



Los Angeles City Planning Commission

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

Date: March 22, 2006

Council District No. 5 ✓

City Council
Room 395, City Hall

Plan Area: Wilshire
Location: 100 N. La Cienega Boulevard

CASE: CPC-2005-532-ZC-HD-CU-CUB-ZV-ZAA-ZAD-SPR

APPEAL REQUEST: Appeal of the entire City Planning Commission's corrected determination dated March 1, 2006.

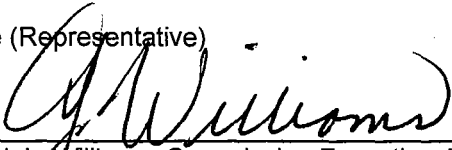
COMMISSION DETERMINATION:

At its meeting on October 20, 2005, the following action was taken by the City Planning Commission:

1. **Disapproved** the zone change request as filed.
2. **Approved and recommended** that the City Council Adopt a Zone Change from [Q]C2-1VL and [Q]C1.5-1VL to (T)(Q)C2-1, subject to conditions of approval.
3. **Approved and recommended** that the City Council Adopt a Height District Change.
4. **Approved** the requested Conditional Use to permit 633,345 square feet of building floor area over two contiguous lots resulting in a unified development with a floor area ratio (FAR) of 1.5 to 1.
5. **Approved** the requested Conditional Use to permit deviations from the Commercial Corner Development regulations as follows: 1) restaurant uses to operate between the hours of 6:00 am and 11:00 pm on Sundays through Thursdays, and 6:00 am to 1:00 am on Fridays and Saturdays; 2) to maintain an existing grocery store to operate 24 hours per day; 3) to permit less than 50 percent transparent glazing on the exterior walls and doors of the ground floor containing non-residential uses that front on Beverly Boulevard; 4) to allow tandem parking spaces on the roof level of the parking structure for reserved employee parking, and for a limited annual basis during the winter holidays for public use; 5) to permit existing pole signs to remain; 6) to permit portions of existing and proposed development to include less than the minimum 5-foot wide planted area along all street frontages; subject to conditions of approval.
6. **Approved** the requested Conditional Use height deviations from the Commercial Corner Development regulations as follows: 1) to permit a building height of 111 feet with a rooftop activity room up to 119 feet, 6 inches, and an elevator shaft up to 127 feet, 6 inches on the subject property for the mixed use residential condominium; 2) to permit a building height of 80 feet and an elevator shaft up to 95-feet for a mixed use senior assisted living building, 3) to permit architectural projections extending up to 30 feet above the existing commercial buildings for a total height of 75 feet; subject to conditions of approval.
7. **Approved** the requested Conditional Use to permit the continued sale of alcoholic beverages at seven (7) establishments, and one additional restaurant to serve a full line of alcoholic beverages on-site, for a maximum of eight (8) establishments, subject to conditions of approval.
8. **Disapproved without prejudice**, a zone variance to permit early construction of buildings in conjunction with the approval of the Vesting Tentative Tract map prior to the recordation of a final tract map.
9. **Approved** an adjustment to permit a 0-foot side yard on Third Street for the initial 45-feet in height of the 6-story mixed-use assisted living building, and to permit a 10-foot separation between the proposed residential condominium/mixed use building and an adjacent commercial building, subject to conditions of approval.
10. **Approved** a Determination to permit the shared parking of a total of 1,332 on-site parking spaces between all of the existing and proposed commercial/retail uses on the subject property, subject to conditions of approval.
11. **Approved** Site Plan Review Findings for the subject project.
12. **Adopted** Mitigated Negative Declaration No. ENV-2004-7588-MND.
13. **Adopted** Findings.

