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AND
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VAN NUYS, CA 91401

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February 10, 2009

Honorable City Council
City of Los Angeles
Room 395, City Hall
MAIL STOP: 160

CASE NO. APCE 2006-8787-ZC
Council File No. 09-0082
Council District No. 13
Plan Area: Silver Lake-Echo Park-
Elysian Valley

Dear Honorable Members,

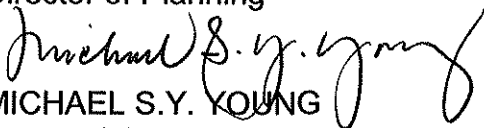
ZONE CHANGE ORDINANCE REVISION: ZONE CHANGE FROM R1-1VL TO (T)(Q)RD6-1VL FOR PROPERTY LOCATED AT 2400 ALLESANDRO STREET WITHIN THE SILVERLAKE-ECHO PARK-ELYSIAN VALLEY PLAN AREA.

The attached report modifies "Q" Condition No. 8, and adds "Q" Condition No. 12 as recommended for approval by the Planning and Land Use Committee of the City Council at its meeting held February 3, 2009.

Pursuant to Section 559 of the City Charter, I have reviewed the findings of the Area Planning Commission's action taken relative to Case No. APCE 2006-8787-ZC on September 24, 2008, and on behalf of the Commission, I adopt its findings and approve this Ordinance, and recommend its adoption insofar as it substantially conforms to the latest action of the City Planning Commission in this matter.

Pursuant to Rule No. 38, transmitted herewith is the revised ordinance, for appropriate action by the City Council.

S. GAIL GOLDBERG, AICP
Director of Planning


MICHAEL S.Y. YOUNG
Deputy Advisory Agency

MSYY:GC:mkc

History

The History of the proposed zone change for the subject property is as follows:

- | | |
|--------------------|--|
| September 24, 2008 | The Area Planning Commission approved and recommended that the City Council adopt a Zone Change from R1-1VL to (T)(Q)RD6-1VL for property located at 2400 Allesandro Street subject to conditions of approval. |
| February 3, 2009 | The Planning and Land Use Management (PLUM) Committee of the City Council recommended approval of the subject Zone Change modifying "Q" Condition No. 8 and adding "Q" Condition No. 12. |

PLUM Committee Recommendation

On February 3, 2009, the Planning and Land Use Management Committee of the City Council recommended approval of the subject zone change modifying "Q" Condition No. 8; and adding "Q" Condition No. 12 to read as follows:

(Q) CONDITIONS OF APPROVAL

8. **Use.** Limit the proposed development to a maximum of 15-lot small lot subdivision, plus one open space lot for a total of 16 lots as shown in the Vesting Tentative Tract Map No. 62900-SL (Exhibit A) dated July 9, 2007, said development on the site shall be in full compliance with all the conditions established under Vesting Tentative Tract Map No. 62900-SL-2A.

