

ORDINANCE NO. _____

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

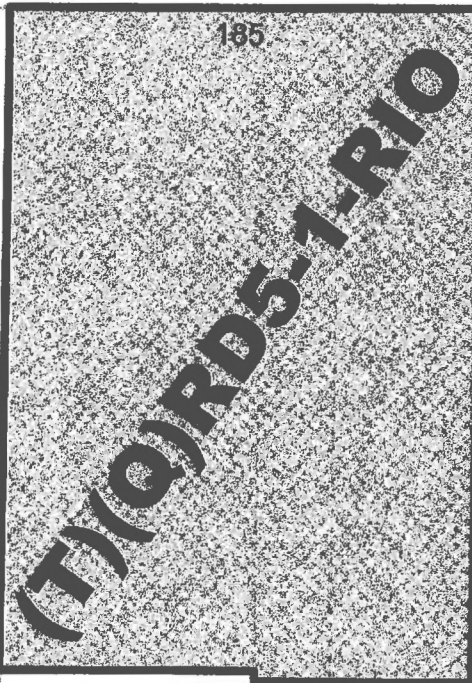
THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

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:

VANOWEN

ST

AVE



60

WELBY

WAY

YOLANDA

THE INTENT OF THIS ORDINANCE
IS FOR THE BOUNDARIES OF THIS
ZONE CHANGE TO COINCIDE WITH
THOSE OF RECORDED TR 73315.



0 25 50 100
Feet

APCSV-2016-0145-ZC-BL-ZV

AAV of

082316

City of Los Angeles



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 _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Pursuant to Section 558 of the City Charter,
The South Valley Area Planning Commission on
July 14, 2016, recommended this ordinance be
adopted by the City Council.



Renee Glasco, Commission Executive Assistant
South Valley Area Planning Commission

File No. _____

(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.

Development Conditions:

1. **Use.** The project shall be limited to the use, restrictions/limitations, and area provisions of the RD5-1 Zone, established in Los Angeles Municipal Code Section 12.09.1.
2. **Density.** The project shall be limited to no more than nine (9) dwelling units.
3. **Height.** No building or structure in the project shall exceed 28 feet in height, as defined by Section 12.21.1 B.3 of the Los Angeles Municipal Code.
4. **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.
5. **Setback.** The project shall be required to provide comply with the area requirements pursuant to LAMC Section 12.09.1-B.1, B.2(c), and B.3.
6. **Site Layout – Southern Property Line.** No more than two (2) lots shall be permitted within 40 feet of the property line along Welby Way. Development of the dwelling units on these two lots shall comply with the following:

- a. Front Yard Setback (Southern Property Line along Welby Way).

The Project shall observe the following Front Yard Setback requirements for the two lots fronting Welby Way:

- i. Observe a minimum setback of 10 feet from Welby Way.
- ii. The Welby Way frontage shall be designed to give the appearance of a main entrance and porch.
- iii. Main windows shall be oriented toward Welby Way, per the applicant's submitted plans.
- iii. There shall be a pathway connecting the Welby Way entrances and porches to Welby Way. This pathway shall be designed with enhanced paving materials.
- iv. There shall be no individual access from Welby Way to the garages of these dwelling units.

b. Articulation.

The facades of the two dwelling units shall be relieved by one or more variations that, in total, shall not be less than twenty (20) percent of the facade and shall have a minimum average depth of five (5) feet.

c. Walls and Shrubbery.

Walls and shrubbery are permitted but shall be within five (5) feet of the property line along Welby Way and shall be limited to a maximum height of forty-two (42) inches, with the exception of the rear yard portion of each lot which is permitted to a height of up to 6'-0".

d. Landscaping (Trees).

A minimum of two (2) shade trees shall be planted in front of each lot within ten (10) feet of the property line along Welby Way. The trees shall be spaced at least 15 feet apart.

