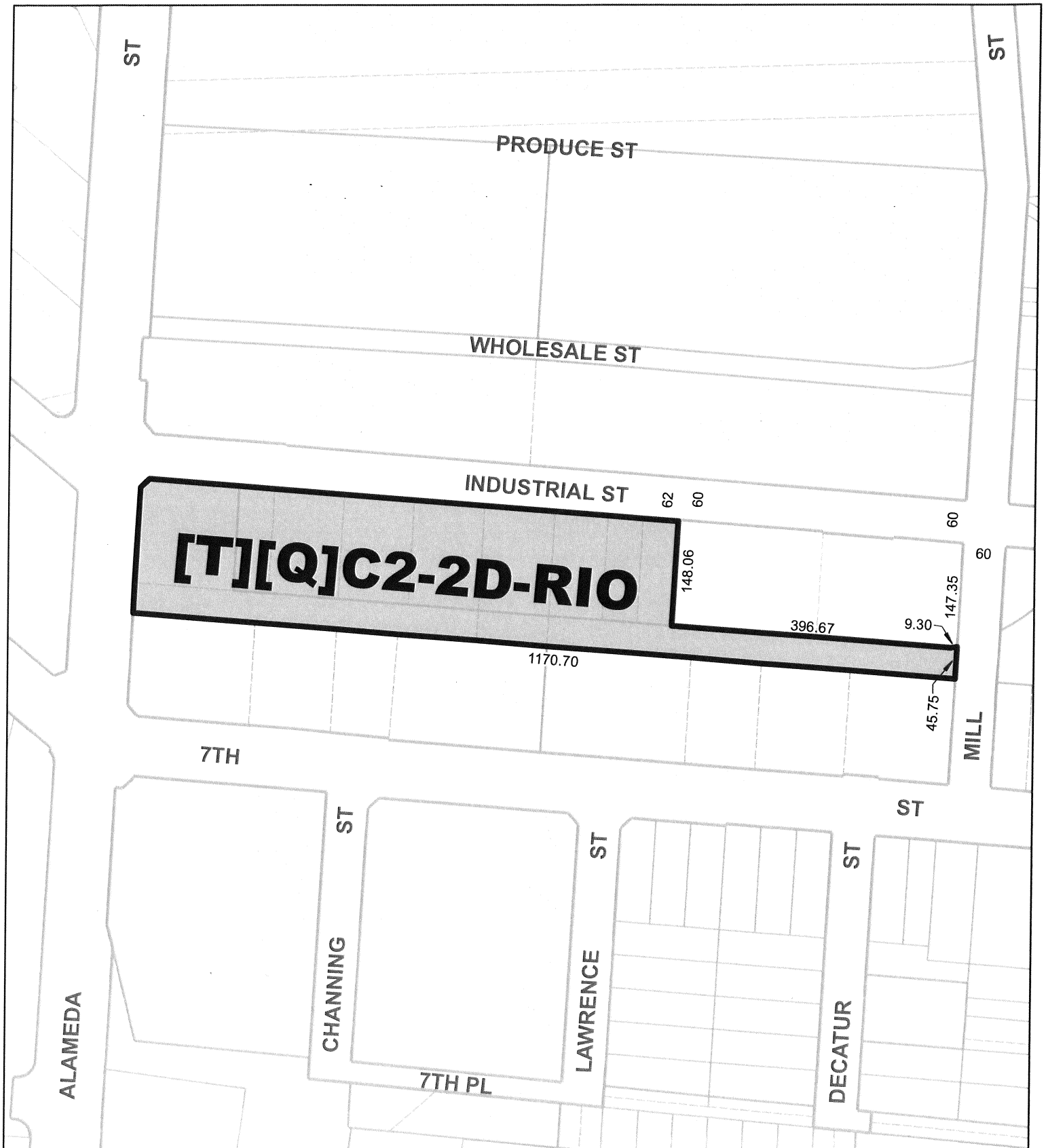


ORDINANCE NO. _____

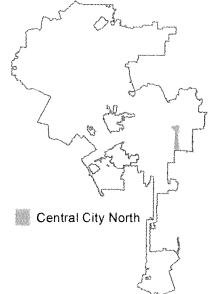
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

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

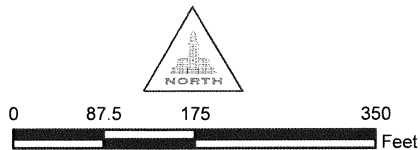
Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone classifications of properties shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform to the zoning on the map attached hereto and incorporated herein by this reference.



City of Los Angeles



Central City North



CPC-2016-3575-GPA-VZC-HD-MCUP-DB-SPR-WDI

MY/af

071818

[Q] QUALIFIED CONDITIONS OF APPROVAL

As Modified by the PLUM Committee on September 25, 2018

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. **Site Development.** The use and development of the property shall be in substantial conformance with the Site Plans, Floor Plans, Building Elevations, Landscape Plan (Exhibit A, dated July 2, 2018) of the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
2. **Development Services Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects Section shall confirm, via signature, that the project's building plans substantially conform to the conceptual plans stamped as Exhibit "A", as approved by the City Planning Commission.