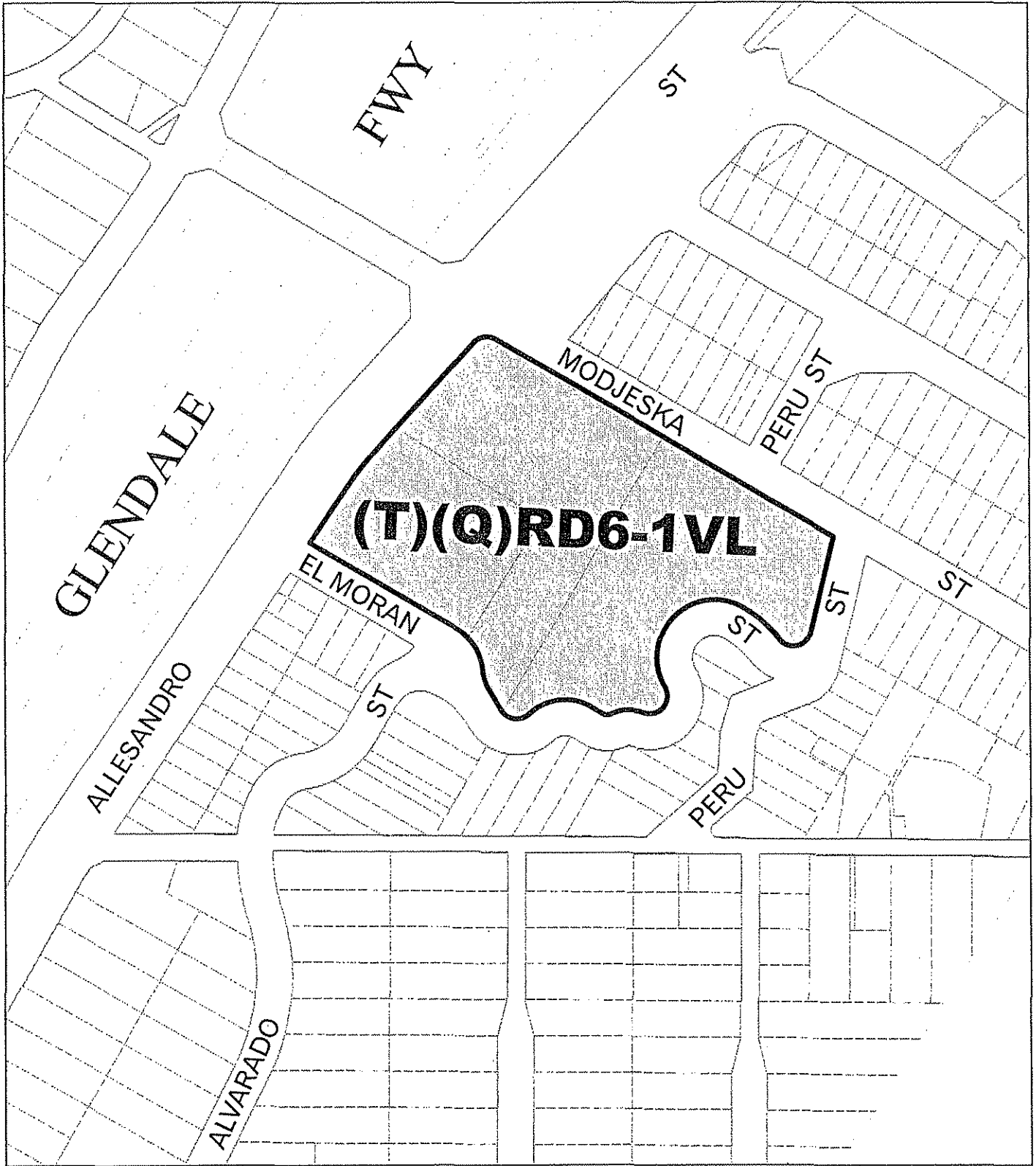
12. Modjeska Street shall remain unimproved to preserve wildlife access.

ORDINANCE NO. _____

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

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

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



NOT TO SCALE

D.M. 147 A 211	APCE-2006-8787-ZC
LH/qe	100708

(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.

Administrative Conditions

1. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
2. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions will be recorded in the County Recorder's Office. The agreement will run with the land and will be binding on any subsequent property owners, heirs or assigns. 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 will be provided to the Planning Department.
3. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, will be provided to the Planning Department for placement in the subject file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions will mean the agencies, public offices, legislation or their successors, designees or amendments to any legislation.
5. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property will be complied with, except as such regulations are herein specifically varied or required.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions will be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

7. **Mitigation Monitoring.** Prior to the issuance of any building permit the applicant will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770.M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by conditions 2-15. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (preconstruction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

Entitlement Conditions

8. **Use.** Limit the proposed development to a maximum of 15-lot small lot subdivision, plus one open space lot for a total of 16 lots as shown in the Vesting Tentative Tract Map No. 62900-SL (Exhibit A) dated July 9, 2007, said development on the site shall be in full compliance with all the conditions established under Vesting Tentative Tract Map No. 62900-SL-2A.
9. That no structure built on the subject site shall exceed 35 feet in height above the natural grade (to the peak of the roof). (APC)
10. That prior to the issuance of building permits, detailed development plans, including a complete landscaping and irrigation plans, shall be submitted to the Department of City Planning for approval.
11. The project shall provide an air filtration system to reduce the air quality effects on the proposed inhabitants.
12. Modjeska Street shall remain unimproved to preserve wildlife access.
13. **Infrastructure**
 - a. Construction materials and equipment shall not be permitted to be stored in the public right-of-way in any manner that reduces roadway clearance to less than 20-feet in width. Storage of construction materials and equipment on public property requires a street use permit from the Bureau of Street Services.
 - b. Construction vehicles shall be subject to the restrictions established by the Los Angeles Fire Department Red Flag - No Parking Program. Restricted parking signs shall be procured and installed along the project site at the owner/developer's expense when required by the LAFD and/or LADOT.
14. **Building Design**
 - a. Second story setbacks or terraced structures and other design articulations are to be used to ensure that new development is compatible with existing neighborhood identity, character and scale.

