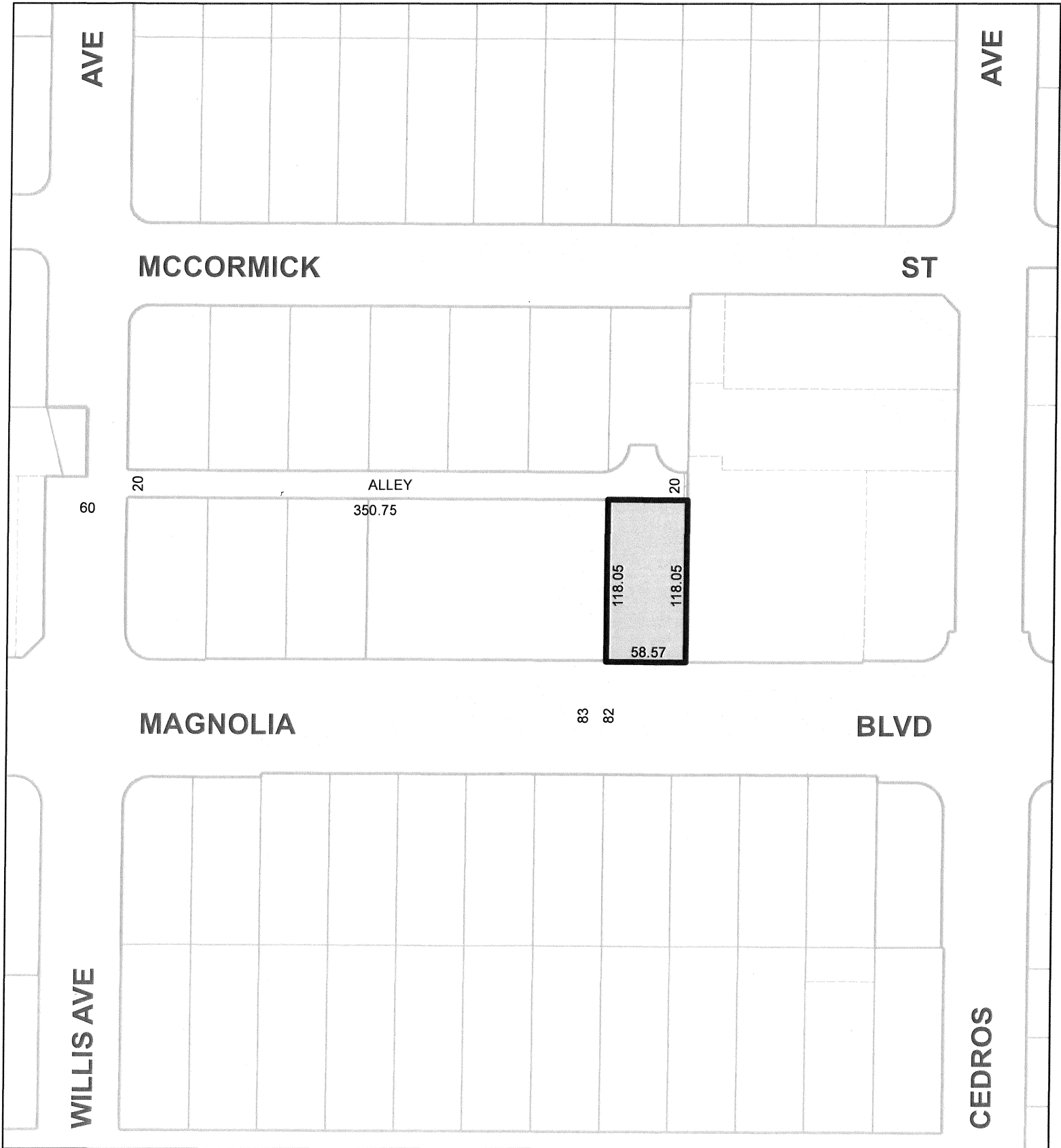


ORDINANCE NO. _____

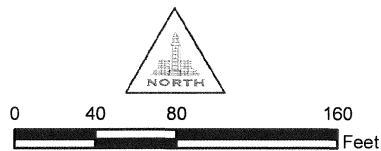
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the Zoning map.