APPELLANT: Burton Way Homeowners Association; Burton Way Foundation & Beverly Wilshire Homeowners Association.
Dr. Laura Lake (Representative)

APPLICANT: BevCon I, LLC



Gabriele Williams, Commission Executive Assistant II
City Planning Commission

Attachments: (1) Appeal, Determination letter, File

Final date to Appeal: March 16, 2006

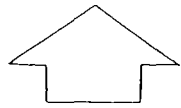
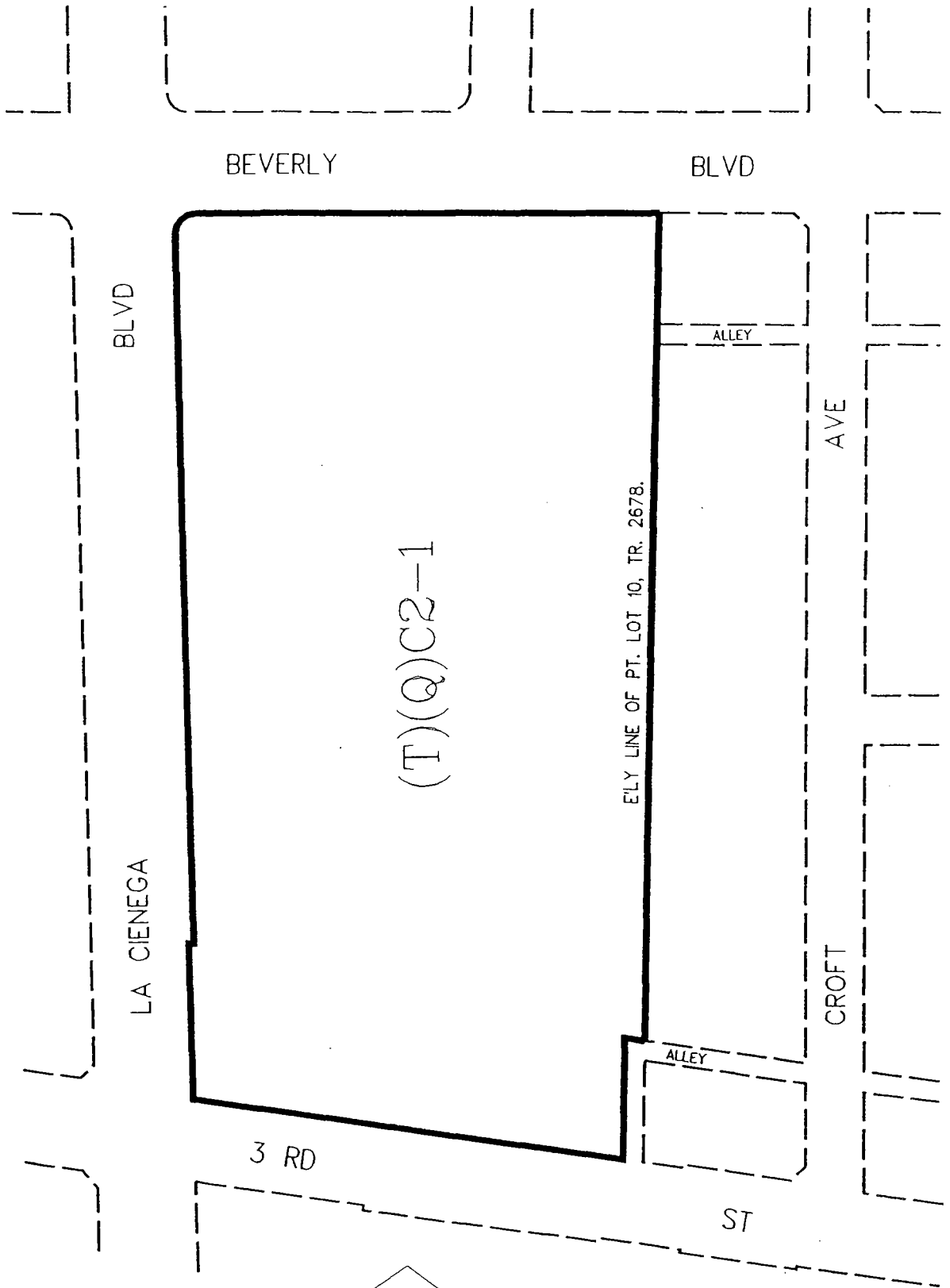
ORDINANCE NO. _____

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:

THE INTENT OF THIS ORDINANCE IS FOR THE BOUNDARIES OF THIS ZONE CHANGE TO COINCIDE WITH THOSE OF RECORDED TR. 061125.



