

MOTION

I MOVE that the matter of MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT, RESOLUTION, and ORDINANCES FIRST CONSIDERATION relative to a General Plan Amendment (GPA), Vesting Zone Change and Height District Change for the properties located at 3525 West Eight Street and 765 South Serrano Avenue, Item 7 on today's Council Agenda (Council File No. 14-0194-S1), BE AMENDED to APPROVE and ADOPT the following recommendation in lieu of any prior recommendation:

(Q) Qualified Conditions of Approval:

18. **Affordable Units.** A minimum of 4% shall be reserved for **lower income** residents, and 6% for shall be reserved for residents earning **workforce incomes**.

PRESENTED BY: Herb Wesson
HERB J. WESSON, Jr.
Councilmember, 10th District

SECONDED BY: [Signature]

August 8, 2017

[Signature]
rrm

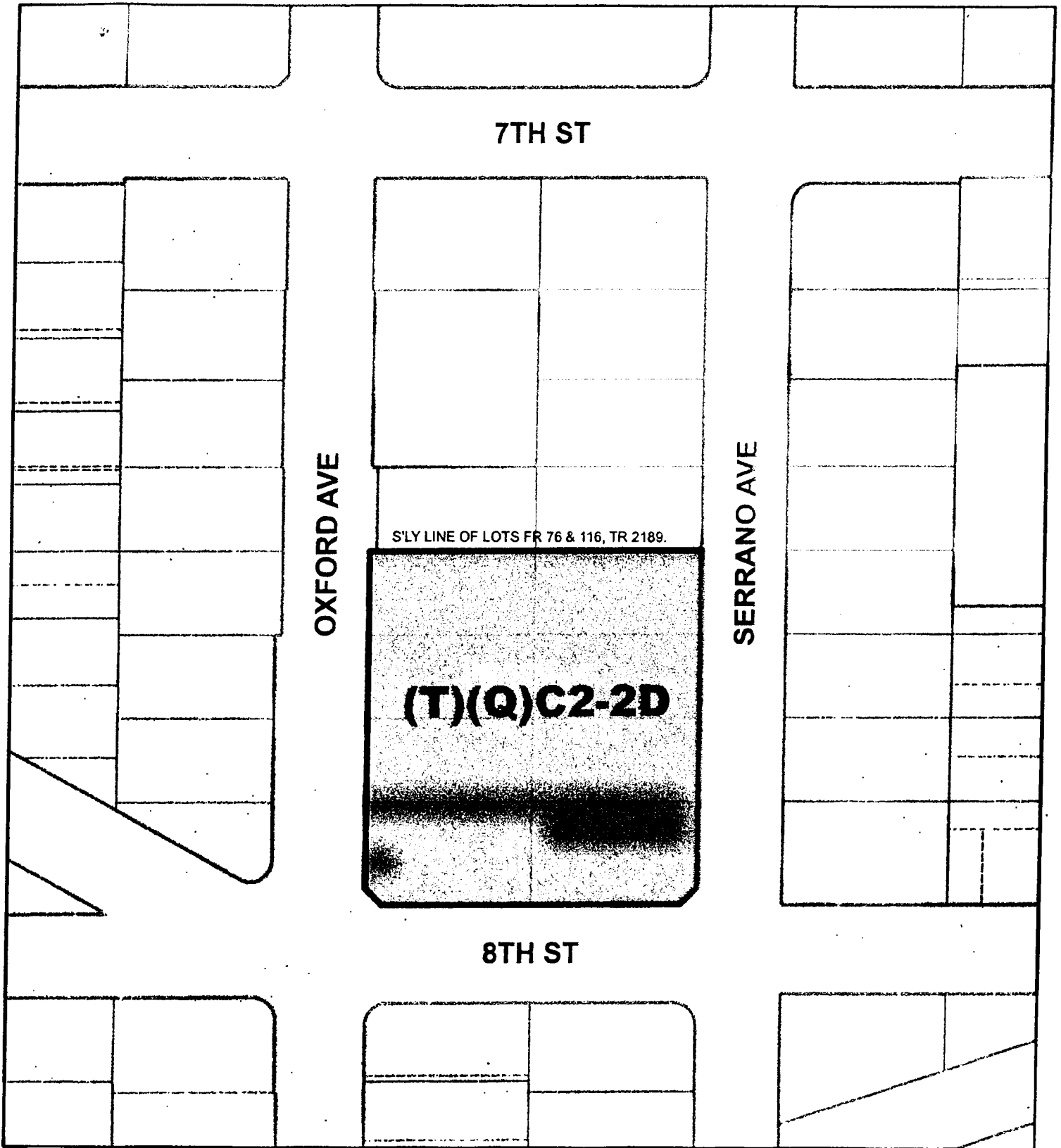
OFFICE OF THE CLERK
CITY OF SACRAMENTO

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 zone classifications of properties shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform to the zoning on the map attached hereto and incorporated herein by this reference.



