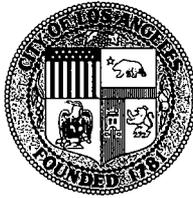


CITY OF LOS ANGELES
CALIFORNIA

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1044
General Information - (213) 978-1133
Fax: (213) 978-1040

CLAUDIA M. DUNN
Chief, Council and Public Services Division

05-2628

CD 4

February 16, 2006

Councilmember LaBonge
City Planning Department
Attn: Mark Lopez (w/copy of Ordinance)
cc: Director of Planning
cc: Geographic Information Section
Attn: Fae Tsukamoto
Bureau of Street Lighting
"B" Permit Section

Bureau of Engineering,
Land Development Group
Department of Transportation
Traffic/Planning Sections
Department of Building and Safety
c/o Zoning Coordinator
cc: Residential Inspection Unit
Fire Department

Joel Miller
PSOMAS
11444 W. Olympic Blvd. #750
Los Angeles, CA 90064

Marc Annotti
DS Ventures
8383 Wilshire Blvd. #1000
Beverly Hills, CA 90211

RE: VESTING ZONE CHANGE FOR PROPERTY AT 1411 NORTH HIGHLAND AVENUE

At the meeting of the Council held FEBRUARY 1, 2006, the following action was taken:

| | |
|---|----------------|
| Attached report adopted..... | <u>X</u> |
| Ordinance adopted..... | <u>X</u> |
| Ordinance number..... | <u>177349</u> |
| Posted date..... | <u>2-15-06</u> |
| Effective date..... | <u>3-27-06</u> |
| Mayor approved..... | <u>2-13-06</u> |
| Findings adopted..... | <u>X</u> |
| Mitigated Negative Declaration adopted..... | <u>X</u> |
| FORTHWITH..... | <u>X</u> |

City Clerk
kw



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TO THE COUNCIL OF THE CITY OF LOS ANGELES

FILE NO. 05-2628

Your PLANNING AND LAND USE MANAGEMENT Committee

reports as follows:

Public Comments Yes No
XX -

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a Vesting Zone Change for property at 1411 North Highland Avenue.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

- 1. FIND that this project will not have a significant effect on the environment...
2. ADOPT the FINDINGS of the City Planning Commission as the Findings of the City Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the City Planning Commission...

Applicant: D.S. Ventures, LLC

CPC 2005-3417 VZC

Said rezoning shall be subject to the "Q" Qualified classification zone limitations substantially as shown on the sheet(s) attached to the Committee report.

- 4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Committee report.
5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
6. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented...
7. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

Fiscal Impact Statement: The Planning Department reports that there is no General Fund impact, as administrative costs are recovered through fees.

TIME LIMIT FILE - FEBRUARY 28, 2006

(LAST DAY FOR COUNCIL ACTION - FEBRUARY 28, 2006)

Summary:

At its meeting held January 24, 2006, the Planning and Land Use Management Committee recommended that Council approve the accompanying Ordinance effecting a Vesting Zone Change from C2-1-SN to (T)(Q)RAS4-1-SN, subject to Conditions of Approval for the proposed construction of a mixed-use project consisting of 56 new multi-family condominium units and up to 6,800 square-feet of ground floor commercial uses in a building of approximately 65 feet in height, including four residential floors above ground floor retail use. Parking will be provided within an enclosed parking garage at grade and in two subterranean levels. Parking associated with the retail uses will be provided at grade level and parking for the residential units will be provided in the subterranean parking levels. A total of 99 on-site parking spaces will be provided. The site is 30,618 net square feet in area for the property at 1411 North Highland Avenue.

The matter is now forwarded to the Council for consideration.

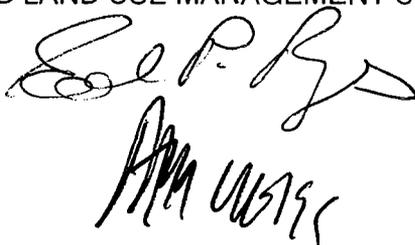
As indicated in Recommendation No. 5 and pursuant to Section 12.32-J of the Los Angeles Municipal Code (LAMC), the applicant is hereby advised that:

... whenever property remains in a "Q" Qualified classification for six years ... after the effective date of the ordinance creating same without substantial physical development thereof for one or more of the uses first permitted herein having taken place within such time or if the Director of Planning determines that such development is not thereafter continuously and expeditiously carried on to completion, or if no physical development is necessary, without having been need for one or more of the purpose first permitted thereby, such Qualified classification and the authority contained therein shall become null and void, the rezoning proceedings shall be terminated and the property thereafter may only be utilized for those purposes permitted prior to the commencement of such rezoning proceedings."

