PROPERTIES



MULTI-FAMILY RESIDENCE - 751 N MACCLAY AVE



COMMERCIAL PROPERTY - 731 N MACCLAY AVE

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**ATTACHMENT 6:**

**Proposed Site Plan, Floor Plan,  
and Elevations**

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774 N MACLAY AVE, SAN FERNANDO, CA 91340

[illegible]

	<p><b>PROJECT TEAM</b></p> <p><b>STRUCTURAL</b>          MOURAD AZIZ, P.E.          1614 GRISMER AVE., #204          BURBANK, CA 91504          TEL: (818) 913-8002          FAX: (801) 416-9613          mouradaziz@att.net</p> <p><b>MECHANICAL</b>          ASHRAF AZIZ, P.E.          29219 RIO LOBO WAY,          VALENCIA, CA 91354          TEL: (818) 913-8404          aaziz@pacbell.net</p> <p><b>LEGAL DESCRIPTION</b>          LOT 11, TRACT NO. 6085, M.B. 74, PG. 11          AREA: 6,720 SQUARE FEET, 0.15 ACRES</p>	<p><b>GENERAL NOTES</b></p> <ol style="list-style-type: none"> <li>PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING AND PROPOSED CONSTRUCTION, PILING, CONDUITS, CLEAN-OUTS, PULL BOXES, ETC. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER &amp; ENGINEER PRIOR TO COMMENCING WORK.</li> <li>CONTRACTOR SHALL VISIT THE SITE &amp; VERIFY ALL GRADE ELEVATIONS, DIMENSIONS &amp; CONDITIONS OF INSTALLATION PRIOR TO PROVIDING BID. ANY DISCREPANCIES DISCOVERED BY THE CONTRACTOR DURING THE ABOVE INVESTIGATIONS SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT. THE CONTRACTOR BY MEANS OF OFFERING A BID SHALL THEREBY CERTIFY THAT THE WORK SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING:</li> <li>GENERAL CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIAL, EQUIPMENT &amp; TRANSPORTATION NECESSARY FOR THE COMPLETE &amp; PROPER EXECUTION OF THE WORK.</li> <li>THE ADEQUACY &amp; SAFETY OF ERECTION BRACING, SHORING, TEMPORARY SUPPORTS, ETC., IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR &amp; HAS NOT BEEN CONSIDERED BY THE ENGINEER.</li> <li>ALL WORK SHALL CONFORM TO THE "APPLICABLE CODES" AS LISTED ON T002.</li> <li>CONTRACTOR SHALL REMOVE FROM THE SITE &amp; DISPOSE OF IN A LEGAL MANNER ALL EXCESS DIRT/SOIL &amp; DEBRIS RESULTANT OF THE CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS PROJECT.</li> <li>CONTRACTOR SHALL BE REQUIRED TO OBTAIN ALL NECESSARY PERMITS &amp; APPROVALS FOR ALL WORK THAT OCCURS IN ANY PUBLIC RIGHT-OF-WAY AND/OR EASEMENT. FEES FOR REQUIRED PERMITS SHALL BE PAID FOR DIRECTLY BY CONTRACTOR &amp; SHALL BE REIMBURSED BY THE OWNER.</li> <li>CONTRACTOR SHALL BE REQUIRED TO PERFORM ALL NECESSARY EXCAVATION &amp; RECOMPACTMENT OF THE FOUNDATION AREA, FOOTING &amp; EXISTING PAVING BOTTOMS SHALL BE RECOMPACTED TO A MINIMUM 90% R.D.</li> <li>A CITY APPROVED LAB SHALL BE EMPLOYED &amp; PAID FOR BY THE OWNER.</li> <li>CONTRACTOR SHALL NOTIFY THE OWNER &amp; ENGINEER IN WRITING UPON COMPLETION OF SITE PREPARATION.</li> <li>DO NOT SCALE THE DRAWINGS. USE REFERENCED OR NOTED DIMENSIONS ONLY. LARGE SCALE DETAILS GOVERN OVER SMALLER SCALE DETAILS.</li> <li>GRADING PLANS, DRAINAGE IMPROVEMENTS, ROADS, ACCESS REQUIREMENTS &amp; ENVIRONMENTAL HEALTH CONSIDERATIONS SHALL COMPLY WITH ALL LOCAL ORDINANCES.</li> <li>THERE ARE NO TRENCHES OR EXCAVATIONS 8'-0" OR MORE IN DEPTH INTO WHICH A PERSON IS REQUIRED TO DESCEND. IF TRENCHES OR EXCAVATIONS 5'-0" OR MORE IN DEPTH ARE REQUIRED, OBTAIN NECESSARY PERMIT FROM THE STATE OF CALIFORNIA DIVISION OF INDUSTRIAL SAFETY, PRIOR TO ISSUE OF A BUILDING OR GRADING PERMIT.</li> <li>THE CONTRACTOR SHALL FURNISH &amp; INSTALL SIGNS READING: "CONSTRUCTION AREA, CONSTRUCTION PERSONNEL ONLY" AT ALL ENTRANCES TO THE AREA OF THE CONSTRUCTION PHASE.</li> <li>THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY EXISTING CONDITION THAT IS IN CONFLICT WITH GRADING NEW CONSTRUCTION &amp; OBTAIN CLARIFICATION BEFORE PROCEEDING WITH THE WORK.</li> <li>CONTRACTOR'S USE OF ELECTRONIC CAD FILES FOR SHOP DRAWINGS PREPARATION: IF REQUESTED AT THE BEGINNING OF THE PROJECT, THE CONTRACTOR SHALL SUBMIT TO THE ENGINEER FOR REVIEW AND APPROVAL THE FOLLOWING: FLOOR PLANS, ROOF PLANS, CEILING PLANS, FIRE ALARM PLAN, DATA PLAN FOR THE CONTRACTORS, USE ONLY AS BACKGROUND PLANS TO ASSIST IN THE PREPARATION OF SHOP DRAWINGS. BY ACCEPTING THE ELECTRONIC FILES THE CONTRACTOR SHALL INDEPENDENTLY VERIFY THE CURRENCY &amp; ACCURACY OF THE ELECTRONIC FILES, COORDINATING WITH OTHER TRADES &amp; VERIFYING FIELD CONDITIONS IN ACCORDANCE WITH THE GENERAL CONDITIONS OF THE CONTRACT. THE CONTRACTOR SHALL SUE FOR A RELEASE OF LIABILITY FROM PRIOR TO RELEASE OF THE ELECTRONIC FILES IF SO REQUIRED BY THE ARCHITECT. SEE ALSO SPECIFICATIONS FOR STANDARD SUBMITTAL REQUIREMENTS.</li> </ol>
<p><b>PROJECT DATA</b></p> <p>NEW CONSTRUCTION – DENTAL OFFICE &amp; ATTACHED PHARMACY;          FOOTPRINT: 1,800 SQ.FT.          AUTOMATIC FIRE SPRINKLERS FOR BUILDING; NO          FULLY AUTOMATIC FIRE ALARM FOR BUILDING; YES</p> <p>USE: DENTAL OFFICE WITH ATTACHED PHARMACY          EXISTING: VACANT          PROPOSED BUILDING HEIGHT: 18' TO TOP OF PARAPET</p> <p>BUILDING OCCUPANCY GROUP: B          TYPE OF CONSTRUCTION: V-B          EXTERIOR WALLS: BEARING</p> <p>NUMBER OF STORIES: ONE STORY</p>	<p><b>SHEET INDEX</b></p> <p><b>GENERAL</b>          T-100 TITLE SHEET          T-100 CODE COMPLIANCE SHEET</p> <p><b>ARCHITECTURAL</b>          A-101 FLOOR PLANS          A-201 FLOOR &amp; ROOF PLANS          A-301 BUILDING ELEVATIONS</p>	<p><b>GENERAL NOTES</b></p> <ol style="list-style-type: none"> <li>PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING AND PROPOSED CONSTRUCTION, PILING, CONDUITS, CLEAN-OUTS, PULL BOXES, ETC. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER &amp; ENGINEER PRIOR TO COMMENCING WORK.</li> <li>CONTRACTOR SHALL VISIT THE SITE &amp; VERIFY ALL GRADE ELEVATIONS, DIMENSIONS &amp; CONDITIONS OF INSTALLATION PRIOR TO PROVIDING BID. ANY DISCREPANCIES DISCOVERED BY THE CONTRACTOR DURING THE ABOVE INVESTIGATIONS SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT. THE CONTRACTOR BY MEANS OF OFFERING A BID SHALL THEREBY CERTIFY THAT THE WORK SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING:</li> <li>GENERAL CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIAL, EQUIPMENT &amp; TRANSPORTATION NECESSARY FOR THE COMPLETE &amp; PROPER EXECUTION OF THE WORK.</li> <li>THE ADEQUACY &amp; SAFETY OF ERECTION BRACING, SHORING, TEMPORARY SUPPORTS, ETC., IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR &amp; HAS NOT BEEN CONSIDERED BY THE ENGINEER.</li> <li>ALL WORK SHALL CONFORM TO THE "APPLICABLE CODES" AS LISTED ON T002.</li> <li>CONTRACTOR SHALL REMOVE FROM THE SITE &amp; DISPOSE OF IN A LEGAL MANNER ALL EXCESS DIRT/SOIL &amp; DEBRIS RESULTANT OF THE CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS PROJECT.</li> <li>CONTRACTOR SHALL BE REQUIRED TO OBTAIN ALL NECESSARY PERMITS &amp; APPROVALS FOR ALL WORK THAT OCCURS IN ANY PUBLIC RIGHT-OF-WAY AND/OR EASEMENT. FEES FOR REQUIRED PERMITS SHALL BE PAID FOR DIRECTLY BY CONTRACTOR &amp; SHALL BE REIMBURSED BY THE OWNER.</li> <li>CONTRACTOR SHALL BE REQUIRED TO PERFORM ALL NECESSARY EXCAVATION &amp; RECOMPACTMENT OF THE FOUNDATION AREA, FOOTING &amp; EXISTING PAVING BOTTOMS SHALL BE RECOMPACTED TO A MINIMUM 90% R.D.</li> <li>A CITY APPROVED LAB SHALL BE EMPLOYED &amp; PAID FOR BY THE OWNER.</li> <li>CONTRACTOR SHALL NOTIFY THE OWNER &amp; ENGINEER IN WRITING UPON COMPLETION OF SITE PREPARATION.</li> <li>DO NOT SCALE THE DRAWINGS. USE REFERENCED OR NOTED DIMENSIONS ONLY. LARGE SCALE DETAILS GOVERN OVER SMALLER SCALE DETAILS.</li> <li>GRADING PLANS, DRAINAGE IMPROVEMENTS, ROADS, ACCESS REQUIREMENTS &amp; ENVIRONMENTAL HEALTH CONSIDERATIONS SHALL COMPLY WITH ALL LOCAL ORDINANCES.</li> <li>THERE ARE NO TRENCHES OR EXCAVATIONS 8'-0" OR MORE IN DEPTH INTO WHICH A PERSON IS REQUIRED TO DESCEND. IF TRENCHES OR EXCAVATIONS 5'-0" OR MORE IN DEPTH ARE REQUIRED, OBTAIN NECESSARY PERMIT FROM THE STATE OF CALIFORNIA DIVISION OF INDUSTRIAL SAFETY, PRIOR TO ISSUE OF A BUILDING OR GRADING PERMIT.</li> <li>THE CONTRACTOR SHALL FURNISH &amp; INSTALL SIGNS READING: "CONSTRUCTION AREA, CONSTRUCTION PERSONNEL ONLY" AT ALL ENTRANCES TO THE AREA OF THE CONSTRUCTION PHASE.</li> <li>THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY EXISTING CONDITION THAT IS IN CONFLICT WITH GRADING NEW CONSTRUCTION &amp; OBTAIN CLARIFICATION BEFORE PROCEEDING WITH THE WORK.</li> <li>CONTRACTOR'S USE OF ELECTRONIC CAD FILES FOR SHOP DRAWINGS PREPARATION: IF REQUESTED AT THE BEGINNING OF THE PROJECT, THE CONTRACTOR SHALL SUBMIT TO THE ENGINEER FOR REVIEW AND APPROVAL THE FOLLOWING: FLOOR PLANS, ROOF PLANS, CEILING PLANS, FIRE ALARM PLAN, DATA PLAN FOR THE CONTRACTORS, USE ONLY AS BACKGROUND PLANS TO ASSIST IN THE PREPARATION OF SHOP DRAWINGS. BY ACCEPTING THE ELECTRONIC FILES THE CONTRACTOR SHALL INDEPENDENTLY VERIFY THE CURRENCY &amp; ACCURACY OF THE ELECTRONIC FILES, COORDINATING WITH OTHER TRADES &amp; VERIFYING FIELD CONDITIONS IN ACCORDANCE WITH THE GENERAL CONDITIONS OF THE CONTRACT. THE CONTRACTOR SHALL SUE FOR A RELEASE OF LIABILITY FROM PRIOR TO RELEASE OF THE ELECTRONIC FILES IF SO REQUIRED BY THE ARCHITECT. SEE ALSO SPECIFICATIONS FOR STANDARD SUBMITTAL REQUIREMENTS.</li> </ol>

