

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
APCNV-2016-565-ZC-BL	ENV-2016-564-CE	12 - Englander
PROJECT ADDRESS:		
8730 North Etiwanda Avenue		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
George Kwiter G&Y General Contractor, Inc. 18430 San Jose Stree Porter Ranch, California 91326 <input type="checkbox"/> New/Changed	(818) 266-5332	George@gypc.net
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Robert B. Lamishaw, JPL Zoning Service 6257 Van Nuys Boulevard #101 Van Nuys, Califonria 91401	(818) 761-0016	lamishaw@jplzoning.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Lucerito Martinez, Planning Assistant	(818) 374-5058	lucerito.martinez@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Zoning Change and Building Line Removal		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

N/A

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☒ Conditions of Approval
- ☒ Ordinance
- ☒ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☐ Other _____

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- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):**FISCAL IMPACT STATEMENT:**☒ Yes☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☐ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☒ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
September 7, 2017	4 - 0
LAST DAY TO APPEAL:	APPEALED:
N/A	N/A
TRANSMITTED BY:	TRANSMITTAL DATE:
Renee A. Glasco	September 28, 2017



NORTH VALLEY AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: SEP 28 2017

APCNV-2016-565-ZC-BL
CEQA: ENV-2016-564-CE
Plan Area: Northridge

Council District: 12 - Englander

Project Site: 8730 North Etiwanda Avenue

Applicant: George Kwitter, G & Y General Contractor, Inc.
Representative: Robert B. Lamishaw, JPL Zoning Services

At its meeting of **September 7, 2017**, the North Valley Area Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of an existing single-family dwelling and the construction of a three-story, 8-unit apartment building and a semi-subterranean parking garage with 15 parking spaces on an approximate 7,882 square-foot lot.

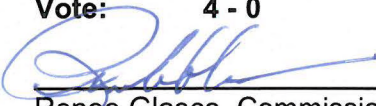
1. **Determined** that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, State CEQA Guidelines Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved and recommended** that the City Council **adopt** a Zone Change from R1-1 to (T)(Q)R3-1, subject to the attached conditions of approval;
3. **Approved and recommended** that the City Council **adopt** a Building Line Removal to remove a 15-foot building line on the east side of Etiwanda Avenue established under Ordinance No. 129,661; and
4. **Adopted** the Findings.

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

This action was taken by the following vote:

Moved: Harootonian
Seconded: Garcia
Ayes: Reyes, Sampson
Absent: Nam

Vote: 4 - 0



Renee Glasco, Commission Executive Assistant I
North Valley Area Planning Commission

Effective Date/Appeals The decision of the North Valley Area Planning Commission is final upon the date of this determination and it is not further appealable.

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

Attachments: Conditions for Effectuating (T) Tentative Classification Removal; (Q) Qualified Conditions Of Approval; Findings; Zoning Map; Building Line Removal Diagram