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

| <u>MEMBER</u> | <u>VOTE</u> |
|---------------|-------------|
| REYES: | YES |
| WEISS: | YES |
| CARDENAS: | ABSENT |



BG:ys
1-26-06
Enc: CPC 2005-3417 VZC
Ordinance
CD 4
Attachment: "Q" and "T" Conditions of Approval

#052628

Findings Not Found
ADOPTED
FEB 01 2006

LOS ANGELES CITY COUNCIL
FORTHWITH
Not Neg Dec

(Q) QUALIFIED CONDITIONS OF APPROVAL

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

A. Entitlement Conditions

- 1. Use.** The use and development of the subject property shall comply with all provisions of the RAS4 zone, pursuant to Municipal Code Section 12.11.5, except where conditions herein may be modified.
- 2. Site Plan.** The use and development of the property shall be in substantial conformance with the site plan, and floor plans, and elevation plans labeled "Exhibit-A" stamped and dated October 20, 2005, attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
- 3. Floor Area.** The total floor area of non-residential uses on the subject property shall not exceed 6,800 square feet, as defined by Section 12.03 of the Municipal Code.
- 4. Height.** Buildings on the subject property shall not exceed 65-feet in height to the top of the parapet and 73-feet 3-inches to the top of the elevator core, as defined by Section 12.21.1 of the Municipal Code. The height of all structures shall be in substantial conformance with the elevation plan labeled "Exhibit-A" stamped and dated October 20, 2005, attached to the subject case file.
- 5. Density.** Not more than 56 dwelling units may be constructed on the subject.
- 6. Parking.** All project related parking shall be provided in compliance with Section 12.21.A.4 of the Municipal Code.
 - a. Two parking spaces shall be required for each residential condominium unit. In addition, two parking spaces per 1,000 square feet, or major fraction thereof, shall be required for the commercial floor area as defined by the LAMC. Residential guest parking space at a minimum of one half space per dwelling unit, shall be provided in addition to Municipal Code required parking which shall be readily accessible, conveniently located and specifically reserved for guests
 - b. Separate parking areas shall be maintained for the residential tenants of the building and the commercial/guest parking areas. Signs shall be clearly posted at building entrances in large, easy to read lettering and shall indicate the general location of guest parking. Sign wording shall be to the satisfaction of the Department of City Planning and shall indicate the number of reserved guest parking spaces.
 - c. Tandem parking may be used only for the spaces which are assigned and designated for a single residential unit.
 - d. If any residential guest parking is located behind security gates, the following shall be apply:
 - 1) A remote electronic gate opening system shall be installed so that the security gate can be opened from each residential unit served by the secured guest parking.
 - 2) An electronic intercommunication system shall be installed. The system shall be readily accessible to the drivers of guest vehicles and to the units served by the

secured guest parking.

- 3) Alternatives to the provisions of this condition may be approved by the Department of City Planning provided that the intent of readily accessible guest parking facilities and no interference with the public right-of-way is assured.
- e. Parking for non-residential uses shall be provided in accordance with applicable provisions of Section 12.21.A.4 of the Municipal Code.

B. Other Conditions

- 7. Screening.** Any structure on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any existing adjacent single-family properties, as seen from grade.
- 8. Parking Level Screening.** Above-grade parking levels shall be visually screened from abutting residential uses by landscaping and/or architectural features.
- 9. Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Plans shall be submitted that demonstrate, to the satisfaction of the Department of City Planning and the Department of Transportation, how loading and unloading will occur on-site.
- 10. Construction Related Parking.** Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees or subcontractor shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owners base of operations.
- 11. Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site shall occur on any local or collector street within the project vicinity outside of that time period.
- 12. Noise (Receiving, Trash, Storage Areas).** Any activities associated with areas devoted to trash compacting, loading and unloading, and receiving, shall be limited as follows: Monday through Friday, 7:00 AM to 8:00 PM; Saturday, 10:00 AM to 4:00 PM; no receiving, trash, or storage area use shall be allowed on Sunday or legal holidays.
- 13. Maintenance.** The subject property including associated parking facilities, sidewalks, outdoor pool areas, and landscaped planters adjacent to the exterior walls along the property lines shall be maintained in an attractive condition and shall be kept free of trash and debris. Trash receptacles shall be located throughout the site.

C. Environmental Conditions

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

15. **Graffiti.** Every building, structure, or portion thereof shall be maintained in a safe and sanitary condition and good repair. The premises of every building or structure shall be maintained in good repair and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104. The exterior of all privately owned buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.
16. **Lighting.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
17. **Air Pollution (Stationary).** The applicant shall install an air filtration system to reduce the diminished air quality effects on occupants of the project.
18. **Tree Removal (Non-Oaks).** Prior to the issuance of a grading permit, a plot plan shall be prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site, and shall be submitted for approval to the Department of City Planning and the Street Tree Division of the Bureau of Street Services. All trees in the public right-of-way shall comply with the current standards of the Street Tree Division. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Tree replacement by 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the City Planning Department. (**Note:** Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact the Street Tree Division at 213-485-5675).
19. **Seismic.** The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.
20. **Construction (Air Quality).**
 - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
 - b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
 - c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.
 - e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
 - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

- 21. Construction (Noise).** The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- a. Construction shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.
 - b. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
 - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.

