

ORDINANCE NO. 184309

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:


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 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 MAY 18 2016.

Holly L. Wolcott , City Clerk

By  Deputy

Approved 5/24/16

 Mayor

Pursuant to Section 558 of the City Charter, the North Valley Area Planning Commission on January 21, 2016, recommended this ordinance be adopted by the City Council.


Randa M. Hanna, Commission Executive Assistant
North Valley Area Planning Commission

File No. 16-0226

NOVICE ST

100

S'LY LINE OF LOT 12 , TR 12139

280

(T)(Q)C2-1VL

PLUMMER ST

VAN NUYS BLVD



50 25 0 50 Feet

C.M. 198 B 149

APCNV 2015-2330 ZC

LH/ae

020916

City of Los Angeles



Mission Hills

(Q) QUALIFIED CONDITIONS OF APPROVAL

(Revised Conditions and Plans adopted January 21, 2016)

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

A. Development Conditions:

1. **Use.** The property shall comply with the use, restrictions/limitations, and area provisions of the C2 Zone, pursuant to LAMC Section ~~12.10~~ **12.14**, unless modified by herein conditions or subsequent action.
2. **Prohibited Uses.** No hotel or motel use shall be permitted.
3. **Residential Use.** Residential development shall be limited to the density permitted in the RE 11 Zone.
4. **Height.** The Project shall not exceed the height of 16'-6" pursuant to the plans labeled "Exhibit A" and attached to the subject case file.
5. **Building Line.** Pursuant to LAMC 12.32 R.4, the site plan shall be designed so no building, structure, wall, fence, hedge or other improvement shall be built within the space between the street line and the building line, unless the building line is first removed.
6. **Plot/Site Plan.** Prior to the issuance of any building permits for the subject project, detailed development plans, including site and elevation plans, and including complete landscape and irrigation plans prepared by a licensed landscape architect or architect, shall be submitted for review by the Department of City Planning for verification of compliance with the imposed conditions. The revised plans submitted to Building and Safety shall be in substantial conformance with the plans dated **May 15, 2015**, and labeled "**Exhibit A**", attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, and inclusion of all relevant conditions specified herein, and the intent of the subject permit authorization.
7. **Parking.** Automobile and bicycle parking shall be provided on-site as required by L.A.M.C. Sections 12.21 A.4 and 12.21 A.16, respectively, and to the satisfaction of the Department of Building and Safety. No tandem parking is permitted.
8. **Plant Materials.** Only drought tolerant and native landscaping shall be used to limit irrigation needs and conserve water. Mediterranean and other local climate-friendly plants may be used as a substitute for or incorporated with native species, but these plant materials shall be drought tolerant.

- B. Commercial Corner Development.** Pursuant to LAMC 12.22 A.23, **unless a conditional use is first approved**, the proposed development shall comply with the development standards and conditions of operation for a commercial corner development, including, but may not be limited to the following:

9. **Windows.** The exterior walls and doors of a ground floor containing non-residential uses that front adjacent streets shall consist of at least fifty percent transparent windows, unless otherwise prohibited by law.
10. **Lighting.** All public areas of the lot or lots not covered by a building shall have night lighting for safety and security. All other open exterior areas, such as walkways and trash areas, shall have low-level, security-type lighting. All exterior lighting shall be directed onto the lot or lots, and all flood lighting shall be designed to eliminate glare to adjoining properties. All parking areas shall have a minimum of $\frac{3}{4}$ foot-candle of flood lighting measured at the pavement.
11. **Signs.** No pole signs, projecting signs, or roof signs shall be permitted without first obtaining a conditional use permit. Monument signs and information signs shall be located only within the landscape-planted areas of the lot or lots.
12. **Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service.
13. **Walls.** A solid masonry wall at least six feet in height shall be erected along the lot lines of the lot where the lot abuts any residential zone or use, except for that portion where an access driveway is required by the City.
14. **Trash Storage.** Trash storage bins shall be located within a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building. The area shall be kept free of litter and trash bins shall be kept closed at all times when not in use.
15. **Recycling Room.** Every Commercial Corner Development shall conform to the requirements of Section 12.21 A.19(c) of this Code.
16. **Landscaped Setback.** A landscaped, planted area having a minimum inside width of five feet shall be required along all street frontages of the lot and on the perimeters of all parking areas of the lot which abuts a residential zone or use.
17. **Irrigation System.** An automatic irrigation system shall be provided for all landscaped areas. This system shall be installed prior to the issuance of any certificate of occupancy.
18. **Graffiti.** All exterior wall surfaces shall at all times be kept free from graffiti and any signs of vandalism.
19. **Hours.** Parking lot cleaning and sweeping, and trash collections from and deliveries to a Mini-Shopping Center or Commercial Corner Development shall occur no earlier than 7a.m., nor later than 8p.m., Monday through Friday, and no earlier than 10a.m. nor later than 4p.m. Saturdays and Sundays.
20. **Hours of Operation.** Hours of operation shall be limited to 7a.m. to 11p.m. for all commercial uses on the subject property.