- b. Building materials match architectural style of new development.
- c. Architectural design elements of the front and rear building elevations including articulation of facades, modulations of walls, shape, type details and the location of windows, doors, columns, balconies and garage doors vary from the adjacent/abutting buildings.
- d. Design of new structures shall meet one of the following standards:
 - i. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area, where "Base Floor" shall be defined as set forth in Section 12.03 of the Los Angeles Municipal Code for the purposes of this regulation; or
 - ii. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines; or
 - iii. The buildings of the project shall consist of 3 or more building elements, each with its own associated roof form. A building element CPC-2008-1182- ZC 0-2 may also be a major horizontal mass, setback or forward from the face of other masses.
- e. Structures within 50 linear feet of identified ridgelines, as shown on attached map marked 'Northeast LA Ridgelines', are limited to 15 feet in height. The 50 linear feet must be labeled on all plans accordingly

Environmental Conditions

15. Grading

- MM-1 Grading shall be kept to a minimum.
- MM-2 Natural features, such as prominent knolls or ridge lines, shall be preserved.
- MM-3 The project shall comply with the City's Hillside Development Guidelines.
- MM-4 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ordinance No. 170,978), Guidelines K - Vehicular Use Areas.
- MM-5 Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type,

and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan. (APC)

MM-6 The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 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 Urban Forestry Division of the Bureau of Street Services and the decision maker. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan. (APC)

MM-7 The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas. (APC)

MM-8 The City Engineer shall use the provisions Section 17.08 as its procedural guide in satisfaction of said bond requirement and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division of the Bureau of Street Services that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years. To the greatest extent feasible, transplant and preservation option is to be preferred option over tree replacement in the landscape plan. (APC)

16. Seismic

MM-9 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.

17. Storm Water

MM-10 Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.

MM-11 Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.

MM-12 Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.

- MM-13 Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- MM-14 Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- MM-15 Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe outlet. Inspect, repair, and maintain the outlet protection after each significant rain.
- MM-16 Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- MM-17 All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- MM-18 Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- MM-19 Legibility of stencils and signs must be maintained.
- MM-20 Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-21 The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-22 The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-23 The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) 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.

18. Public Services

- MM-24 The following recommendations 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: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and 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.
- MM-25 The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
- MM-26 Per Section 17. 12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
- MM-27 The plans shall incorporate the 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 or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please 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, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits. (APC)
- MM-28 The exterior of all 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. Also the applicant shall cover the walls with clinging vines or screened by vegetation capable of spreading over the entire wall within one year of planting. Adequate irrigation shall be provided if vines or vegetation is provided on or along the walls. (APC)

19. Construction Mitigation Conditions**Air Quality**

- CM-1 That a sign shall be installed on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site

address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing.
- Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
- If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.

- CM-2 The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. This shall include but not limited to the provision of 8' to 10' dust screen fencing around the perimeter of the site. The height and location of which is to be finally determined by Department of Building and Safety. (APC)
- CM-3 All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-4 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-5 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 excessive amounts of dust.
- CM-6 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

Noise

- CM-7 The project shall comply with the City of Los Angeles Noise Ordinance No. 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.
- CM-8 Construction and demolition 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.

- CM-9 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-10 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-11 The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-12 Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- CM-13 Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- CM-14 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-15 Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.

General Construction

- CM-16 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/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- CM-17 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- CM-19 Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

- CM-20 Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.
- CM-21 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- CM-22 Owner or Contractor shall submit traffic and parking plan to Department of City Planning. Workers' vehicles shall be parked on site and not on adjacent residential streets. Otherwise, parking shall be on another off-street parking site. (APC)
- CM-23 Owner/contactor shall provide documentation verification of waste disposal to licensed regulated disposal and recycling sites as a monitoring measure to prevent illegal toxic waste dumping and recycling compliance.
- CM-24 That after the uncertified fill is removed from the development site, as is required by the Department of Building and Safety, great care is taken by the developer in restoring native vegetation to all affected areas on parcel 16 to encourage and enhance existing wildlife habitat.

Prior to the issuance of any building permits or grading permits, owner/developer shall to retain the services of a biologist to conduct a site assessment survey of existing wildlife habitat to be submitted to Los Angeles Department of City Planning to evaluate both the short term construction and long term impacts to habitat and migration patterns, if any. To the greatest extent feasible, applicant shall work in good faith in collaboration with the planning Department and Council District 13 to implement the recommendations of the biologist. (APC)

Sec. 2. 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 at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the 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 _____.

KAREN E. KALFAYAN, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

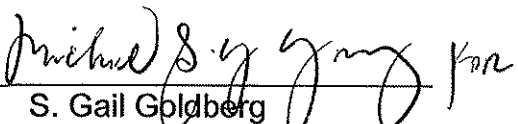
Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney Pursuant to Sec. 559 of the City Charter, I **approve** this ordinance on behalf of the City Planning Commission and recommend its adoption...

By _____

City Attorney

February 10, 2009
See attached report



S. Gail Goldberg
Director of Planning

File No. C.F. 09-0082
APCE-2006-8787-ZC