

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 FOLLOLWS:

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:

S'LY LINE OF LOT LT 1, TR 47917-C.

100

100

160

50

50

**(T)(Q)
R3-2D-CDO**

60

AMIGO AVE

80

SHERMAN WAY



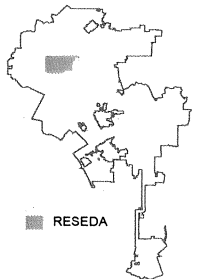
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APCSV 2016-1520 ZC

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011117

City of Los Angeles



RESEDA

(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. Development Conditions:

1. **Use.** The use of the subject property shall be limited to those uses permitted in the R3-2D Zone as defined in Section 12.10.A of the L.A.M.C.
2. **Plans.** The use and development of the property shall be in substantial conformance with the Site Plan, Floor Plans, and Building Elevations (Exhibit A, dated February 15, 2016) of the subject case file. Deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Parking.** Parking shall be provided in accordance with the Municipal Code.
4. **Landscape Plans.** 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. The plans shall denote correct North direction.

B. Design Conditions:

5. **Electric Vehicle Parking.** A minimum of two (2) apartment unit parking areas shall be equipped with one electric vehicle-ready parking stall.
6. **Cool Roof.** The project shall utilize a cool roof consistent with the Cool Roof Ordinance and to the satisfaction of the Department of Building and Safety.
7. **Bicycle Parking.** The project shall provide bicycle parking consistent with the Bicycle Parking Ordinance.
8. **Outdoor Lighting.** The project shall direct lighting on-site and shall shield lighting away from surrounding residential areas.
9. **Equipment Screening.** The project shall locate trash storage bins and recycling areas away from the North Reseda Avenue and shall enclose these areas with a decorative masonry wall or fence and landscaping. Ground mounted equipment or electrical transformers should be fully screened on all sides from public view by substantial landscaping or should be placed under-ground.
10. **Hardscape Materials.** The project shall utilize permeable hardscape materials unless required otherwise by a City Agency.
11. **Building Colors.** The project shall utilize a maximum of four (4) exterior colors. Bright colors including those that produce glare or those that are fluorescent or day-glow are not permitted.

C. Reseda Central Business District Q Conditions:

12. **Building/Structural Height.** Height of buildings shall be restricted to 45 feet with the exception of projects located within the Residential Accessory Service (RAS) Zone which shall

not exceed 50 feet in height. The regulations relative to height, noted in subsection (1), above, shall prevail for buildings and structures located on those lots within the Zone Change Ordinance-Reseda CBD CD boundaries, except as expressly noted herein. For Subarea A (Ord. No. 150,669); Subarea B (Ord. No. 163,460); Subarea C (Ord. No. 163,214); Subarea D (Ord. No. 153,671); Subarea F (Ord. No. 160,444); Subarea G (Ord. No. 154,826); Subarea H (Ord. No. 161,061); and Subarea I (Ord. No. 156,185), the more restrictive height limitations, as set forth in said ordinances, shall prevail.

13. Auto-Related Uses. New auto-related uses as defined in Sec. 12.03 of the Los Angeles Municipal Code shall be prohibited with the exception of automobile retail. Retail shall include automobile related items which are purchased on-site, but are installed off-site. For the purpose of this ordinance, auto-related uses shall also include the installation of tires, stereo equipment, automobile alarms, lubrication, fueling and repair, and other such uses as determined by the Director of Planning. Remodeling or expansion of any existing, legal non-conforming auto-related use (as evidenced by a final Certificate of Occupancy issued prior to the effective date of this ordinance), of an area greater than 20 percent of the existing structural square footage, shall be shall in accordance with Sec. 13.08 E of the Los Angeles Municipal Code. Signage included as part of a remodeling and/or expansion pursuant to this subsection, shall be reviewed in accordance with Sec. 13.08 E of the Los Angeles Municipal Code.

14. Open Storage shall be prohibited.

- a. For purposes of this ordinance, open storage is the covered or uncovered ground level portion of a business operation which is not completely enclosed within a building or structure and is used to store items for purchase or repair.
- b. For the purposes of this ordinance, the term does not apply to plant nurseries or flower stores.
- c. Additional uses may be exempt from this provision as determined by the Director of Planning.

15. Residential Use in Commercially-zoned lots. Residential use of any building/structure located on a commercially-zoned lot shall be prohibited on the ground-floor level to a depth of a minimum 100 feet, as measured from the building frontage.