C. Design Conditions

21. At least three different textures, colors, materials, and distinctive architectural treatments shall be incorporated into the building façade on all sides of the development to add visual interest.
22. There shall be no chain link, barbed wire, or other spiked elements on the property.
23. There shall be no security bars or grates placed on windows.
24. Install electronic security to avoid the need for unsightly security grills and bars.
25. Ensure that store entrances are recessed, not flush, with the edge of the building façade to articulate the storefront and provide shelter for persons entering and exiting.
26. Use white or reflective paint on rooftops and light paving materials to reflect heat away from buildings and reduce the need for mechanical cooling.
27. All rooftop equipment such as air conditioning units, antennas and communication equipment, mechanical equipment, and vents shall be screened from the public right-of-way as well as adjacent residential uses.
28. All noise and odor-generating functions shall be enclosed in structures so as not to create a nuisance for building residents or adjacent neighbors.
29. Signs within the shopping center shall be part of a coherent design concept with regard to height, size, shape, location, and colors, and should be compatible with the architecture of the building.
30. Wall-mounted signage ~~should~~ **shall** not exceed 2 square feet of area per 1 linear foot of frontage of the site. The size and shape of a sign should be proportionate to the scale of the building and to the scale of adjacent signs.
31. Each commercial tenant ~~should~~ **shall** be limited to one sign per building facade of the leasehold facing a street or parking lot. The sign may include a logo, as well as text, but should not repeat any element on a given facade.

D. Environmental Conditions (ENV-2015-2331-MND):

32. **Landscape Plan.** All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect in accordance with LAMC Sections 12.40 and 12.41. The final landscape plan shall be reviewed and approved by the City of Los Angeles Department of City Planning during the building permit process.
33. **Surface Parking.** Environmental impacts may result from project implementation due to excessive ambient heat gain resulting from the new open-spaced parking lot. However, these impacts will be mitigated to a less than significant level by the following measures:
 - a. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.

- b. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. An automatic irrigation plan shall be approved by the Department of City Planning.
 - c. Palm trees shall not be considered in meeting this requirement.
 - d. 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.
34. **Trash.** Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use. Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
35. **Greenhouse Gases.** Low- and non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the Project to reduce VOC emissions to the maximum extent practicable.
36. **Perimeter.** Fencing and Landscaping along the perimeter of the property lines will help to minimize disruption to the surrounding multi-residential uses.
37. **Tree Removal (Non-Protected Trees).** Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures: Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the 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, may be counted toward replacement tree requirements.
38. **Increased Noise Levels (Demolition, Grading, and Construction Activities).** 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. The following shall apply:
- a. 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 Saturday. No Sunday construction shall be permitted.
 - b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - c. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

E. Administrative Conditions

39. **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 Planning Department for placement in the subject file.
40. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
41. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
42. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
43. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
44. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
45. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans.
46. **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.

47. **Indemnification.** 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 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 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 \$25,000. 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.

DECLARATION OF POSTING ORDINANCE

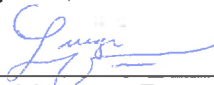
I, JUAN VERANO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No.184309 – Zone change for property located at 9502-9508 North Van Nuys Boulevard and 14533-14535 West Plummer Street – APCNV 2015-2330 ZC – a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on May 18, 2016, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on May 26, 2016 I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on May 26, 2016 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26th day of May 2016 at Los Angeles, California.



Juan Verano, Deputy City Clerk

Ordinance Effective Date: July 5, 2016

Council File No. 16-0226