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CONSTRUCTION TYPE  
TYPE V-B NON SPRINKLERED

AREA ANALYSIS/OCCUPANCY TYPE  
TOTAL BUILDING AREA (INCLUDING OVERHANG).....2,007 S.F.  
ALLOWABLE AREA  
MOST STRINGENT ALLOWABLE AREA (PER TABLE CBC 2010 503)..... 9,000 S.F.

HEIGHT & NUMBER OF STORIES  
PROPOSED HEIGHT / # OF STORIES:  
ALLOWABLE HEIGHT / # OF STORIES:  
(1) STORY WITH TOP ROOF DECK ELEVATION: 12'-0" ABOVE EXISTING GRADE  
(1) STORY (PER CBC 2010 TABLE 503)

3

AREA ANALYSIS

T-002 REF. SCALE: 1/8"=1'-0"

WAITING 100

RECEPTION 101

TREATMENT 1 102

TREATMENT 2 103

TREATMENT 3 104

DR. OFFICE 105

DR. PRIV. TOILET 106

ATTACHED PHARMACY 111

MEN'S TOILET 110

WOMEN'S TOILET 109

STER. 108

CORRIDOR 107

ROOM NAME & NUMBER	FUNCTION OF SPACE	OCCUPANCY PER MANUFACTURED AREA PER OCCUPANT - TABLE 1004.1.1	
		AREA IN SF	# OF OCCUPANTS
WAITING 100	OFFICE	167.9	2
RECEPTION 101	OFFICE	87.3	1
TREATMENT 1 102	OFFICE	97	1
TREATMENT 2 103	OFFICE	97	1
TREATMENT 3 104	OFFICE	97	1
DR. OFFICE 105	OFFICE	74.5	1
DR. PRIV. TOILET 106	-	23.4	-
CORRIDOR 107	-	174	-
STERILIZATION 108	-	108.5	-
MEN'S TOILET 109	-	50.9	-
WOMEN'S TOILET 110	-	51.3	-
ATTACHED PHARMACY 111	RETAIL/RETAIL	802.4	21
TOTAL			28

TOTAL OCCUPANCY LOAD = ..... 28 OCCUPANT  
OCCUPANT LOAD PER SQUARE FOOT = 28 / 802.4 = 0.035  
TOTAL PROVIDED EXT. WIDTH = 156' > 56' :: COMPLIES

1

OCCUPANCY LOAD & EXIT ANALYSIS

T-002 REF. SCALE: 1/8"=1'-0"

CONSTRUCTION TYPE  
TYPE V-B NON SPRINKLERED

AREA ANALYSIS/OCCUPANCY TYPE  
TOTAL BUILDING AREA (INCLUDING OVERHANG).....2,007 S.F.  
ALLOWABLE AREA  
MOST STRINGENT ALLOWABLE AREA (PER TABLE CBC 2010 503)..... 9,000 S.F.