16. Prohibited Signs

- a. Poles Signs.
- b. Off-site commercial signs, including billboards.
- c. Freestanding signs on walls and fences.
- d. Illuminated Architectural Canopy Signs.
- e. Cabinet Signs.
- f. Roof Signs.
- g. Inflatable signs, including, inflatable devices used for display or to attract attention.
- h. Blinking, flashing, electronic, moving signs and or signs with any rotating or moving parts which gives the impression of movement.
- i. Flags, individual or attached to a string, used for commercial purposes.

17. Sign Restrictions

- a. The total signage per business shall be limited to 2 square feet for each 1 foot of building frontage (excluding window signage). The sign area shall be calculated using only the frontage of that particular business and shall be affixed to the wall from which the calculations were taken.
- b. Each business is permitted one wall or channel letter sign for each public entrance.
- c. Wall Sign - Area of wall sign shall be limited to 2 square feet for each 1 foot of building frontage.

- d. Projecting Signs shall be a maximum 16 square feet and shall not project more than 30 inches or half the width of the adjacent public sidewalk, whichever is less. Projecting Signs shall be limited to one per business.
- e. Awning Signs shall be limited to 1 square foot for each 1 foot of building frontage.
- f. Rear signage shall be non-illuminated.

18. Parking Buildings Adjacent to Residentially Zoned Property

- a. Parking Buildings shall be limited to a maximum of two (2) stories in height above grade. Subterranean parking shall not exceed two (2) feet in height above grade.
- b. There shall be no external wall openings nor open driveway ramps to the upper level of a parking building on the side of the building facing the residential-zoned property.
- c. To minimize noise impact, parking buildings equipped with air circulation vents and/or fans shall not have such vents and/or fans facing a residential zone.
- d. All interior and exterior driveways and ramps of parking structures shall be broom-finished concrete.
- e. Parking buildings shall be designed to substantially screen automobiles contained therein from the public view. The front of a parking building or any of its sides facing a public right-of-way, shall be designed so that it is similar in color, materials, and architectural detail with the building it serves.

C. Environmental Conditions:

19. Air Quality.

- a. All off-road construction equipment greater than 50 hp shall meet US EPA Tier 4 emission standards, where available, to reduce NO_x, PM₁₀ and PM_{2.5} emissions at the Project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- b. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet U.S. EPA 2007 model year NO_x emissions requirements.
- c. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.

20. Habitat Modification.

- a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (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).
- b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
 - a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, 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.

- b. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
- c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a 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 and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- d. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

21. Tree Removal (Non-Protected Trees).

- a. 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.
- b. 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 be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.

22. Human Health Hazard (Vector Control).

- a. The property shall be maintained in a neat, attractive, and safe condition at all times.
- b. On-site activities shall be conducted so as not to create noise, dust, odor, or other nuisances to surrounding properties.
- c. Trash and garbage bins shall be maintained with a lid in working condition; such lid shall be kept closed at all times.
- d. Trash and garbage collection bins shall be maintained in good condition and repair such that there are no holes or points of entry through which a rodent could enter.
- e. Trash and garbage collection containers shall be emptied a minimum of once per week.
- f. Trash and garbage bin collection areas shall be maintained free from trash, litter, garbage, and debris.

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

- 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 on Saturday.
- 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.

24. Public Services (Construction Activity Near Schools).

- a. The developer and contractors shall maintain ongoing contact with administrator of Reseda Elementary school. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323)342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

- b. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- c. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
- d. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

25. Safety Hazards.

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycle, and vehicle safety.
- b. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

26. Transportation/Traffic.

- a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- b. Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- d. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

D. Administrative Conditions:

27. 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 case file.

28. Code Conformance. Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.

29. 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.

30. 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.

31. 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.

32. **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.
33. **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. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
34. **Indemnification.** 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 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 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 \$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).
 - 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.

Section 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the Council of the City of Los Angeles, by a majority vote of all its members, at the meeting of _____.

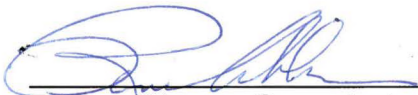
Holly L. Wolcott, City Clerk

By _____
Deputy

Approved _____

Mayor

Pursuant to Section 558 of the City Charter, the South Valley Area Planning Commission on **March 23, 2017** recommended this ordinance be adopted by the City Council.



Renee Glasco, Commission Executive Assistant
South Valley Area Planning Commission

File No. 17-_____