22. General Construction.

- a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- f. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

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

- a. Ordinance Nos. 172,176 and 173,494 (Stormwater and Urban Runoff Pollution Control), which require the application of Best Management Practices (BMPs).
- b. Chapter IX, Division 70 of the Municipal Code, which addresses grading, excavations, and fills.
- c. The Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board (A copy of the SUSMP can be downloaded at <http://www.swrcb.ca.gov/rwqcb4/>).

- d. Applicable requirements associated with the National Pollutant Discharge Elimination System Permit regulations. The developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to the issuance of any building or grading permits. A General Permit for Stormwater Discharge shall be obtained from the Southern California Regional Water Quality Board, in accordance with NOI instructions.
- e. Stormwater BMPs shall be incorporated to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the *Development Best Management Practices Handbook Part B Planning Activities*. A signed certificate shall be required from a California licensed civil engineer or licensed architect that the proposed BMPs comply with this numerical threshold standard.
- f. A Stormwater Pollution Prevention Plan shall be prepared by a California licensed civil engineer or licensed architect, to the satisfaction of the Stormwater Management Division of the Bureau of Sanitation, that shall include the following:

- 1) Identifies the sources of sediments and other pollutants that affect the quality of storm water discharge;
- 2) A monitoring program and reporting plan for the construction period.

The Stormwater Pollution Prevention Plan shall be retained at the construction site.

- g. Appropriate erosion control and drainage devices shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code.
 - h. Any connection to the sanitary sewer shall be required to receive authorization by the Bureau of Sanitation.
 - i. All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
 - j. The owner shall record a covenant and agreement satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.
 - k. Design an efficient irrigation system to minimize runoff including: (1) drip irrigation for shrubs to limit excessive spray; (2) shutoff devices to prevent irrigation after significant precipitation; and (3) flow reducers.
- 24. Asbestos Containing Materials.** Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no asbestos containing materials are present in the building. If asbestos containing materials are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.
- 25. Parking Wall.** A 6-foot in height solid decorative masonry wall shall be constructed adjacent to residential properties if no such wall exists.

26. **Parking Structure Ramps.** Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
27. **Solid Waste.** The developer shall institute a recycling program to the satisfaction of the Planning Department to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.

D. Administrative Conditions

28. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
29. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
30. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
31. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
32. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
33. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
34. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

CONDITIONS FOR EFFECTUATING "T" TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Los Angeles Municipal Code Section 12.32 G, the "T" Tentative Classification shall be removed by the recordation of a final parcel map 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 approvals or guarantees provided to the Department of City Planning for attachment to the subject City Plan Case file.

Dedication(s) and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies, as may be necessary).

1. Responsibilities/Guarantees.

- a. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
- b. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning, Plan Approvals Unit.

2. Street Dedication and Improvements. If determined necessary, dedicate and improve all adjacent streets to the satisfaction of the City Engineer.

3. Street Lighting. To the satisfaction of the Bureau of Street Lighting, if new street light(s) are required, the property within the boundary of the development shall be formed or annexed into a Street Lighting Maintenance Assessment District prior to final recordation or issuance of the certificate of occupancy.

4. Street Trees. Construct tree wells with root barriers, and plant street trees satisfactory to the City Engineer and the Street Tree Division of the Bureau of Street Services (213)847-0833. Some tree removal may be required in conjunction with the improvement and may require Board of Public Works approval. Contact the Street Tree Division for further information.

5. Sewers. If determined necessary, construct sewers to the satisfaction of the City Engineer.

6. Parking/Driveway Plan. The applicant shall file a parking area and driveway plan to the Bureau of Engineering and the Department of Transportation for review and approval prior to the issuance of a building permit. The plan shall be prepared consistent with the Department of Transportation's Driveway Design Manual and applicable provisions of Section 12.21 of the Municipal Code.

7. Recreation and Parks Dedication/Fee. Per Section 12.33 of the 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 construction of apartment buildings.
8. Schools. The applicant shall make payment to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
9. Cable Television. The applicant shall make necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05.N, to the satisfaction of the Department of Telecommunications.
10. Police. The building plans shall incorporate design guidelines relative to security, semi-public and private spaces (which may include but not be limited to access control to building), secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities and building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Refer to *Design out Crime Guidelines: Crime Prevention Through Environmental Design* published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, Phone: 213-485-3134). These measures shall be approved by the Police Department prior to the issuance of building permits.
11. Fire. The requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features:
 - a. Fire lanes, where required, shall be a minimum of 20 feet in width;
 - b. All structures shall be within 300 feet of an approved fire hydrant;
 - c. Entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

Notice. If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

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