HEIGHT & NUMBER OF STORIES  
PROPOSED HEIGHT / # OF STORIES:  
ALLOWABLE HEIGHT / # OF STORIES:  
(1) STORY WITH TOP ROOF DECK ELEVATION: 12'-0" ABOVE EXISTING GRADE  
(1) STORY (PER CBC 2010 TABLE 503)

3

AREA ANALYSIS

T-002 REF. SCALE: 1/8"=1'-0"

WAITING 100

RECEPTION 101

TREATMENT 1 102

TREATMENT 2 103

TREATMENT 3 104

DR. OFFICE 105

DR. PRIV. TOILET 106

ATTACHED PHARMACY 111

MEN'S TOILET 110

WOMEN'S TOILET 109

STER. 108

CORRIDOR 107

ROOM NAME & NUMBER	FUNCTION OF SPACE	OCCUPANCY PER MANUFACTURED AREA PER OCCUPANT - TABLE 1004.1.1	
		AREA IN SF	# OF OCCUPANTS
WAITING 100	OFFICE	167.9	2
RECEPTION 101	OFFICE	87.3	1
TREATMENT 1 102	OFFICE	97	1
TREATMENT 2 103	OFFICE	97	1
TREATMENT 3 104	OFFICE	97	1
DR. OFFICE 105	OFFICE	74.5	1
DR. PRIV. TOILET 106	-	23.4	-
CORRIDOR 107	-	174	-
STERILIZATION 108	-	108.5	-
MEN'S TOILET 109	-	50.9	-
WOMEN'S TOILET 110	-	51.3	-
ATTACHED PHARMACY 111	RETAIL/RETAIL	802.4	21
TOTAL			28

TOTAL OCCUPANCY LOAD = ..... 28 OCCUPANT  
OCCUPANT LOAD PER SQUARE FOOT = 28 / 802.4 = 0.035  
TOTAL PROVIDED EXT. WIDTH = 156' > 56' :: COMPLIES

2

PARKING ANALYSIS

T-002 REF. SCALE: 1/8"=1'-0"

CONSTRUCTION TYPE  
TYPE V-B NON SPRINKLERED

AREA ANALYSIS/OCCUPANCY TYPE  
TOTAL BUILDING AREA (INCLUDING OVERHANG).....2,007 S.F.  
ALLOWABLE AREA  
MOST STRINGENT ALLOWABLE AREA (PER TABLE CBC 2010 503)..... 9,000 S.F.

HEIGHT & NUMBER OF STORIES  
PROPOSED HEIGHT / # OF STORIES:  
ALLOWABLE HEIGHT / # OF STORIES:  
(1) STORY WITH TOP ROOF DECK ELEVATION: 12'-0" ABOVE EXISTING GRADE  
(1) STORY (PER CBC 2010 TABLE 503)

3

AREA ANALYSIS

T-002 REF. SCALE: 1/8"=1'-0"

WAITING 100

RECEPTION 101

TREATMENT 1 102

TREATMENT 2 103

TREATMENT 3 104

DR. OFFICE 105

DR. PRIV. TOILET 106

ATTACHED PHARMACY 111

MEN'S TOILET 110

WOMEN'S TOILET 109

STER. 108

CORRIDOR 107

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DR. OFFICE 105	OFFICE	74.5	1
DR. PRIV. TOILET 106	-	23.4	-
CORRIDOR 107	-	174	-
STERILIZATION 108	-	108.5	-
MEN'S TOILET 109	-	50.9	-
WOMEN'S TOILET 110	-	51.3	-
ATTACHED PHARMACY 111	RETAIL/RETAIL	802.4	21
TOTAL			28

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OCCUPANT LOAD PER SQUARE FOOT = 28 / 802.4 = 0.035  
TOTAL PROVIDED EXT. WIDTH = 156' > 56' :: COMPLIES

2

PARKING ANALYSIS

T-002 REF. SCALE: 1/8"=1'-0"

CLIENT

SANT MINA  
FAMILY DENTAL  
12601 SAN FERNANDO RD, SUITE H,  
SYLMAR, CA 91342

PROJECT

DENTAL OFFICE AND  
ATTACHED PHARMACY

DESIGNER

MOURAD AZIZ, P.E.  
16111 CANTERBURY AVE #204,  
BURBANK, CA 91504

CONSULTANTS

REGISTRATION

AGENCY APPROVAL

ISSUE

04.18.2011

MARK

DATE

DESCRIPTION

DESIGNER PROJECT NO.: 10.008.00

DRAWN BY:

CHECKED BY:

SCALE:

KEY PLAN

SHEET TITLE

CODE COMPLIANCE  
SHEET

SHEET NUMBER

T-002

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CLIENT

**SAINT MINA  
FAMILY DENTAL**  
12601 SAN FERNANDO RD, SUITE H,  
SYLMAR, CA 91342

PROJECT

**DENTAL OFFICE AND  
ATTACHED PHARMACY**

ADDRESS  
774 N MACLAY AVE  
SAN FERNANDO, CA 91340

DESIGNER

**MOURAD AZIZ, P.E.**  
10001 WILSON AVE, SUITE 100,  
BURBANK, CA 91504

CONSULTANTS

REGISTRATION



AGENCY APPROVAL

ISSUE

04.18.2011

MARK

DATE

DESCRIPTION

DESIGNER PROJECT NO.: 10.008.00

DRAWN BY:

CHECKED BY:

SCALE:

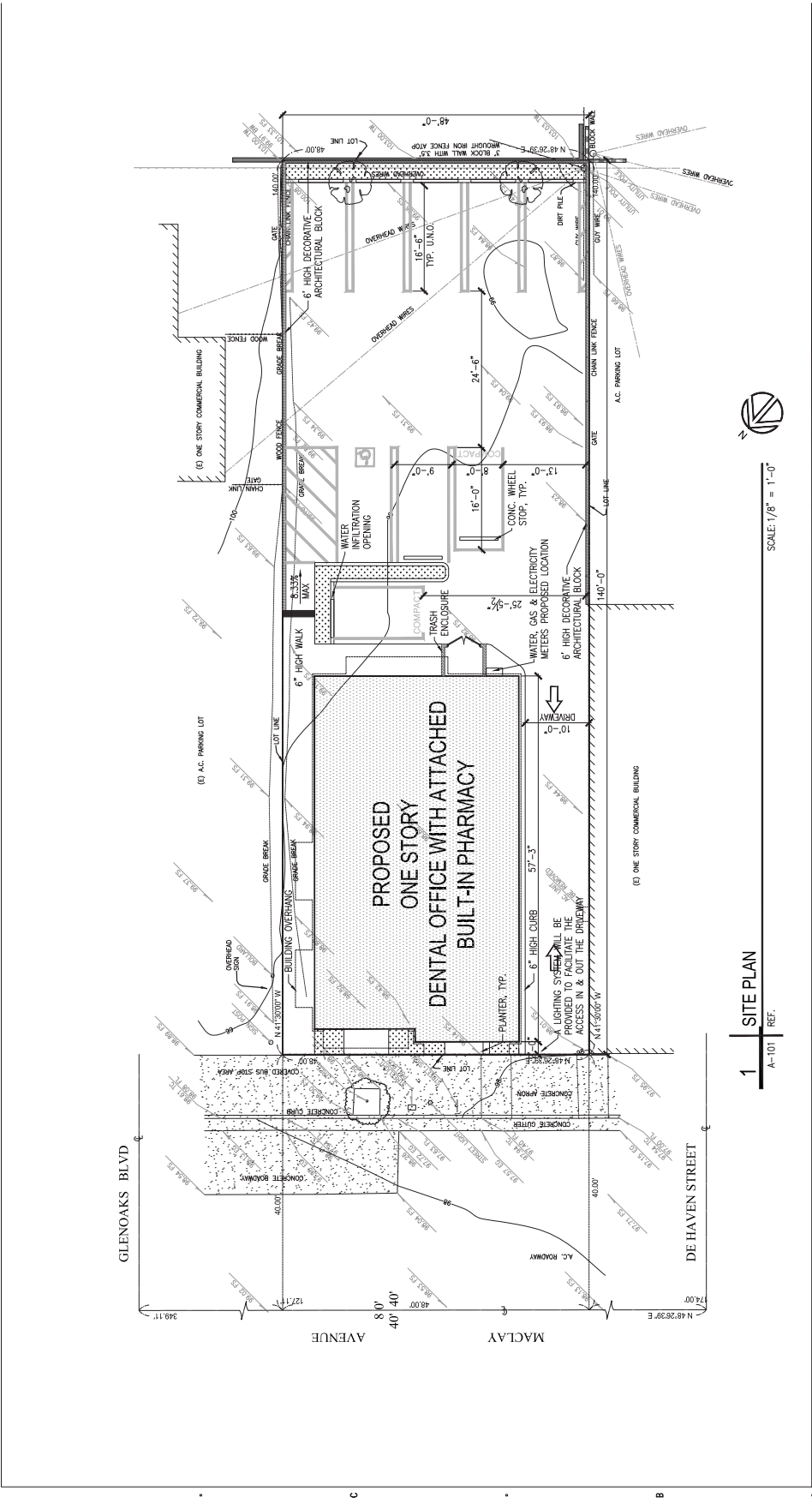
KEY PLAN

SHEET TITLE

**SITE PLAN**

SHEET NUMBER

**A-101**



**GENERAL NOTES**

1. CONTRACTOR SHALL PROVIDE TEMPORARY 8' CHAIN LINK FENCE AROUND WORK AREA BY VEHICLE GATE & MAIN GATE W/ BOLLARD. PROVIDE PLYWOOD SAFETY CANOPY ACCORDING TO REQUIREMENTS OF THE GENERAL INDUSTRY SAFETY ORDERS OF STATE OF CALIFORNIA, CALGSA & OSHA.
2. ALL (N) SIDEWALKS SHALL BE 4" FIBER REINFORCED CONCRETE.
3. PROVIDE MEDIUM FIBER FINISH @ ALL EXTERIOR CONCRETE WALKS.
4. SET CURBS TO MATCH EXISTING CURBS.
5. SET CURBS TO MATCH EXISTING CURBS.
6. ALL RELEVANT CONDITIONS.
7. FOUR CONCRETE IN A CHECKERBOARD PATTERN & SMOOTH PER SPECIFICATIONS.
8. REPLACE CONCRETE WHEREVER CRACKS OCCUR GREATER THAN 1/8".
9. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.
10. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.
11. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.
12. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.
13. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.
14. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.
15. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.
16. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.
17. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.
18. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.
19. PROVIDE 6" ONE BAY BELOW ALL CONCRETE & ASPHALT.

EXCAVATE & DEMOLISH WITH EXTREME CARE!  
THE ENGINEERS DO NOT KNOW THE LOCATION OF ALL EXISTING UTILITY LINES AND EQUIPMENT. ANY SUCH WORK ON THE DRAWING IS SCHEMATIC AND IS FOR REFERENCE ONLY. BEWARE OF ALL LINES VISIBLE DISCONNECTS AS REQUIRED FOR SAFETY. DO NOT COMMENCE WITH WORK UNTIL SAFE TO DO SO. THEN PROCEED WITH CAUTION.

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Double-Sided Printing

CLIENT

**SAINT MINA  
FAMILY DENTAL**  
12601 SAN FERNANDO RD. SUITE H,  
SYLMAR, CA 91342

PROJECT

**DENTAL OFFICE AND  
ATTACHED PHARMACY**

ADDRESS  
774 N MACKEY AVE.  
SAN FERNANDO, CA 91340

DESIGNER

**MOURAD AZIZ, P.E.**  
16000 WILSON AVENUE, SUITE 104,  
BURBANK, CA 91504

CONSULTANTS

REGISTRATION



AGENCY APPROVAL

ISSUE

04.18.2011

MARK

DATE

DESCRIPTION

DESIGNER PROJECT NO.: 10.008.00

DRAWN BY:

CHECKED BY:

SCALE:

KEY PLAN

SHEET TITLE

**FLOOR &  
ROOF PLANS**

SHEET NUMBER

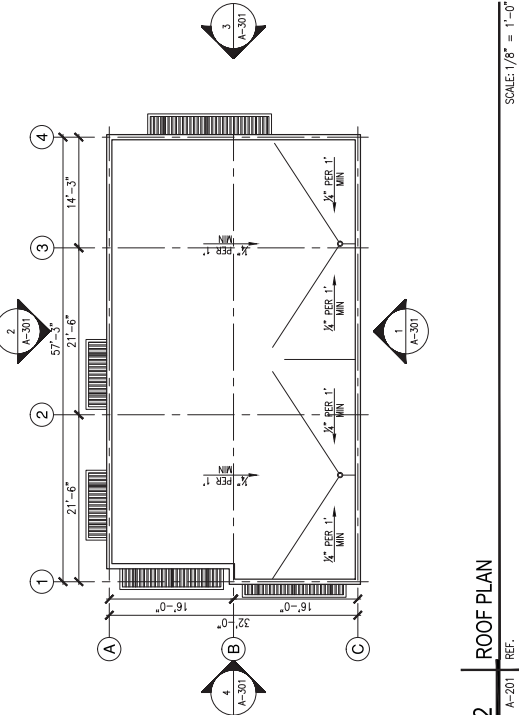
**A-201**

**GENERAL NOTES**

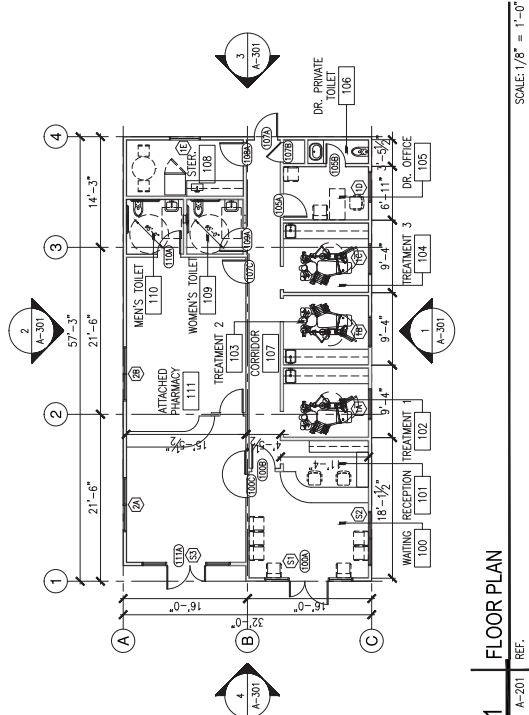
1. ALL SURFACES @ INTERIOR SURFACES THAT ARE NORMALLY PAINTED INCLUDING ALL TRIMS, DOORS & WINDOW FRAMES NOT PRE-FINISHED SHALL BE PAINTED AS A PART OF THIS CONTRACT.
2. ALL DOOR HARDWARE SHALL BE LEVER TYPE & ACCESSIBLE APPROVED.
3. CONTRACTOR SHALL PROVIDE TEMPORARY 6 FOOT CHAIN LINK FENCE AROUND WORK AREA WITH 4' HIGH WHITE SAFETY TAPE.
4. PROVIDE PLWOOD SAFETY CANOPY ACCORDING TO REQUIREMENTS OF THE GENERAL INDUSTRY SAFETY ORDERS OF STATE OF CALIFORNIA, CALOSHA & OSHA.
5. THE CONTRACTOR SHALL PROVIDE ADEQUATE VENTILATION DURING CONSTRUCTION PER OSHA STANDARDS.
6. ALL WALLS TO REMAIN @ STRUCTURE ABOVE, BOTH OFF-BD. & STL. STUDS.
7. PROVIDE INSTALL (N) VERTICAL ELIMINATOR @ ALL WINDOWS.
8. CONTRACTOR SHALL TAKE FULL RESPONSIBILITY FOR PROVIDING ALL INCIDENTAL ROOFING, FLASHING OR SEALANT INCLUDING @ MECHANICAL DUCTS, EQUIPMENT, PIPES & CONDUIT WHETHER SHOWN ON PLANS OR NOT IN ORDER TO PROVIDE A COMPLETE & WATERIGHT INSTALLATION @ THE END OF THE CONSTRUCTION. CONTRACTOR SHALL TEST ROOFING SYSTEM WITH WATER FOR 48 HOURS.
9. CONTRACTOR SHALL PROVIDE FULL MAINTENANCE ON THE ROOF FOR A PERIOD OF TWO YEARS. ROOFING CONTRACTOR SHALL MAKE ONE SITE VISIT TWICE A YEAR DURING THE MAINTENANCE PERIOD & SHALL ALLOW FOR 16 HOURS OF MAINTENANCE WORK AS A PART OF THIS CONTRACT TO REPAIR CONDITIONS CAUSED BY GENERAL WEAR & TEAR. IN ADDITION TO ROOFING WARRANTY SPECIFIED, ROOFING CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIR OF ALL CONSTRUCTION DEFICIENCIES FOR A PERIOD OF TWO YEARS.
10. ALL UTILITIES SHALL BE PROPERLY SUPPORTED ABOVE THE ROOF.
11. TEST ALL ROOF DRAIN AND RAIN OUT TO PROVIDE PROPER FLOW UP TO A DISTANCE OF 100 FEET. ALL PONDING PUDDLES OVER 4 SQUARE FEET SHALL BE REMOVED IMMEDIATELY.
12. ROOFING INSTALLER MUST BE CERTIFIED BY THE MANUFACTURER AS AN APPROVED INSTALLER OF THE PRODUCT SPECIFIED. MANUFACTURER'S REPRESENTATIVE OF ROOFING PRODUCTS SHALL VISIT THE SITE ONCE DURING ROOFING OPERATIONS & AGAIN @ CONCLUSION OF ROOFING & SHALL CERTIFY IN WRITING THAT THE ROOF MEMBRANE WAS INSTALLED ACCORDING TO THE MANUFACTURER'S PRINTED INSTRUCTIONS. THE CONTRACTOR SHALL NOT LEAVE THE ROOF MEMBRANE UNPROTECTED IF RAIN IS FORECAST.
13. GENERAL CONTRACTOR SHALL COORDINATE INSTALLATION OF ROOF SINKS FOR CONDENSATE LINES. ALL PARTS OF THE ROOF SHALL BE READILY ACCESSIBLE WITHOUT HAVING TO GO ON OR OFF OF THE ROOF. ALL CONDENSATE LINES OR CONDENSATE LINES SHALL BE INSTALLED WITH A MINIMUM OF 1/4" DRAINAGE SLOPE. 1/4" SEE MECHANICAL & PLUMBING DRAWINGS FOR LOCATION & ROUTING OF CONDENSATE LINES. SET ALL CONDENSATE LINES, CONDUITS & OTHER UTILITIES ON REDWOOD SLEEPERS. PROVIDE REDWOOD STEP-OVER PLATFORM OVER ALL UTILITY RUNS OVER 15 FEET LONG.

