

(Q) QUALIFIED CONDITIONS OF APPROVAL

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.

Development Conditions:

1. **Use.** The project shall be limited to the use, restrictions/limitations, and area provisions of the RD1.5 Zone, established in Los Angeles Municipal Code Section 12.09.1.
2. **Height.** No building or structure in the project shall exceed 40 feet in height, as defined by Section 12.21.1 B.3 of the Los Angeles Municipal Code.
3. **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 and approval by the Department of City Planning for verification of compliance with the imposed conditions. The plans submitted to Building and Safety shall be revised in substantial conformance with this approval. Additionally, if the applicant applies for a density increase pursuant to the provisions of LAMC Section 12.22.A-25, that development shall be consistent with the plans dated **June 2015**, and labeled “**Exhibit B**”, attached to the subject case file.
4. **Setbacks.** The project shall be required to provide minimum front and rear setbacks of 15 feet and minimum side yard setbacks of 6 feet. Additionally, all setbacks area shall be developed consistent with plans dated **June 2015**, and labeled “**Exhibit B**”, attached to the subject case file.
5. **Landscaping (Open Areas).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
6. **Parking (Resident).** The project shall provide parking in accordance with LAMC Section 12.21-A.4(a).
7. **Parking (Guest).** Per the applicant’s plans, the project shall provide 1/4 parking spaces per market-rate unit. Guest parking must be individually marked for guest parking only. All guest parking spaces shall be designed in accordance with LAMC Section 12.21-A.5. Guest parking spaces cannot be tandem.
8. **Public Services (Street Improvements Not Required By DOT).** The project shall comply with the Bureau of Engineering’s requirements for street dedications and improvements that will reduce traffic impacts in direct proportion to those caused by the proposed project’s implementation.
9. **Solid Waste Recycling.** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project’s regular solid waste disposal program. Prior to the issuance of any demolition or construction permit, the applicant shall

provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

10. **Solar Reflectance Index (SRI).** The applicant shall install roofing material on the project's roof with meets an overall minimum SRI standard of 55.

Design Conditions

11. 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.
12. There shall be no chain link, barbed wire, or other spiked elements on the property.
13. There shall be no security bars or grates placed on windows.
14. The applicant shall install electronic security cameras at all four sides of the building to avoid the need for unsightly security grills and bars.
15. The applicant shall use white or reflective paint on rooftops and light paving materials to reflect heat away from buildings and reduce the need for mechanical cooling.
16. 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.
17. All noise and odor-generating functions shall be enclosed in structures so as not to create a nuisance for building residents or adjacent neighbors.
18. **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.
19. **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.
20. **Perimeter.** The applicant shall provide fencing and landscaping along the perimeter of the property lines will help to minimize disruption to the surrounding multi-residential uses.

Environmental Conditions

- 22. 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.
- 23. 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.

Administrative Conditions

- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.

29. **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.
30. **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.
31. **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.

32. **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 \$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.

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

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

Installation of tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. Some tree removal in conjunction with the street improvements may require Board of Public Works approval. The applicant should contact the Urban Forestry Division for further information at (213) 847-3077.

2. Responsibilities/Guarantees.
 - a. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
 - b. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.
3. Construction of necessary sewer facilities to the satisfaction of the Bureau of Engineering. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
4. Construction of necessary drainage facilities to the satisfaction of the Bureau of Engineering.
5. Construction of tree wells and planting of street trees and parkway landscaping to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
6. Preparation of a parking area and driveway plan to the satisfaction of the appropriate Valley District Office of the Bureau of Engineering and the Department of Transportation. The driveway, parking and loading area(s) shall be developed substantially in conformance with the provisions and conditions of the subject Department of Transportation authorization. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.
7. Installation of street lights to the satisfaction of the Bureau of Street Lighting.

8. That street lighting modifications be required at an intersection if there are improvements by the Department of Transportation (also for off-site improvements).
9. Preparation of a plot plan to the satisfaction of the Fire Department.
10. Making any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05N, to the satisfaction of the Department of Telecommunications.
11. Police Department. Preparation of a plot plan in conformance with the Design Out Crime Guideline Booklet and guidelines defined in the Crime Prevention Through Environmental Design (CPTED) handbook to mitigate impacts on police services. Police recommendations may include but are not limited to secured parking, security fencing, security lighting, information signs, building design and landscaping to reduce places of potential concealment. The plans shall be to the satisfaction of LAPD Crime Prevention Section Personnel.
12. Notice: Prior to issuance of a clearance letter by the Bureau of Engineering, all engineering fees pertaining to Ordinance No. 176,077 adopted by the City Council, must be paid in full at the Development Services Division office.
13. Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.
14. 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 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, heirs or assigns. Further, 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 must be given to the City Planning Department for attachment to the subject file.
15. Recreation and Parks. Per Section 12.33 of the Los Angeles Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