c: Lucerito Martinez, Planning Assistant
Daniel O'Donnell, City Planner

ORDINANCE NO. _____

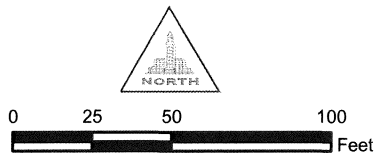
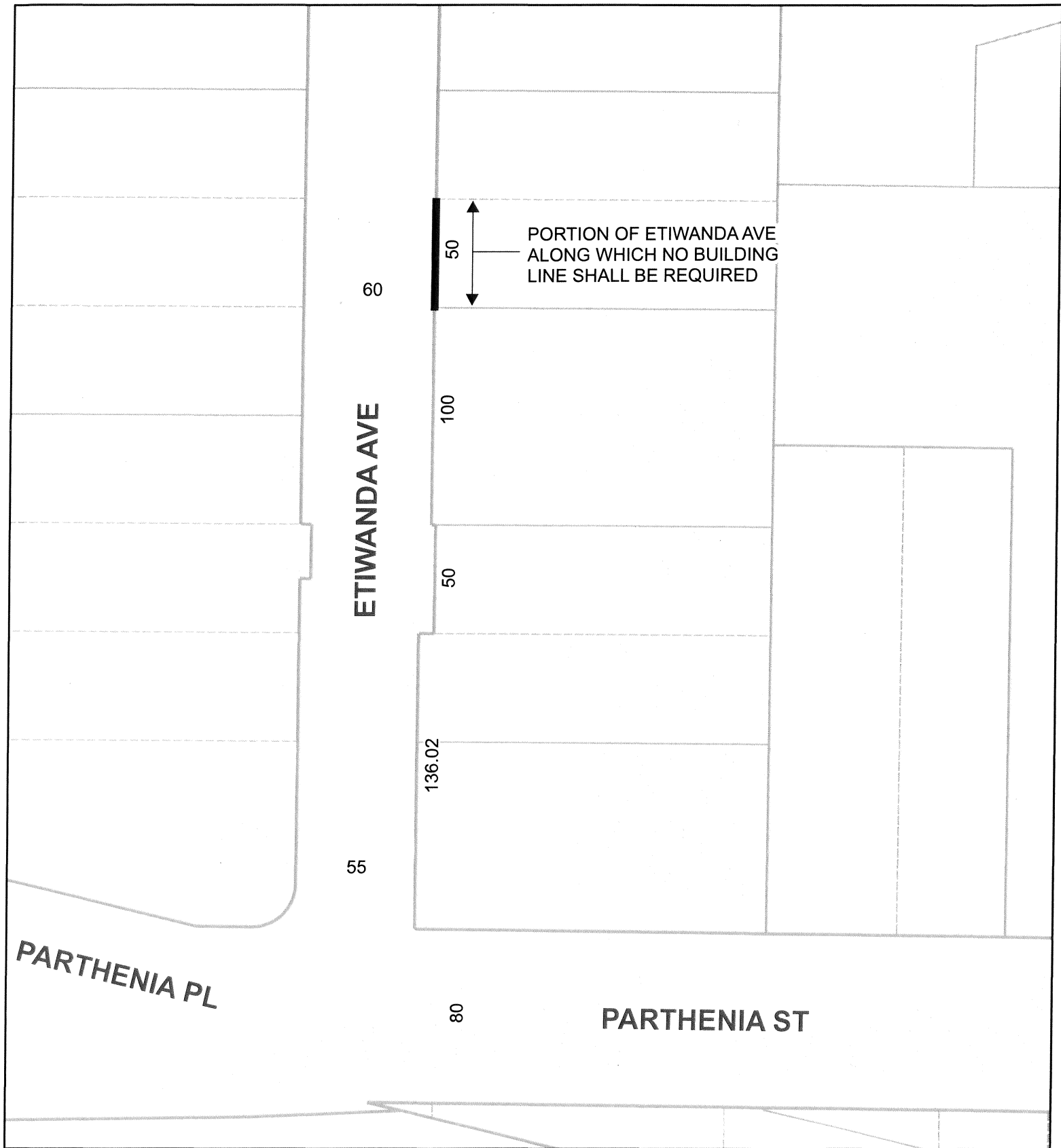
An ordinance amending the following ordinance establishing building line Ordinance No. 102,141

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

Section 1. The following Ordinance ordering the establishment of building line pursuant to the diagram in Section 2 is amended by repealing that provision which ordered its establishment:

Ordinance No. 129,661 (A building line on the east side of Etiwanda Avenue between lines 186 ft. and 686 ft. north of Parthenia Street)

Section 2. The following diagram displays the building lines listed for removal in Section 1 of this Ordinance:

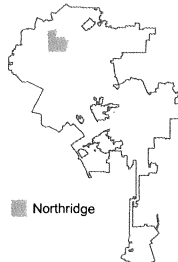


APCNV-2016-565-ZC-BL

CF/ *YHA*

091217

City of Los Angeles

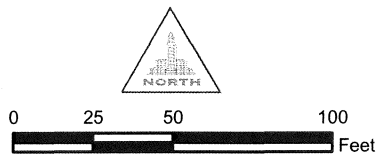


ORDINANCE NO. _____

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

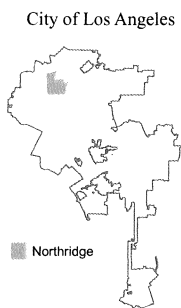
THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

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



APCNV-2016-565-ZC-BL

CF/ *[Signature]* 091217



CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the LAMC, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

1. Dedications Required:

Etiwanda Avenue (Collector Street) - A 3-foot wide strip of land along the property frontage to complete a 33-foot half right-of-way in accordance with Collector Street standards of Mobility Plan 2035. The Department of Transportation may have additional requirements for dedication and improvements.

2. Improvements Required:

Etiwanda Avenue - Construct a new 13-foot full-width concrete sidewalk along the property frontage. Upgrade all driveways to comply with ADA requirements and close all unused driveways with standard height curb, gutter and sidewalk. The Department of Transportation may have additional requirements for dedication and improvements.