**NUMBERED NOTES**

**2 ROOF PLAN**



**1 FLOOR PLAN**



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Double-Sided Printing

GENERAL NOTES

1. BUILDING SIGNAGE INDICATED ON THIS DRAWING IS JUST FOR GRAPHIC INDICATION ONLY. BUILDING SIGNAGE TO BE REVIEWED UNDER A SEPARATE PERMIT. SIGNAGE PERMIT IS REQUIRED PRIOR TO INSTALLATION.

CLIENT

**SAINT MINA  
FAMILY DENTAL**  
12601 SAN FERNANDO RD, SUITE H,  
SYLMAR, CA 91342

PROJECT

**DENTAL OFFICE AND  
ATTACHED PHARMACY**

ADDRESS  
774 N MACLAY AVE.  
SAN FERNANDO, CA 91340

DESIGNER

**MOURAD AZIZ, P.E.**  
16155 MONTE ALEGRE BLVD.,  
BURBANK, CA 91504

CONSULTANTS

REGISTRATION



AGENCY APPROVAL

ISSUE

04.18.2011

MARK DATE DESCRIPTION

DESIGNER PROJECT NO.: 10.008.00

DRAWN BY:

CHECKED BY:

SCALE:

KEY PLAN

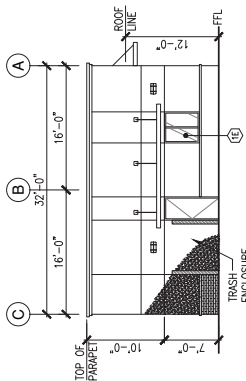
SHEET TITLE

**BUILDING ELEVATIONS**

SHEET NUMBER

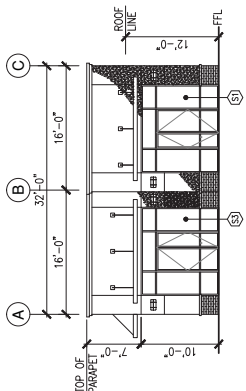
**A-301**

NUMBERED NOTES



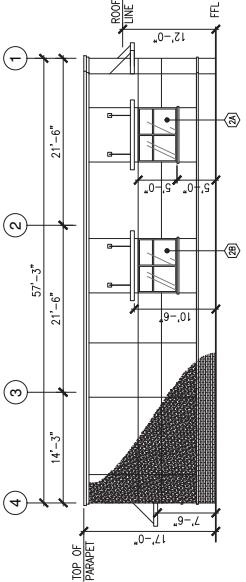
**3 EAST ELEVATION**

SCALE: 1/8" = 1'-0"



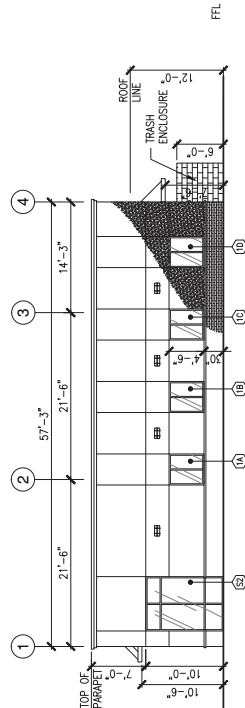
**4 WEST ELEVATION**

SCALE: 1/8" = 1'-0"



**2 NORTH ELEVATION**

SCALE: 1/8" = 1'-0"



**1 SOUTH ELEVATION**

SCALE: 1/8" = 1'-0"

**MEETING DATE:** December 6, 2011

**PRESENTATION:**

1. PRESENTATION

- a. STAFF WILL PRESENT THE AFFORDABLE HOUSING INITIATIVES UPDATE REQUESTING THAT THE PLANNING AND PRESERVATION COMMISSION PROVIDE STAFF WITH INPUT REGARDING A PROPOSED AMENDMENT TO THE CITY'S ZONING AND DEVELOPMENT STANDARD FOR AN AFFORDABLE HOUSING DENSITY BONUS ORDINANCE, AS A FIRST STEP IN AN EFFORT TO FACILITATE THE DEVELOPMENT OF VARIOUS TYPES OF HOUSING FOR ALL ECONOMIC SEGMENTS OF THE COMMUNITY.

Item 7B:



**Affordable Housing Initiatives Update**



## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

**TO:** Planning and Preservation Commissioners

**FROM:** Fred Ramirez, City Planner   
Prepared by: Rina Lara, Assistant Planner 

**DATE:** December 6, 2011

**SUBJECT:** Affordable Housing Initiatives Update

---

#### **PROJECT OVERVIEW:**

Pursuant to the City of San Fernando's 2008-2014 Housing Element update, city planning staff has been reviewing the city zoning regulations in order to identify potential constraints to housing development within the city. As part of the review process, staff is now requesting the Planning and Preservation Commission's input regarding an amendment to the city's zoning and development standards for an affordable housing density bonus ordinance, as a first step in an effort to facilitate the development of various types of housing for all economic segments of the community.

#### **BACKGROUND:**

On April 6, 2009, the City Council adopted the 2008-2014 Housing Element (Resolution No. 7309). Every jurisdiction in California is required to adopt a comprehensive, long term General Plan to guide its physical development; the Housing Element is one of seven mandated elements of the General Plan. Housing Element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that in order for the private market to adequately address housing needs and demand, local government must adopt land use plans and regulatory systems that provide the opportunities for housing development. The Housing Element identifies strategies and programs that focus on:

- ✓ preserving and improving housing and neighborhoods;
- ✓ providing adequate housing sites;
- ✓ assisting in the provision of affordable housing;
- ✓ removing governmental and other constraints to housing investment; and,
- ✓ promoting fair and equal housing opportunities



The Housing Plan is a component of the Housing Element that identifies housing needs, goals, policies and programs. Among the listed housing programs to be implemented is a citywide affordable housing density bonus ordinance.