NOT TO SCALE

C.M. 138 B 173	CPC 2005-0532 ZC HD CU CUB ZV ZAA ZAD SPR
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10/26/05

(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32.G of the Los Angeles 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 project shall comply with the use and area provisions of the C2-1 zone, pursuant to Los Angeles Municipal Code Section 12.14, except where modified by the conditions herein or related conditions of the subject case entitlements. The following uses are strictly prohibited:
 - a. Health clubs, gyms, dance studios, or similar uses.
 - b. Freestanding game arcades, billiard hall, detached bars or cocktail lounges.
 - c. Discos, live entertainment, dancing, nightclubs. This condition shall not be interpreted as prohibiting entertainment in any central interior mall area as part of a special event, festive or holiday show.
 - d. Medical uses except those medical-related uses that are ancillary to the assisted living residential facility.
 - e. Drive-through facilities (including but not limited to restaurants, ATM's, and pharmacies).
2. **Site Plan.** The use and development of the property shall be in substantial conformance with the site plan and elevation plans labeled "Exhibit-A" stamped and dated October 20, 2005, attached to the subject case file, except as modified by the conditions herein. Prior to the issuance of any permits for the subject project, a detailed site plan, including elevation plans, and floor plans, shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Floor Area.** Commercial floor area shall be limited to a maximum of 360,000 square feet (.85:1 FAR) as defined by Section 12.21.1 of the Municipal Code. There shall be no more than 31,000 cumulative square feet of leasable area utilized for restaurants or food establishments within the Beverly Connection site (North and South Lots).
4. **Density.** The maximum number of residential condominium units shall be 62 units. The maximum number of assisted living residential units for senior citizens shall be 177 units.
5. **Parking (Residential).** Residential parking shall be provided pursuant to Los Angeles Municipal Code Section 12.21.A.4 and in addition, guest parking shall be provided at a minimum of one-half space per residential condominium unit. Guest parking spaces shall be clearly identified and shall indicate that resident parking in a guest space is not permitted. If any guest parking is located behind security gates, the following shall apply:
 - a. Assigned parking areas for the residential condominiums and the assisted living

building shall be separate from the commercial parking structure and in no event shall residential parking spaces be used for commercial parking.

- b. 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. 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.
- c. The security gate shall be set back a minimum of 15-feet from the public right-of-way so as to provide a waiting area for guest vehicles and to prohibit blockage or interference with the public right-of way by waiting guest vehicles.
- d. 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.

B. Other Conditions

6. **Building Stepback (Assisted Living).** The mixed-use assisted living building shall be stepped back one foot in horizontal depth from the Third Street property line for every two feet in height which exceeds the first 45 feet in building height, to the satisfaction of the Department of City Planning.
7. **Building Stepback (Residential Condominium).** The mixed-use residential condominium shall be stepped back one foot in horizontal depth from the Beverly Boulevard property line for every two feet in height which exceeds the first 45 feet in building height, to the satisfaction of the Department of City Planning.
8. **Emergency/Loading Access Driveway.** The existing driveway located off of Beverly Boulevard and along the eastern property line shall not be used as a public driveway to the commercial parking structure. This driveway shall be used for emergency access vehicles and for access to loading docks on Beverly Boulevard only.
9. **Community Meeting Room.** The applicant shall provide a public purpose meeting room of approximately 1,000 square feet within the Beverly Connection site at no charge to the community and charitable organizations.
10. **Window/Door Openings.** There shall be no window openings or door openings along the east side of the commercial structure on the north half of the Beverly Connection site, except that needed for emergency exiting. Window glazing along this side, if any, shall be opaque.
11. **Supermarket Entrance.** The entrance to the supermarket on the Beverly Connection site shall be a minimum of 125 feet west of the easterly property line along the southerly side of the building; and any additional pedestrian access on the southerly side of the building shall be located west of the existing entrance to the building.
12. **Balconies.** Balconies shall be permitted on all levels for the residential condominiums and assisted living units facing south (Third Street), west (La Cienega Boulevard), and north

(Beverly Boulevard). Balconies for the residential condominium building shall not be permitted along the eastern elevation except for French balconies no greater than two-feet in depth. French balconies shall be open in design to permit planters; French doors/sliding glass doors may be permitted to access these balconies.