3. **Urban Forestry Division of the Bureau of Street Services.** Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services (213) 847-3077.
4. **Public Works – Street Lighting.** Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551. The applicant shall be responsible for street lighting modifications required at an intersection if there are improvements by the Department of Transportation (also for off-site improvements).
5. **Engineering – Sewer Facilities.** Sewer lines exist in Etiwanda Avenue. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit. An investigation from the Bureau of Engineering sewer counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Public Counter of the Valley District Office of the Bureau of Engineering (818) 374-5090.
6. **Engineering – Drainage Facilities.** Construction of necessary drainage facilities, to the satisfaction of the Bureau of Engineering.
7. **Engineering – Excavation** - Submit shoring plans and lateral support plans to the Bureau of Engineering Excavation Counter for review and approval prior to excavating in the public right-of-way.
8. **Transportation – Site Access and Internal Circulation.** A final DOT approval shall be obtained prior to issuance of any building permits for the driveway, internal circulation, and parking scheme for the proposed Project. This shall be accomplished by submitting a detailed and fully dimensioned site plan and parking layout, with a minimum scale of 1"=40', to the DOT Valley Development Review Section at 6262 Van Nuys Boulevard, Suite 320, Van Nuys,

91401, before submittal of building plans for plan check to the Department of Building and Safety.

9. **Engineering – Notice of Payment of All Engineering Fees.** Prior to issuance of a clearance letter by the Bureau of Engineering, all engineering fees pertaining to Ordinance No. 176,077 adopted by the City Council, must be paid in full at the Development Services Division office.
10. **Engineering – Notice of Completion of Construction of All Public Improvements:** Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.
11. **Planning - Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.
12. **Department of Recreation and Parks - Recreation and Parks Dedication/Fee.** Per Section 12.33 of the Los Angeles Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for the construction of apartment buildings. Please Note: Park fees are now paid at 221 N. Figueroa Street, Suite 400, Los Angeles, CA 90012. If you have any questions or comments regarding this information contact the RAP Park Fee staff at (213) 202-2682.

(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32G of the LAMC, the following limitations are hereby imposed upon the use of the subject property, subject to the “Q” Qualified classification.

A. Development Conditions:

1. **Use.** The use of the subject property shall be limited to those permitted in the R3 Zone, as defined in Sections 12.10 of the LAMC.
2. **Density.** A maximum of eight (8) apartment dwelling units.
3. **Height.** No building or structure shall exceed 35 feet in height, as defined by Section 12.21.1 of the LAMC, and as shown on the project plans dated June 25, 2017, and labeled “**Exhibit A**”, attached to the subject file.
4. **Site Development. Plot/Site Plan.** Prior to the issuance of any building permits for the subject project, detailed development plans including site and elevation plans, and including complete landscape and irrigation plans prepared by a licensed landscape architect or architect, shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The plans submitted to Building and Safety shall be revised in substantial conformance with this approval and shall be substantial conformance with the plans dated June 25, 2017, and labeled “**Exhibit A**”, attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the LAMC, the subject conditions, and the intent of the subject permit authorization.
5. **Parking.**
 - a. Provide a minimum of 14 parking spaces (1.5 parking spaces for each dwelling unit with 3 habitable rooms and 2 parking spaces for each dwelling unit with more than 3 habitable rooms).
 - b. One guest parking space is proposed and it does not need to be covered.
6. **Open Space.** The project shall comply with the open space standards of Section 12.21.G of the Los Angeles Municipal Code.
7. **Landscaping (Open Areas).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. Additionally, landscaping is required to complement the building design and shall comply with the City of Los Angeles Landscape Ordinance 170,978 and Section 12.40 of the LAMC.
8. **Property-line Walls.** Prior to issuance of a Certificate of Occupancy, a minimum 6-foot-high, slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in the required front yard.

9. **Roof-Top Equipment.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties with single-family dwellings.
10. **Lighting.** All outdoor lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
11. **Trash/Recycling Area.** Details shall be provided on the common trash and recycling area, as shown on the submitted Site Plan, including the method of enclosure, and design and material of the enclosure, at the time of final sign off. The trash and recycling areas shall be secured with an enclosure that fully screens the view of the trash and recycling area from view.
12. **Code Compliance.** The area, height and use regulations of the R3-1 zone classification of the subject property shall be complied with, except where conditions herein are more restrictive.
13. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
14. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
15. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
16. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority, including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
17. **Indemnification.**

The applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of, in whole or in part, this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Action includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Northridge Community Plan Area, updated and adopted by the City Council on February 24, 1998. The Plan designates the subject property as Medium Residential (corresponding to the R3 zone). The proposed change to (T)(Q)R3-1 is consistent with the land use designation on the plan map, and is therefore in substantial conformance with the purposes, intent, and provisions of the General Plan, as reflected in the adopted Community Plan.
2. **Community Plan Text.** The recommended zone change to (T)(Q)R3-1 conforms to the following objectives and policy of the Northridge Community Plan:

Objective 1-1: To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.1: Designate lands for single and multi-family residential development. Maintain single family residential to the maximum extent possible. Commercial development should not intrude into residential areas.