As required by state housing regulations, Section III: Housing Constraints and Section V: Housing Plan of the city's housing element identifies the following zone code amendments to be implemented within the current housing element period:

- **Manufactured Housing-** Revise zoning code to explicitly specify manufactured housing as a permitted use in the R-1 (Single Family), R-2 (Multiple Family Dwelling), and R-3 (Multiple Family) zones.
- **Single Residential Occupancy (SRO)-**Revise zoning code to explicitly specify SROs as conditionally permitted uses within the C-1 (Limited Commercial) and C-2 (Commercial) zones.
- **Community Care Facilities-**Revise zoning code to clarify zoning for allowing small community care facilities (serving six or fewer persons) as permitted uses in the residential zones and allowing for large care facilities (seven or more persons) in all residential zones and some commercial zones with a conditional use permit.
- **Transitional Housing and Supporting Housing and Emergency Shelters-**Revise zoning code to 1) include transitional housing and supportive housing as a separate use within the definition section of the city zoning code; 2) list these permitted uses within the city's residential zones; and, 3) identify emergency shelters as a permitted use in the M-2 (Light Industrial) zone.
- **Inclusionary Zoning-**extend the inclusionary requirement to all city redevelopment project areas requiring that 15 % of all non-Agency developed housing within the project areas be designated as affordable to low and moderate-income households.
- **Affordable Housing Density Bonus-**development of a city's affordable housing density bonus ordinance consistent with state requirements.

## **ANALYSIS:**

**State Density Bonus Law.** Current state density bonus law approved by the state legislature in 2004 imposed a state-mandated requirement that all municipalities adopt a local density bonus program. The density bonus provisions are included as part of California Government Code Section 65915 (see Attachment 1.)

Per state density bonus law, an applicant can make a proposal to a city requesting a density bonus in order to develop an affordable housing project or in order to donate land for housing within the city. In turn, the city is required to provide the applicant with "incentives or concessions" in order to facilitate the production of housing units and child care facilities in the community. (Section 65915(a).)

**Affordability requirements.** The city is required to grant the density bonus when the applicant/developer agrees to provide one of the following:



- 10% of total proposed housing units designated and set aside for lower income housing units. (Low income is equal to 30% of 60% of the Los Angeles County Area Median Income (AMI).)
- 5% of total proposed housing units designated and set aside for very low income units (Very low income is equal to 30% of the 50% of the AMI.)
- Senior citizen development.
- 10% of total dwelling units in a condominium project or in a planned development shall be designated and set aside for moderate income households. (Moderate income includes households not exceeding 120% of the AMI.)

Unless otherwise required by financing and insurance providers for the project, all designated and set aside affordable housing units must be maintained affordable for a minimum of 30 years.

**Density bonus exceptions.** Once the city receives a request from an applicant/developer for a density bonus that identifies the specific incentives or concessions being sought, the city is required to meet with the applicant/developer and subsequently grant those incentives or concessions unless it makes the following findings:

“A. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c)[of this code].

B. The concession or incentive would have a specific adverse impact, as defined in Paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate income households.”

**Incentives or concession requirements.** The granting of a density bonus shall not require a general plan amendment, zone change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units that is equal to 5 % or 10 % of the total. The density bonus shall apply to housing developments consisting of five (5) or more dwelling units.

The following Table 1 identifies the number of incentives or concessions that can be requested by an applicant/developer noting the increased percentage of dwelling units and the levels of affordability that must be provided by the applicant/developer with each additional concession being requested.

<b>TABLE 1:</b>				
<b>DENSITY BONUS LAW ALLOWANCES SUMMARY MATRIX</b>				
<b>Household Affordability Level</b>	<b>Required Percentages of Affordable Units</b>	<b>Permitted Density Bonus</b>	<b>Permitted Increased Density Bonus</b>	<b>Allowed Combining of Permitted Density Bonuses? (Y/N)</b>
Very low-income (30% of 50% of AMI*)	5% of total proposed housing units designated and set aside for very low income households	20-35 percent	2.5% increase up to 35% for each 1% increase above 5% minimum allocation of very low-income units	N
Low-income (30% of 60% of the AMI*)	10% of total proposed housing units designated and set aside for very low income households	20-35 percent	1.5% increase up to 35% for each 1% increase above 10 percent minimum allocation of low-income units	N
Moderate Income	10% of total proposed housing units in condo/planned development set aside for moderate income households	5-35 percent	1% increase up to 35% for each 1% increase above 10 percent minimum allocation of moderate income units	N
Senior	per Civil Code 51.3 and 51.12	20 percent		N

<b>TABLE 1:</b>				
<b>DENSITY BONUS LAW ALLOWANCES SUMMARY MATRIX</b>				
Land Donation	1 acre in size; land of sufficient size to build at least 40 units; or, an amount of land necessary to build very low income units that is not less than 10 % of the number of residential units of the proposed development	15-35 percent		Y
Child Care Facility	Density Bonus attributed to inclusion of child care facility as part of housing project	Density bonus in the form of residential square feet equal to or greater than the amount of square feet. provided by the child care facility		Y
		or an additional concession/incentive that facilitates the construction of the child care facility		
<i>*AMI means Los Angeles County Area Median Income</i>				
All designated affordable units must be maintained affordable for 30 or more years.				

The granting of the aforementioned incentives/concessions noted in Table 1 is required and is enforceable by law. However, no incentive or concession is required to be granted if it has a specific adverse impact on the public health or safety, or to the physical environment that could not otherwise be avoided or mitigated to a less than significant level. In addition, incentives or concessions that have the potential to have a specific adverse impact on a property listed on the California Register of Historical Resources do not have to be approved by the city if it makes the aforementioned findings of fact.

**Types of concessions.** Per state density bonus law, concessions or incentives mean the following:

- Reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section

18901) of Division 13 of the Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financial sufficient, and actual cost reductions.

- Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient, and actual cost reductions.

The density bonus law does not limit or require the granting of direct financial incentives for the housing development, including the providing of publicly owned land, by the city or the waiver of fees or dedication requirements.

**Additional parking concessions.** In addition to the previously noted concessions, the applicant/developer can also request that the city apply the following parking standards for their project, inclusive of handicapped and guest parking:

- 0-1 bedroom units shall require 1 onsite parking space.
- 2-3 bedroom units shall require 2 onsite parking spaces.
- 4 or more bedroom units shall require 2.5 onsite parking spaces.

It is important to note that all fractional parking spaces are rounded up to the next whole number and the on-site parking spaces may be provided as tandem or uncovered parking spaces.

**Land donations.** As noted in Table 1, an applicant/developer for a subdivision map, parcel map, or other residential development approval that donates land to a city as provided for in the state density bonus law statute, the applicant shall be entitled to a 15 % increase in the allowable maximum residential density. (Attachment 2 provides a detailed description of the requirements for providing a land donation in order to receive the permitted density bonus.)

**Child care facility.** Table 1 also identifies the requirements and allowable density increase for an affordable housing project that includes the construction of a child care facility at the subject site or on an adjacent site. Per state law, the land donation and child care facility can be combined to provide an increased density not to exceed 35 % above the maximum allowable density per city zoning regulations. The exception to this requirement is that the city shall not be required to grant a density bonus or concession for the child care facility if it finds, based upon substantial evidence, that the community already has access to adequate child care facilities.

**General plan and zoning consistency.** The granting of a density bonus shall not require a general plan amendment, zone change, or other discretionary approval. In addition, the state density bonus law does not prohibit the city from granting a density bonus greater than 35 % above the maximum allowable density within the residential zone that the project site is located. In addition, the city can

grant a proportionately lower density bonus than what is required by the state law for affordable housing projects that do not meet the requirements of the statute.

**Environmental review.** All proposed amendments to the city's zoning regulations will be reviewed in accordance with the provisions of the California Environmental Quality Act (CEQA) and the City's adopted Local CEQA Guidelines.

**Assessment of previously approved housing projects.** To date, the City of San Fernando has reviewed and approved projects that have a potential of producing 117 new dwelling units including 96 affordable housing units. Table II below notes the affordable housing projects that have been previously granted entitlements by the city resulting in concessions and/or density bonus increases that are at, or above, the minimum/maximum levels required under state density bonus.