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

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone 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:



 **(T)[Q]R3-1**

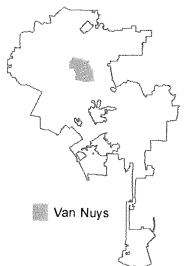


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City of Los Angeles



[Q] QUALIFIED CONDITIONS OF APPROVAL
As Modified by the South Valley Area Planning Commission on March 8, 2018

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 use of the subject property shall be limited to those uses permitted in the R3-1 Zone as defined in Section 12.10 of the L.A.M.C.
2. **Density.** A maximum of nine (9) residential dwelling units.
3. **Height.** The building height, to the top of the parapet, shall not exceed 35 feet except for rooftop projections (e.g. stairwells, elevators) as allowed per Section 12.21.1 of the LAMC and Ordinance No. 167,939, Area 8, Subarea 103.
4. **Plans.** The use and development of the property shall be in substantial conformance with the Site Plan, Floor Plans, and Building Elevations (Exhibit “A”, stamped date February 9, 2018) of the subject case file except as modified below:
 - a. The third story shall be setback a total of five (5) feet from the wall face of the north façade (wall facing the alley).
 - b. The third story windows on the north façade shall be opaque/non-transparent.
 - c. The plans submitted to the Department of Building and Safety shall be revised in conformance with this approval. 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.
5. **Parking.** Automobile and bicycle parking shall be provided on-site as required by LAMC Sections 12.21 A.4 and 12.21 A.16, respectively.
6. **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 the landscape plan dated February 27, 2017, prepared by a licensed landscape architect or licensed architect and submitted for approval to the Department of City Planning.
7. **Roof Top Deck.** A minimum 1,318 square foot rooftop deck area shall be provided as shown on Exhibit “A,” located near the center of the roof and surrounded with landscape planters.
8. **Common Open Space.** Common open space areas, such as the rooftop deck, shall incorporate recreational amenities such as spas, picnic tables, benches, barbecue areas and sitting areas.
9. **Common Open Space Landscaping.** A minimum of 25 percent of the common open space area shall be planted with ground cover, shrubs or trees. At least one 24-inch box tree for every four dwelling units shall be provided on site and may include street trees in the parkway. For a surface area not located directly on finished grade that is used for common open space, and located at ground level or the first habitable room level, shrubs and/or trees shall be contained within permanent planters at least 30-inches in depth, and lawn or ground cover shall be at least 12-inches in depth. All required landscaped areas shall be equipped with an automatic irrigation system and be properly drained.

10. **Utility Equipment/Structures.** Above ground utility structures, such as transformer vaults, shall be located at the rear of the building and designed so they are integrated with the color, texture, architecture and/or landscaping of the project. Utility meters shall be located at the side or rear of the building or in landscaped areas and out of the line-of-sight from or sidewalks.
11. **Rooftop Equipment.** Rooftop equipment such as air conditioning units, antennas and communication equipment, mechanical equipment, and vents shall be screened from viewed from the public right-of-way and adjacent properties.

B. Administrative Conditions:

12. **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.
13. **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.
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 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.
15. **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.
16. **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.
17. **Building Plans.** Page one 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.
18. **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.
19. **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.

Sec. XX. 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.

Pursuant to Section 558 of the City Charter, the South Valley Area Planning Commission on **March 8, 2018** recommends this ordinance **BE ADOPTED** by the City Council.

By 

Jason Wong
Commission Executive Assistant

File No. _____

I hereby certify that the foregoing ordinance was passed by a **vote of not less than two-thirds of all its members** by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____