Policy 1-1.4: The City should promote neighborhood preservation, both in existing single family neighborhoods, as well as existing multiple-family areas.

Objective 1-2: To locate new housing appropriately in a manner which reduces vehicular trips and which increases accessibility to services and facilities.

Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

Policy 1-3.2: Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, and impacts on traffic levels, and environmental impacts when changes in residential densities are proposed.

Policy 1-3.3: Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

Objective 1-5: To promote and insure the provision of adequate housing for all persons regardless of income, age or ethnic background.

Policy 1-5.1: Promote greater individual choice in type, quality, and location of housing.

The proposed project will further the above objectives and policies by addressing the Community Plan area's housing needs, and by matching the density that was envisioned for this area by the Community's Plan's Medium Residential land use designation. The adjacent property to the south and most properties to the north from the subject property are zoned R3-1 and developed with multi-family housing. The proposed (T)(Q)R3-1 zone and development of the 8-unit apartment building would be compatible with the existing neighborhood land use and character, which continues to transition from single-family to

multi-family housing. Adequate access to the site is available from Etiwanda Avenue. Therefore, as conditioned, the recommended development is consistent with the Community Plan policies and objectives mentioned above, is permitted in the R3-1 zone, and is consistent with the General Plan land use designation.

Entitlement Findings

3. **Zone Change, L.A.M.C. Sec. 12.32-F:** The recommended zone change is in conformance with the public necessity, convenience, general welfare, and good zoning practice.

Public Necessity, Convenience, and General Welfare. The granting of the proposed Zone Change will result in a project that is in conformance with the public necessity and convenience by developing an under developed site with additional housing and replace a boarded up single-family dwelling with eight (8) new apartment dwelling units.

The proposed Zone Change will promote the convenience by allowing for the complimenting street dedications and street improvements to occur. The dedication and improvements at the project's street frontage will allow for better pedestrian circulation, as well as, improve the aesthetic character of the street. Granting the requested zone change would be consistent with the General Welfare, in that the request involves a zone and use that is consistent with the plan's underlying Land Use Designation of Medium Residential. The improvements resulting from the zone change will enhance the visibility and aesthetic character of the site.

Good Zoning Practices. The subject property is located within the Northridge Community Plan adopted by the City Council on February 24, 1998. The map designates the subject property for Medium Residential land uses with the corresponding zone of R3. The proposed zone change recommendation from the R1-1 Zone to the (T)(Q)R3-1 Zone is consistent with the current Medium Residential land use designation and the corresponding zone for that land use category. The site and the adjacent property to the north are the last properties zoned R1-1 and developed with single-family dwellings in a block with properties zoned R3-1 and developed with multi-family housing. The zone change will allow the project site to be developed with a density that is consistent with the land use designation and provide a more appropriate transition between the existing commercial and auto-repair uses along Parthenia Street to the south and the single-family residential developments to the east and west.

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

4. **Building Line Removal, L.A.M.C. Sec. 12.32R:** The recommended Building Line Removal is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The requested building line removal is in conformity with public necessity, convenience, general welfare, and good zoning practice in that its retention on the

subject property is no longer necessary for the purpose of reserving a portion of the property for future Collector Street dedication and improvement.

The Building Line along the east side of Etiwanda Avenue along the property was adopted by the City Council in March 1965 by Ordinance No. 129,661. It was originally a 20-foot Building Line but has since been reduced to 15 feet. The Bureau of Engineering (BOE) is requiring a 3-foot dedication along Etiwanda Avenue to complete the half right-of-way for a Collector Street which is 33 feet, since Etiwanda Avenue has a current width of 60 feet. BOE is also requiring the construction of a new 13-foot full-width concrete sidewalk along the property frontage, to upgrade all driveways to comply with ADA requirements, and close all unused driveways with standard height curb, gutter and sidewalk. Furthermore, the proposed (T)(Q)R3-1 zone has a required front yard of 15 feet. Thus, the 15-foot building line will no longer be needed on the subject property to ensure that dedication and improvements may occur at the subject site's frontage. Finally, there are nine properties in the same block that do not have building lines (six on the northern portion and three in the southern portion).

5. CEQA Findings

Environmental. The project is characterized as an infill development, is consistent with the General Plan Land Use Designation and zoning requirements, is located on a site with less than five acres and is surrounded by urban uses, has no value as habitat for endangered, rare, or threatened species, will not result in any significant effects relating to traffic, noise, air quality, or water quality, and will be adequately served by all required utilities and public services. As a result, the City determined that based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section, 15332, State CEQA Guidelines Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.