ZONE CHANGE FINDINGS

General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the Sun Valley-La Tuna Canyon Community Plan Area Community Plan, updated and adopted by the City Council on August 13, 1999. The proposed property is located in the Sun Valley portion of that Community Plan. The existing Plan designates the subject property with a Low Medium II Residential Land Use. The proposed zone change to (T)(Q)RD1.5-1 is consistent with the land use designation on the plan map and thus is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan. Approval of the requested Zone Change would keep the property in substantial conformance with surrounding General Plan Land Uses and zones.
2. **General Plan Text.** The Sun Valley – La Tuna Canyon Community Plan text includes the following relevant land use goals, objectives, policies and programs:

GOAL 1: A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.

Objective 1-1 To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area.

Policy 1-1.1 Designate land for single and multi-family residential development.

Program: The Plan Map identifies specific areas where single family and multi-family residential development is permitted.

Objective 1-3 To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

Policy 1-3.1 Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, impacts on traffic levels, and environmental impacts when changes in residential densities are proposed.

Program: The decision-maker should adopt a finding which addresses these factors as part of any decision relating to changes in planned residential densities.

Policy 1-3.2 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

Objective 1-5 To promote and insure the provision of adequate housing for all persons regardless of income, age, or ethnic background.

Policy 1-5.1 Promote greater individual choice in type, quality, and location of housing.

Program: Establishment of residential design standards, allocation of lands for a variety of residential densities, and the promotion of housing in mixed-use projects.

The proposed project will meet the objectives and policies of the Community Plan outlined by providing additional housing in an area with similar surrounding uses and densities. The existing Low Medium II Residential Land Use on the subject site permits the requested Zone Change RD1.5. The requested Zone Change directly contributes to the objectives of the Community Plan by providing additional housing units in appropriate and permitted location. The site is located adjacent to similarly zoned properties with the Low Medium II Residential General Plan Land Use designation.

The site is located adjacent to other Low Medium II Residential lots and along a street with primarily multi-family residential uses. The requested Zone Change will maintain the mode and character of the neighborhood and create a project that is of similar size and scale to surrounding properties.

The site is not subject to any applicable Plan footnotes, and is not otherwise located within any other specific plan.

Therefore, as conditioned, the recommended development meets the objectives of the Community Plan, is permitted in the RD1.5 Zone and is consistent with the general plan land use designation.

Entitlement Findings

3. **Zone Change, L.A.M.C. Sec. 12.32-F:** The recommended zone change is in conformance with the public necessity, convenience, general welfare or good zoning practice in that:

The (T)(Q)RD1.5-1 zone is consistent with the existing Low Medium II Residential General Plan Land Use designation in that this land use category allows for a corresponding zones of RD 1.5 and RD 2. The project is convenient in location to several major streets, such as Lankershim Boulevard, and will provide improvements to the adjacent public right-of-way, and as an infill project will have adequate access to existing City services and infrastructure. There is a necessity for housing of all income levels and housing types, and the project will create more opportunity for multi-family housing in the greater vicinity.

Surrounding properties, including a portion of the subject site, are developed with multi-residential uses and the addition of units to the neighborhood is consistent with this area of Sun Valley.

Approval of the Zone Change request is recommended to allow for the development of additional housing units along a street that is currently developed with multi-family units. The requested action will not degrade or interrupt any existing single-family zones or uses and is consistent with good zoning practice. The project will contribute to the public necessity, convenience, and general welfare with adoption of the recommended conditions by providing infill development along a street that is currently designated for multi-family uses.

Conditions have been placed on the approval to ensure that the proposed project does not have a negative impact on the surrounding neighborhood. Design conditions have been imposed on the property to provide a visually interesting building at this site.

The action, as recommended, has been made contingent upon compliance with the “(T)” conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure developments and improvements more compatible with surrounding properties, and to secure an appropriate development in harmony with the General Plan.

CEQA Findings

4. **Environmental**. The Environmental Review Section of the Planning Department issued the proposed project a Mitigated Negative Declaration ENV 2015-2386-MND on February 17, 2016. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Valley Project Planning Division, Los Angeles City Planning Department, Room 430, 6262 Van Nuys Blvd., Van Nuys.