- 13. Signs.** Notwithstanding Section 91.6201 et. seq. of the Municipal Code to the contrary, the following sign requirements shall apply:
- a. **Sign Program.** Prior to the issuance of any building permits on the subject property by the Department of Building and Safety, the applicant shall submit an overall sign program for the placement of new signs for review and approval by the Director of Planning. The following design elements shall be considered by the Director:
 1. Architectural compatibility with the project.
 2. Compatible size, scale, style, color, theme, and material.
 3. No sign shall impede or cause a hazardous visual distraction to vehicular traffic on adjacent public streets; and
 4. Sign illumination shall be shielded or directed to limit direct illumination of adjacent properties.
 - b. **Prohibited Signs.** Off-site commercial signs, flashing, blinking, animated, changeable message board signs, and new pole/pylon signs shall be prohibited. Signs shall be permitted on the northern and western elevations of the parking structure to allow for project identity signage, as well as business signage for the retail uses on the ground floor of the garage and in no event shall signs for commercial tenants be permitted along the east facade of any building on the site.
 - c. **Sign Area.** Notwithstanding LAMC Section 91.6209(a)(1)(2) and (4) to the contrary, the sign area for business identification shall not exceed two square feet for each one foot of lot frontage on the applicable street or highway. Lineal footage on more than one street, alley, or public parking area cannot be accumulated for the purpose of sign area determination. No business identification sign shall exceed 100 square feet in sign area.
 - d. **Wall Signs.** Wall signs with multiple business/tenant identification signs shall be prohibited unless approved as part of the Sign Program by the Director of Planning. If existing pole signs are removed, a wall sign may be considered an alternative however, in no instance shall a wall sign with a menu of commercial tenants be permitted at the same time a pole sign containing tenant names remains.
 - e. **Compliance Review.** Prior to the issuance of a sign permit by the Department of Building and Safety for new signs, sign plans shall be reviewed by the Planning Department for substantial compliance with the sign program approved by the Director. Minor deviations from the sign program may be allowed in order to comply with provisions of the Municipal Code and the intent of the subject permit authorization. There shall be no restriction on the implementation of interior signs.

- f. Exemptions. The following shall be exempt from these sign program and compliance review requirement:
1. Three (3) existing pole signs indicated on the site plan, labeled as "Exhibit "A" attached to the subject case file, shall be permitted provided there is no increase in sign area, height, or location of these signs. In addition, the existing three pole signs shall be included in the Sign Program.
 2. Directional, informational and wayfinding signs which do not contain commercial advertising/logos.
 3. Temporary signs (including construction signs).
 4. All interior signs or exterior signs located interior to the site but not visible from the adjacent public rights-of-way.
 5. All interior signage which may be incidentally visible from the exterior.
14. **Maintenance**. The subject property including sidewalks, play areas, and landscaped areas shall be maintained in an attractive condition and shall be kept free of trash and debris. Trash receptacles shall be located throughout the site.
15. **Community Response (Construction Phase)**.
- a. Monitoring of Complaints. The applicant shall coordinate with the local division of the Los Angeles Police Department regarding appropriate monitoring of community complaints concerning construction activities associated with the subject facility.
 - b. Complaint Monitoring. A 24-hour "hot-line" phone number for the receipt of project related complaints from the community shall be posted at the public entrance to the facility and provided to the immediate neighbors, local neighborhood associations (if any), and any certified neighborhood council. The property owner shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for a minimum of one year and shall be made available on request to the Planning Department for review.
 - c. The applicant shall designate a community liaison. The liaison shall meet with the representatives of the neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints during construction of the subject project.
16. **Security Guards**. A minimum of two security guards shall be on duty within the interior of the commercial buildings during all hours of operation and that a minimum of two security guards shall be provided to patrol the parking structure and the perimeter of the entire site on a 24-hour basis.
17. **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.