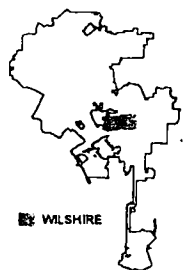
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City of Los Angeles



(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. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked **Exhibit A**, dated **November 21, 2016**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the Department of City Planning Department for review.
2. **Use.** Use of the subject property shall be limited to the use and area provisions of the C2 Zone; residential and commercial uses shall be permitted.
3. **Commercial Use.**
 - a. Residential only development shall be prohibited.
 - b. Residential uses shall be prohibited on the ground floor except for lobby, office, recreational and other common area uses, and parking.
 - c. Commercial uses that are open to the public, such as retail and restaurant uses, shall occupy the ground floor space(s).
4. **Residential Density.** Not more than 364 residential apartment units may be constructed on the property.
5. **Driveway.** The site design shall be limited to four driveways including three along Oxford Avenue and one along Serrano Avenue.
6. **Parking.** Residential and Commercial parking spaces shall be provided as required by the LAMC.
7. **Parking Screen.** Any parking uses on the ground floor and above the ground floor shall be screened through architectural treatments, commercial square footage or residential units to the satisfaction of the Department of City Planning and as shown in Exhibit A.
8. **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.
9. **Window Transparency.** A note shall be added to the Project Elevations to indicate that all ground floor windows shall be comprised of non-reflective, transparent glass. Any at-grade parking uses shall not be visible from the exterior of the building. Architectural treatments, or other design features shall be used to ensure the parking is not visible from the exterior of the building and as shown in Exhibit A.

10. **Pedestrian Walkways.** Clearly marked pedestrian access-ways shall be integrated into the site design and connect to the commercial area. The entryway shall incorporate enhanced paving treatment to create a safety buffer between the driveway area and the pedestrian entrance to the building.
11. **Building Materials.** A note shall be added to the Project Elevations to indicate that metal materials incorporated into the design shall be of a non-reflective material.
12. **Ground Level Pedestrian Access.** The doors for pedestrian access throughout the commercial component of the project site shall remain open during business hours.
13. **Rear Yard Setback.** The Project shall be allowed a 15-foot 3-inch rear yard setback in lieu of the required 19-foot setback as approved through Case No. VTT-73995.
14. **Fencing.** All fencing/walls surrounding the subject site shall feature decorative architectural elements or landscaping.
15. **Refuse/recycling area.** Details shall be provided on the method of enclosure for the refuse/recycling areas at the time of final plan sign off. The refuse/recycling area shall be secured with an enclosure that fully screens the view of the refuse/recycling area. It shall be constructed in a style similar to that of the main building.
16. **Outdoor Dining.** Final architectural plans shall indicate appropriate buffers and light deflection such as screening, landscaping, and walls as necessary, to ensure that no noise or lighting disturbance would be created on neighboring properties as a result of outdoor dining located on the ground floor.
17. **Final Plans.** Prior to the issuance of any building permits for the Project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
18. **Affordable Units.** A minimum of four percent shall be reserved for residents earning lower incomes and a minimum of six percent shall be reserved for residents earning workforce incomes.
19. **Affordable Housing Requirements.** Prior to the issuance of a building permit for any dwelling unit on the subject property, the applicant shall execute and record a rental covenant or purchase covenant agreement running with the land, to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA). The covenant shall bind the applicant and/or any subsequent property owner to reserve the units for occupancy by lower and workforce incomes for a period of 55 years. These units will be restricted as affordable for-sale or rental dwelling units.
20. **Pedestrian Entrances.** Pedestrian entrances shall be accessible directly from 8th Street, Serrano Avenue and Oxford Avenue.
21. **Façade Treatment.** The first nine feet of exterior walls and doors, as measured from grade, shall be built and maintained with a graffiti resistant coating or paint.