7. **Walls along Vanowen Street.** Walls are permitted within five (5) feet of the property line along the project frontages both along Vanowen Street and Welby Way and shall be limited to the following:

- a. The shall be a variable height of 6'-0" to 8'-0".
- b. The entire wall shall avoid long expanses and incorporate openings, changes in materials, texture, and/or landscaping. Specifically, the wall shall be broken-up aesthetically with a minimum of eight pilasters, inclusive of a precast concrete cap, spaced throughout the length of the wall.
- c. The wall shall include landscaping materials which will compliment it including, but not limited to, clinging vines, bushes, shrubbery, and small trees. Specifically, a minimum 3-foot landscape strip shall be included between the back of sidewalk and the exterior face of wall and shall be planted with shrubs, vines and trees spaced so as to break-up the wall facade and create a "green wall". The wall will further be broken up with the placement of properly spaced, approximately 4 to 5-foot square, tree pockets that will be planted with large tree specimen.
- d. The wall shall be designed with a stucco or decorative concrete masonry finish with the following materials prohibited on the structure including unfinished cinderblock, chain link, wrought iron spears, and barbed wire.

8. **Walls – East and West Property Lines.** A 6'-0" to 8'-0" variable height, solid, decorative, masonry wall shall be constructed, if no such wall exists, to the adjacent to properties to the east and west.

9. **River Improvement Overlay District - Ordinance No. 183,145.** The project is located within the boundaries of the River Improvement Overlay (RIO) District and shall be subject to all applicable provisions of that Ordinance. Prior to the issuance of any building permits, the applicant shall revise the project plans to include compliance with all applicable

provisions of the RIO Ordinance. The project may be subject to additional application submittals for review and approval under the RIO Ordinance.

10. **Balconies.** No balconies shall be permitted on any project dwelling abutting the existing single-family dwellings to the west and the east unless any such balcony is either: 1) Fully inserted in the building; or 2) A Juliet-type balcony which shall not exceed a maximum projection of 2'-0" feet and a maximum opening of 6'-0" feet.
11. **Decks.** No decks shall be permitted above the first floor on any project dwelling abutting the existing single-family dwellings to the west and the east.
12. **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.
13. **Usable Open Space.** Pursuant to the applicant's revised site plan, the project shall provide a minimum of 325 square feet of usable open space per dwelling unit. The applicant may use the common open space lot to satisfy this requirement.
14. **Parking (Resident).** The project shall provide parking in accordance with LAMC Section 12.21-A.4(a) (two covered, off-street parking spaces per unit).
15. **Roof Pitch.** The roof pitch of any roof on any structure shall be a minimum 4:12 (18.43 degrees). Additionally, the Project shall integrate varied roof lines and elevation styles between structures in the development through the use of sloping roofs, modulated building heights, gables, dormers, or other innovative architectural solutions.
16. **Solar Reflectance.** Roofing material shall have a minimum 3-year aged Solar Reflectance equal to or greater than the values specified as follows:

Roof Slope	Minimum 3 Year Aged Solar Reflectance	Thermal Emittance	<u>Solar Reflectance Index (SRI)</u>
< 2 : 12	0.63	0.75	<u>75</u>
≥ 2 : 12	0.20	0.75	<u>16</u>

17. **Los Angeles County Metropolitan Transportation Authority (LACMTA).** Prior to the commencement of construction of the project, the applicant and/or owner should contact LACMTA's Metro Bus Operations Control Special Events Coordinator at (213) 922-4632 regarding construction activities that may impact Metro bus lines.
18. **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.

19. **Vandalism.** Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.
20. **Lighting.** All outdoor lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes). Areas where retail and restaurant uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.
21. **Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
22. **Demolition, Grading, and Construction Activities.** The following shall apply to the project's demolition, grading and construction activities:
 - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
 - b. Wetting could reduce fugitive dust by as much as 50 percent. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - c. All clearing, 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.
 - d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - g. Trucks having no current hauling activity shall not idle but be turned off.

Environmental Conditions (ENV-2016-144-MND):

23. **Tree Removal (Locally Protected Species).** If applicable, all protected tree removals require approval from the Board of Public Works. A minimum of two trees (a minimum of 48-inch box in size if available) shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division. The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.

Bonding (Tree Survival):

- a. The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new oak tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's oak tree bond may be exonerated.
 - b. The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements 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 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.
24. **Increased Noise Levels (Demolition, Grading, and Construction Activities).** The following shall apply to the project's 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.

Administrative Conditions:

25. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

26. **Code Compliance.** The area, height and use regulations of the RD5-1 zone classification of the subject property shall be complied with, except where conditions herein are more restrictive.
27. **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 Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
28. **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.
29. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
30. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
 - a. 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.
 - b. 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.
 - c. 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).
 - d. 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).

- e. 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.

31. **Mitigation Monitoring.** The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein, as to area of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the Environmental Conditions.