	<b>Table 2:</b>		
<b>PROJECT ADDRESS</b>	<b>HOUSING TYPE</b>	<b># OF AFFORDABLE UNITS</b>	<b>% Increase in Density</b>
208 Jessie Street	Rental (Senior)	20	40%
131 Park Avenue	Rental	41*	106%
112 Alexander Street	Rental (Special Needs)	15	50%
1422 San Fernando Road	Rental (Special Needs)	20	33%
<b>Total Affordable Units</b>		<b>96</b>	
* 131 Park Avenue Project includes 21 market rate units in grand		<b>117</b>	

**Staff survey of adopted density bonus ordinances.** Over the last couple of months, staff has conducted research of implemented density bonus ordinances for other municipalities including: the cities of Glendale, Burbank, Pasadena and West Hollywood. Staff has created an *Affordable Housing Worksheet* that provides a summary of established ordinance such as, permitted density, concessions, modified parking standards, and affordability period requirements (see Attachment 3).

Based on the survey, staff determined that neighboring cities have similar components to their adopted density bonus ordinance. The ordinances include similar language regarding modified parking standards, density bonus calculations, and density bonus agreements. Table 3 below provides a comparative summary of density bonus components for all of the surveyed cities.

<b>TABLE 3: AFFORDABLE HOUSING ORDINANCE COMPONENTS BY SURVEYED CITY</b>				
<b>ORDINANCE COMPONENTS</b>	<b>BURBANK</b>	<b>GLENDALE</b>	<b>PASADENA</b>	<b>WEST HOLLYWOOD</b>
Definitions	•	•	•	
Purpose and Intent	•	•	•	•
Density Bonus Calculations	•	•	•	•
Land Donation	•	•	•	•
Child Care Facilities	•	•	•	
Condominium Conversions	•			
Affordability and Development Standards	•	•	•	•
Modified Parking Standards	•	•	•	•
Types of Incentives/Concessions	•	•	•	•
CUP or waiver process to allow for additional incentives/concessions		•	•	
Application Requirements/Review	•	•	•	•
Density Bonus Housing Agreement	•	•	•	•
Automatic Incorporation by Reference of Future Amendments to State Density Bonus Law	•			
Affordable Housing Fee in Lieu of Affordable Units				•

**Draft density bonus ordinance.** As a first step in the process of developing a draft ordinance, city planning staff has provided a summary of the current components of the state's density bonus law as well as the aforementioned survey of density bonus ordinances of other cities. As a next step in the process, planning staff will prepare a draft outline of an ordinance that addresses all the required components under state density bonus law.

As part of the proposed components of the draft affordable housing density bonus ordinance, staff is considering inclusion of a Conditional Use Permit (CUP) process that would allow an applicant/developer proposing an affordable housing project to request additional

incentives/concessions than those provided by state density bonus law. The CUP process would continue to allow the Planning and Preservation Commission to evaluate potential impacts of the project to the site, adjacent properties, and the surrounding neighborhood in addition to determining whether the project is consistent with the city's general plan and zoning regulations. Once the commission provides input on the proposed draft ordinance outline, staff will work with the city attorney on the development of a draft ordinance that will be subsequently submitted for consideration by the commission at a future meeting in early 2012.

## **CONCLUSION:**

In order to ensure the city's compliance with state affordable housing density bonus law and meet the objectives of the Housing Plan of the 2008-2014 Housing Element, adoption of an affordable housing density bonus ordinance is required. Staff has reviewed legislation, researched adopted density bonus ordinances of other cities, and developed this report in order to provide commission with an overview of state affordable housing density bonus law. At this time, staff is seeking input from the commission on the proposed components of a draft affordable housing density bonus ordinance and staff's proposed process for development of said ordinance.

## **ATTACHMENTS:**

1. California Government Code Section 65915-65918
2. Density Bonus Law Summary
3. Affordable Housing Worksheet

CALIFORNIA CODES  
GOVERNMENT CODE  
SECTION 65915-65918

**65915.** (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local **government** shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety **Code**.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety **Code**.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil **Code**, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil **Code**.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the Civil **Code** for persons and families of moderate income, as defined in Section 50093 of the Health and Safety **Code**, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), the applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(3) For the purposes of this section, "total units" or "total dwelling units" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all low- and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety **Code**. Owner-occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety **Code**.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of the



moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Section 1351 of the Civil **Code**, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety **Code**, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety **Code**. The local **government** shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local **government** shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety **Code** that promote home ownership.

(B) For purposes of this subdivision, the local **government's** initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local **government's** proportionate share of appreciation shall be equal to the ratio of the local **government's** initial subsidy to the fair market value of the home at the time of initial sale.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety **Code**, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at

least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local **government** to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local **government** to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local **government** to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local **government** to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to

which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate- Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21

27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density

bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local **government** may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local **government** prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to

or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or a city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) "Housing development," as used in this section, means a development project for five or more residential units. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California

Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources **Code**).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

**65915.5.** (a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety **Code**, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety **Code**, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited

to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

65916. Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

65917. In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

65917.5. (a) As used in this section, the following terms shall have the following meanings:

(1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of



children as defined under applicable state licensing requirements for the facility.

(2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures.

For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

(3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make an application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local

governmental child care coordinator in order to qualify for the density bonus.

(d) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. A penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for child care services or child care facilities.

(e) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(f) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998 by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

65918. The provisions of this chapter shall apply to charter cities.

**Density Bonus Law Summary**  
**Government Code Section 65915 et. seq. (SB 1818, Hollingworth)**

**State mandate.**

Current state density bonus law approved by the state legislature in 2004, imposed a state-mandated requirement that all municipalities adopt a local density bonus program. The density bonus provisions are included as part of California Government Code Section 65915.

Per state density bonus law, an applicant can make a proposal to a city requesting a density bonus in order to develop an affordable housing project or in order to donate land for housing within the city. In turn, the city is required to provide the applicant with “incentives or concessions” in order to facilitate the production of housing units and child care facilities in the community. (Section 65915(a).)

**Affordability requirements.**

The city is required to grant the density bonus when the applicant/developer agrees to provide one of the following:

- 10% of total proposed housing units designated and set aside for lower income housing units per Health and Safety Code Section 50079.5. (Low Income is equal to 30% of 60% of the Area Median Income.)
- 5% of total proposed housing units designated and set aside for very low income units per Health and Safety Code Section 50105. (Very Low Income is equal to 30% of the 50% of the Area Median Income.)
- Senior citizen development per Civil Code Sections 51.3 and 51.12.
- 10% of total dwelling units in a condominium project or in a planned development as defined in subdivision f and k, respectively of Civil Code Section 1351 shall be designated and set aside for moderate income households per Health and Safety Code Section 50093.

All designated and set aside affordable housing units must be maintained affordable for 30 years or longer if required by construction and/or mortgage financing, mortgage insurance, or any applicable rental subsidy program. In addition, the applicant/developer shall provide proof that the designated affordable units are rented and/or purchased by qualifying very low, low or moderate income households consistent with the type of housing unit originally designated. The statute also provides for the city to obtain a proportionate share of equity at the time of sale for the condominium/planned development units at the time of resale. (Government Code Section 65915(c)(2).) The funds received by the city would have to be used within three years to further promote homeownership activities as permitted under state law. (H and S Section 33334.2.)

**Density bonus exceptions.**

Once the city receives a request from an applicant/developer for a density bonus that identifies the specific incentives or concessions being sought, the City is required meet with the applicant/developer and subsequently grant those incentives or concessions unless it makes the following findings:

“A. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c)[of this code].

B. The concession or incentive would have a specific adverse impact, as defined in Paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate income households.”

### **Incentives or concession requirements.**

The number of incentives or concessions that can be requested by an applicant/developer are as follows:

- One incentive or concession for a project with: at least 10 percent of the total units set aside for lower income households; at least 5 percent for very low income households; or, at least 10 percent for persons and families moderate income in condo or planned developments.
- Two incentives or concessions for projects with: at least 20 percent of the total units for low income households; 10 percent for very low income households; or, at least 20 percent for moderate income households in condo or planned developments.
- Three incentives or concessions for projects that include at least 30 percent of total units for low income households, at least 15 percent for very low income households, or 30 percent for moderate income households in condo or planned developments.

The granting of the aforementioned concessions is required and is enforceable by law. However, no incentive or concession is required to be granted if it has a specific adverse impact as defined in Health and Safety Code Section 65589.5 on the public health or safety, or to the physical environment that could not otherwise be avoided or mitigate to a less than significant level. In addition, incentives or concessions that the potential to have a specific adverse impact on a property listed on the California Register of Historical Resources do not have to be granted by the city if it makes the aforementioned findings of fact. The types of incentives or concessions include, but are not limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements.