22. **No Blank Wall.** A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site.
23. **Building Articulation.** A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site.
24. **Short-term Bicycle Parking.** The required short-term bicycle parking spaces shall be provided along Serrano Avenue and Oxford Avenue.
25. **Merged Areas.** The merged areas along Oxford Avenue and Serrano Avenue (5.5 feet and 6.5 feet respectively) shall be publically accessible.
26. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view by any abutting properties.
27. **Signage.**
 - a. On-site signs shall be limited to the maximum allowable under the Municipal Code.
 - b. Multiple temporary signs in store windows and along building walls are not permitted.
28. **Flood Hazard.** The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172,081 (effective 7/3/98).
29. **Solid Waste.** The developer shall institute a recycling program to the satisfaction of the Department of City Planning 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.
30. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the Project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
31. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
32. **Expiration.** In the event that this grant is not utilized within six years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
33. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the

property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

34. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total code-required parking spaces provided with Electric Vehicle (EV) chargers to immediately accommodate electric vehicles within the parking areas. When the application of the required 20 percent results in a fractional space, round up to the next whole number.
35. **Solar-ready Buildings.** Solar panels shall be installed on the project's rooftop space and/or equipment, in substantial conformance with the site plan labeled as Exhibit "A" stamped and dated November 21, 2016.
36. **Local Business Outreach.** 120 days prior to marketing the retail/commercial space, the developer will be required to provide a program in which they will work with the local Chamber of Commerce, local newspapers and local real-estate brokers in promoting the retail space to local businesses.

Environmental Conditions

37. Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas)

Proposed Development Project activities (including disturbances to native and nonnative vegetation, structures, and substrates) should take place outside of the breeding season for birds, which generally runs from March 1 to August 31 (and as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code, Section 86).

If Development Project activities cannot feasibly avoid the breeding season, beginning 30 days prior to the disturbance of suitable nesting habitat, the Development Project Applicant shall:

- Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of construction work area (within 500 feet for raptors), as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis, with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- If a protected native bird is found, the Development Project Applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting) until August 31.
- Alternatively, the qualified biologist could continue the surveys to locate any nests. If an active nest is located, clearing and construction (within 300 feet of the nest or as determined qualified biological monitor) shall be postponed until the nest is vacated and juveniles have fledged, and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging stakes. Construction personnel shall be instructed on the sensitivity of the area.

38. Tree Removal (Non-Protected Trees)

- Prior to the issuance of any permit for the Development Project, a plot plan shall be prepared indicating the location, size, type and general condition of all existing trees on the site and within adjacent public right(s)-of-way.
- All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multitrunked, as measured 54 inches above the ground) nonprotected trees on the Development Site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net new trees, located within the parkway of the adjacent public right(s)-of-way of the Development Site, may be counted toward replacement tree requirements.
- Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall conform to the current standards of the Department of Public Works, Urban Forestry Division, Bureau of Street Services.

39. Increased Noise Levels (Demolition, Grading, and Construction Activities)

- a. 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.
- b. 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.
- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- e. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, must be turned off when not in use for more than 30 minutes.
- f. Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- g. Stationary construction equipment, such as pumps, generators, or compressors, must be placed as far away from sensitive uses as feasible during all phases of project construction.
- h. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.

- 40. Public Services (Fire).** 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.

41. **Public Services (Police).** 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. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

42. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS

Applicant shall do all of the following:

(i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

(ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

(iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

“D” Development Limitations

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 “D” Development Limitations.

1. Height. The building shall be limited to a height of 102 feet. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.
2. Floor Area Ratio (FAR). FAR shall not exceed 4:1. The total floor area of non-residential, ground-floor retail commercial use shall not exceed 52,619 square feet, as defined by Section 12.03 of the LAMC.

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 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 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 _____.

HOLLY L WOLCOTT, City Clerk

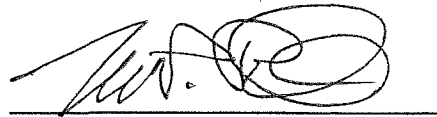
By _____
Deputy

Approved _____

Mayor

Pursuant to Section 559 of the City Charter, **I disapprove** this ordinance on behalf of the City Planning Commission and recommend that it not be adopted.

August 8, 2017
See attached report



Vincent P. Bertoni, AICP
Director of Planning