- 18. Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys, and/or other public ways shall not be used for parking or unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.

The loading areas for the subject site located on the Beverly Boulevard frontage within 120-feet of the northerly property line shall be screened in such a manner to reduce visual and noise impacts of off-loading trucks to residences to the east. All trash bins and trash compactors on site shall be enclosed. Use of the Beverly Boulevard dock shall be limited to the hours of 6:00 a.m. to 9:30 p.m. daily.

- 19. Construction 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.

- 20. Holiday Season Excavation Restriction.** In accordance with Bureau of Public Works policy, excavation permits shall not be issued for work that would cause lane closures on adjoining streets, except for emergency work, during the winter Holiday Season generally between Thanksgiving and New Year's Day. The applicant shall consult with the Bureau of Engineering (Central District) for a list a streets affected by this restriction and the dates the restriction are in effect.

- 21. Parking Monitoring Program.**

- a. The applicant shall complete a study of the Beverly Connection parking area within one year after the temporary or permanent certificate of occupancy is issued for the subject project. The study shall be done by a Professional Engineer in Traffic Engineering, duly registered by the State of California, Department of Consumer Affairs. The study shall survey parking occupancy on the following days during the Thanksgiving and Christmas holiday seasons: (1) the day after Thanksgiving; (2) the Saturday preceding Christmas; and (3) the day after Christmas. Annual progress reports shall be submitted to the Los Angeles Department of Transportation (LADOT). The study shall also include parking occupancy data for three other non-peak days through the calender year. The parking study (two copies) shall be submitted to LADOT within 30 days of the final survey date.

The need for any additional parking studies beyond the first five years shall be evaluated by the Departments of City Planning and Transportation at the conclusion of the fifth year study.

- b. LADOT shall submit a report on the parking study to the Department of City Planning within 90 days of receipt thereof. If the parking study shows 90 percent or greater occupancy of the on-site parking spaces of the Beverly Connection parking area for each of four peak hours of the days surveyed, as determined by

LADOT, then the Director of Planning may impose a requirement for the Beverly Connection to obtain off-site parking for its employees, based on the need demonstrated in the parking study. Such parking if necessary, shall be provided from the day after Thanksgiving until New Year's Day (or until January 2nd if New Year's Day falls on a weekend). The location of the off-site spaces shall be either in accordance with LAMC Section 12.21.A.4(g), or at any appropriate location if a shuttle service is provided between the Beverly Connection and the off-site parking area. Copies of any recorded parking affidavits approved by the Department of Building and Safety for this purpose shall be submitted to the Departments of City Planning and Transportation.

If it becomes necessary to impose an off-site employee parking requirement and future parking studies still show 90 percent or greater occupancy of the on-site parking spaces of the Beverly Connection parking area for each of the four peak hours on the days surveyed, as determined by the LADOT, then the Director of Planning shall have the authority to impose additional measures as deemed appropriate to help remedy the parking deficiency.

- c. If the parking study does not show 90 percent or greater occupancy of the on-site parking spaces of the Beverly Connection parking area, as indicated in (b) above, then the Director of Planning, based upon a recommendation from LADOT, shall not require off-site employee parking.

22. Mitigation Monitoring. Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.

- a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of project implementation as follows:
 - i. Pre-construction (prior to issuance of a building permit);
 - ii. Construction (prior to certificate of occupancy); and
 - iii. Post-construction / maintenance (post-issuance of certificate of occupancy).

In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.

- b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as

applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.