Applicant may submit to the city a proposal for a waiver or reduction of development standards and may request a meeting with the city. City’s failure to provide the waiver or reduction of development standards may result in legal action by the developer in which the courts requires approval of required waiver or reduction of development standards as well as award of attorney fees and cost for the suit.

Applicant is required to show that the waiver or modification is necessary to make the housing units economically feasible.

**Density bonus levels.**

Density bonus means a density increase of at least 20 percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of the application by the applicant to the city.

- For each 1 percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent.
- For each 1 percent increase above 5 percent in the percentage of units affordable to very low income households, the density shall be increased by 2.5 percent up to a density of 35 percent.
- If a development does not meet the requirements noted above, but agrees or proposes to construct a condo or planned development in which at least 10 percent of the total dwelling units are reserved for moderate income households at least a 5 percent increase in density shall be granted unless a lower density is elected by the applicant over the otherwise maximum allowable residential density per the zoning code.
- For each 1 percent increase above 10 percent of the percentage of units affordable to moderate income households, the density shall be increased by 1 percent up to a maximum of 35 percent.

All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require a general plan amendment, zone change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units that is equal to 5 or 10 percent of the total. The density bonus shall apply to housing developments consisting of five (5) or more dwelling units.

**Land donations.**

When an applicant/developer for a subdivision map, parcel map, or other residential development approval donates land to a city as provided for in the state density bonus law statute, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element density of the general plan for the entire development.

- For each 1 percent increase above the minimum 10 percent land donation per the statute, the density bonus shall be increased by 1 percent up to a maximum of 35 percent. This increase shall be in addition to any increase in density mandated by the density bonus required for providing affordable units up to a combined mandated density increase of 35 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require a general plan amendment, zone change, or other discretionary approval.

An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

- Applicant donates and transfers land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
- The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
- The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is well served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of affordable housing units feasible. The transferred land shall have all required permits and approvals necessary for the development of low income housing units no later than the date of approval of the final subdivision map, parcel map, or other residential development. However, the city may still require subsequent design review to the extent authorized in subdivision (i) of Government Code Section 65583.2 if the design is not reviewed by the city before the time of transfer.
- Transferred land and affordable housing units shall be subject to a deed restriction ensuring continued affordability of the units per the specified 30 year or more time frame and the deed restriction shall be recorded on the property at the time of dedication.
- As part of the transfer of land to the city or designed affordable housing developer, the city may require the applicant to identify and transfer the land to the affordable housing developer.
- The transferred land shall be within the boundaries of the development or, if the city agrees, within ¼ mile of the development site.

#### **Child care facility.**

When applicant proposed to construct a housing development that conforms to subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city shall grant either of the following:

- An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet of the child care facility.
- An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

The city shall require, as a condition of approval for the housing development for the following to occur:

- The child care facility shall remain in operation for a period of time that is as long as or no longer than the period of time during which the density bonus units are required to remain affordable.
- Of the children that attend the child care facility, the children of very low income households, low income households, or family of moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low, low, and moderate income households.

The city shall not be required to grant a density bonus or concession for the child care facility if it finds, based upon substantial evidence, that the community already has access to adequate child care facilities.

“Child care facility” means a child care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

“Housing development” means one or more group of projects for residential units constructed in the planned development of a city. For the purposes of this statute, housing development also means a subdivision or a planned unit development or condominium project as defined in Civil Code Section 1351, approved by the city and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling as defined in subdivision (d) of Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

The granting of a density bonus shall not require a general plan amendment, zone change, or other discretionary approval.

Per state density bonus law, concessions or incentives mean the following:

- Reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financial sufficient, and actual cost reductions.
- Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient, and actual cost reductions.

The density bonus statute does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements.

The density bonus statute does not prohibit the city from granting a density bonus greater than what is described in the statute for a development that meets the requirements of the statute or from granting a proportionately lower density bonus than what is required by the statute for developments that do not meet the requirements of the statute.

“Development standard” means site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

“Maximum allowable residential density” means the density allowed under the zoning ordinance, or if a range of density is permitted, it means the allowable density for the specific zoning range applicable to the project.

**Parking concessions.**

The applicant/developer can also request that the city apply the following vehicular parking ratios to their project, inclusive of handicapped and guest parking:

- 0-1 bedroom units shall require 1 onsite parking space.
- 2-3 bedroom units shall require 2 onsite parking spaces.
- 4 or more bedroom units shall require 2.5 onsite parking spaces.

All fractional parking spaces shall be rounded up to the next whole number. For the purpose of the statute, the total number onsite parking spaces may be provided in the form of tandem parking or uncovered parking, but not through on-street parking. An applicant may request additional parking incentives or concessions beyond those previously noted.



## AFFORDABLE HOUSING WORKSHEET

CITY	PERMITTED DENSITY	CONCESSIONS	APPLICABILITY	REQUIRED PARKING	AFFORDABLE PERIOD
<i>City of Pasadena</i>	5% of units to be dedicated low income, 10% of units to be dedicated to low-income and very-low income, 10% of units to be dedicated to moderate-income and available to general public for sale; or 35% of dwelling units are available to persons 55 and older.	5% very low income, 10% low income, or 10% moderate income for sale = 1 concession, 10% very low, 20% low income or 20% units for moderate income households = 2 concessions. 15% very low-income households, 30% low income, 30% for moderate income. Affordable Housing Concession Permit.	Projects consisting of 5 or more dwellings, not including units as a density bonus	0 to 1 bedroom = 1 space per unit. 2 to 3 bedroom = 2 space per unit. 4 or more bedrooms = 2.5 per unit	very low and low income 30 year covenant, moderate income recapture of financial interest
<i>City of Burbank</i>	10% low income units, developer to receive 20% density bonus. For every 1% increase in affordable units, the developer to shall receive a 1.5% density bonus. 5% very low developer to receive 20% density bonus. For every 1% increase in affordable units, the developer shall receive a 2.5% density bonus increase. 10% moderate income for sale units, developer will receive 5% density bonus. For every 1% increase in affordable units, the developer shall receive a 1% density bonus increase.	5% very low income = 1 concession, 10% very low income = 2 concessions, 15% very low income = 3 concessions. 10 % low income= 1 concession, 20% low income = 2 concessions, 30% low income = 3 concessions. 10% moderate income for-sale condos = 1 concession. 20% moderate income condos = 2 concessions, 30% moderate income condos = 3 concessions. Reduced setbacks, reduced building height 10% of total units for low income, at least 5% for very low income household, or at least 10% for moderate income = 1 concession. 20% of units for low income, 10% for very low income or 20% for moderate income = 2 concessions. 30% of units for low income, at least 15% very low income, or at least 30% for moderate income or planned development.	Projects consisting of 5 or more dwellings, not including units as a density bonus	0 to 1 bedroom = 1 space per unit. 2 to 3 bedroom = 2 space per unit. 4 or more bedrooms = 2.5 per unit	30 years for rental units restricted to very low and low income households
<i>City of Glendale</i>	10% of total units of a housing development for low income households; 5% of total units of a housing development for very low income households, a senior citizen housing development, 10% of the total dwelling units in a condominium project.	5% very low, 10% low, or 10% Moderate = 1 concession. 10% very low, 20% low, or 20% Moderate = 2 concessions. 15% very low, 30% low, or 30% Moderate: Available concessions; 10 percent reduction in the minimum side setbacks; 10% reduction opened space required.	All zones where residential developments of 5 or more dwelling units.	0 to 1 bedroom = 1 space per unit. 2 to 3 bedroom = 2 space per unit. 4 or more bedrooms = 2.5 per unit	Affordable units offered rent to low income and very low income shall remain designated to the income group for 30 years.
<i>City of West Hollywood</i>	5% very low income, 20% percent density granted; 10% lower income, 20% density granted and 10% moderate income, 5 % density bonus granted		R-3 and R-4 zones, development to be maintained and operated by a not-for-profit organization.	0 to 1 bedroom = 1 space per unit. 2 to 3 bedroom = 2 space per unit. 4 or more bedrooms = 2.5 per unit	Permanent dedication of affordable units in R-3 and R-4 zones, and maintained by nonprofit organization