- c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
- d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

C. Environmental Conditions

- 23. **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 Planning Department.
- 24. **Lighting.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
- 25. **Air Pollution (Stationary).** The applicant shall install an air filtration system to reduce the diminished air quality effects on occupants of the project.
- 26. **Archaeology.** If any archaeological materials are encountered during the course of the project development, the project shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology, California State University at Northridge, OR a member of the Society of Professional Archaeologist (SOPA), OR a SOPA-qualified archaeologist to assess the resources and evaluate the impact. Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center. A covenant and agreement shall be recorded prior to obtaining a grading permit.
- 27. **Paleontology.** If any paleontological materials are encountered during the course of the project development, the project shall be halted. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology, University of Southern California, University of California at Los Angeles, California State University at Los Angeles, California State University at Long Beach, or the Los Angeles County Museum of Natural History to assess the resources and evaluate the impact. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Museum of Natural History. A covenant and agreement shall be recorded prior to obtaining a grading permit.
- 28. **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.
- 29. **Haul Routes.** Projects involving the import/export of 1,000 cubic yards or more of dirt shall be subject to haul route approval by the Department of Building and Safety. In addition, the developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. Fences shall be constructed around the site to minimize trespassing, vandalism, short cut attractions, and attractive nuisances.

30. 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.

31. 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.

32. 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.
- 33. Liquefaction.** A geotechnical report shall be prepared by a registered civil engineer or certified engineering geologist in compliance with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that consider building design. Building design mitigation measures should consider, but not be limited to: ground stabilization, foundation type and depths, and structural systems to accommodate anticipated displacements.
- 34. Methane Gas Explosion/Release.**
- a. All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include a vent system and gas-detection system installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.
 - b. All commercial, industrial, institutional and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to approval by the Department of Building and Safety and Fire Department.
- 35. 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.
- 36. 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/rwgcb4/>).
- 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.
37. **Flooding/Tidal Waves.** All new construction or substantial improvements shall have the lowest floor, excluding the basement, elevated above the natural grade, mitigating any impact resulting from potential flood hazard by utilizing flood-proof materials and design methods in the construction of those buildings, or as otherwise satisfactory to the Department of building and Safety.
38. **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.
39. **Noise (Retail Markets, Bars, Restaurants).** No window openings shall be permitted along the east side of the commercial structure facing adjacent residential buildings except that needed for emergency exiting. A 6 to 8-foot in height solid decorative masonry wall shall be constructed adjacent to the residential properties, if no such wall currently exists.
40. **Water Treatment or Distribution.** The landscape irrigation system shall be designed, installed, and tested to provide uniform irrigation coverage for each zone. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways, and streets. Each zone sprinkler valve shall water plants having similar watering needs. Automatic irrigation timers shall be set to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Adjust irrigation run times for all zones seasonally, reducing watering times and frequency in the cooler months. Adjust sprinkler timer run times to avoid water runoff, especially when irrigating sloped property. Selection of drought tolerant, low water consuming plant varieties shall be used to reduce irrigation water consumption. The availability of recycled water shall be investigated as a source to irrigate large landscaped areas. Ultra-low flush water closets, ultra low flush urinals, and water-saving showerheads shall be installed in both new construction and when remodeling. Low flow water faucet aerators shall be installed on all sink faucets. The Los Angeles Department of Water and Power shall be contacted for specific information on water conserving appliances such as air conditioners, point-of-use hot water systems, clothes washers, and dishwashers.
41. **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

42. **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.

43. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are modified.
44. **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.
45. **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.
46. **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.
47. **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.
48. **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 opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

Sec. __. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the Main Street Entrance to Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By

Deputy

Approved

Mayor

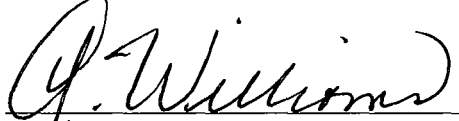
Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

Pursuant to Section 558 of the City Charter, the City Planning Commission on October 20, 2005, recommended this ordinance be adopted by the City Council.

By

_____ City Attorney



Gabriele Williams
Commission Executive Assistant II

File No.