Note to Development Services Center: The plans presented to, and approved by, the City Planning Commission (CPC) included specific architectural details that were significant to the approval of the project. Plans submitted at plan check for condition clearance shall include a signature and date from Major Projects Section planning staff to ensure plans are consistent with those presented at CPC.

3. **Affordable Housing.** A minimum of 5% of the total dwelling units, shall be reserved as Very Low Income units, as defined by the State Density Bonus Law 65915(C)(2) and a minimum of 6% of the total dwelling units shall be reserved for Workforce Income Households (150% of the Area Median Income). The project shall be limited to a maximum of 475 residential units, inclusive of Density Bonus units. Furthermore, the Owner shall pay two million dollars (\$2,000,000) to the CD14 Affordable Housing Trust Fund. Of this amount, five-hundred thousand (\$500,000) shall be paid within (90) days of the later of (i) the expiration of the applicable statute of limitations to challenge the project, including the entitlements and the project EIR or (ii) the final resolution of any litigation related to the project, including the entitlements and the project EIR. The remaining one-million five hundred thousand dollars (\$1,500,000) shall be paid prior to the issuance of a building permit.

Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 5% of total units built available as Very Low Income Units and 6% of total units built available as Workforce Housing units, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives

Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.

4. **Live/Work Housing.** The live/work units will be designed to comply with Section 419 of the Los Angeles Building Code. The units are designed to be larger than average with taller floor to ceiling heights to accommodate arts and production uses and a minimum 150 square-foot designated work area in each unit. All residential units shall have a minimum clearance of 10 feet from floor to ceiling for the live-work space.
5. **Waiver of Dedication and Improvement.** The project shall provide a limited one-foot dedication (from 10-feet below grade up to 15-feet above grade) along Industrial Street in lieu of the two-foot dedication otherwise required. The project shall include three bump outs as shown on Exhibit A, dated July 12, 2018.
6. **River Improvement Overlay District**
 - a. **Landscaping.** At least 75 percent of any Project's newly landscaped area shall be planted with any combination of the following: native trees, plants and shrubs, or species defined as WatershedWise, or species listed in the Los Angeles County River Master Plan Landscaping Guidelines and Plant Palettes.
 - b. **Screening/Fencing.**
 - i. Loading areas and off-street parking facilities of three spaces or more, either on a surface lot or in a structure, shall be screened from the abutting public right-of-way and the River. However, such screening shall not obstruct the view of a driver entering or leaving the loading area or parking facility, or the view from the street of entrances and exits to a loading area or parking facility, and shall consist of one or a combination of the following:
 1. (i) A strip at least five feet in width of densely planted shrubs or trees which are at least two feet high at the time of planting and are of a type that may be expected to form, within three years after time of planting, a continuous, unbroken, year round visual screen; or
 2. (ii) A wall, barrier or fence of uniform appearance. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open. The wall, barrier or fence shall, when located in either the rear or side yards, be at least four feet and not more than six feet in height.
 - ii. Electrical transformers, mechanical equipment, water meters and other equipment shall be screened from public view. The screening may be opaque or perforated, provided that not more than 50 percent of the face is open. The screen shall be at least six inches taller than the equipment and not more than two feet taller than the equipment.
 - iii. Exterior trash enclosures shall:
 1. (i) be designed to complement the primary building with a wall height that exceeds the disposal unit it is designed to contain by at least 18 inches;

2. (ii) have a solid roof to deter birds and block views from adjacent properties;
 3. (iii) have solid metal doors that accommodate a lock and remain closed when not in use; and
 4. (iv) not be constructed of chain link or wood.
7. **Public Paseos.** The Paseos shall run east and west from Mill Street towards Alameda Avenue and a secondary Paseo from Industrial Street connecting to the main east/west Paseo as a design feature of the project as shown on Exhibit A. The Paseos shall be open to the public from 6:00 am to 11:00 pm daily, from Industrial Street and Mill Street.
 - a. To the extent feasible, the paseo (located to the south of the proposed structure) shall incorporate steel rail within the walking surface to reflect the past use of the paseo space as a rail spur line. The rail, to the extent feasible, shall reflect the location and configuration of the original spur line. The final plan for the use of the rail shall be reviewed and approved by the Director or his designee.
8. **Greywater.** The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by DWP in consultation with DCP.
9. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
10. **Billboards.** There shall be no Billboards on the project site, any existing Billboards shall be removed.
11. **Arts Production Space.** The project shall provide a range of Arts Production spaces, including smaller spaces designed to accommodate small businesses and configurable floor plates to accommodate a range of productive uses.
12. **Bicycle Parking.** Bicycle Parking shall be provided for the project pursuant to LAMC 12.21 A.16.
13. **Solar Panels.** The project shall provide solar panels for 10% of the total roof area for the project, to the satisfaction of the Department of Building and Safety.
14. **Exterior Site lighting.**
 - a. All site and building mounted lighting shall be designed such that it produces a maximum initial luminance value no greater than 0.20 horizontal and vertical foot candles at the site boundary, and no greater than 0.01 horizontal foot candles 15 feet beyond the site. No more than 5.0 percent of the total initial designed lumens shall be emitted at an angle of 90 degrees or higher from nadir (straight down).

b. All low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz, incandescent greater than 60 watts, mercury vapor, and halogen fixtures shall be fully shielded in such a manner as to not exceed the limitations above.

15. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered to the extent feasible. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
16. **Stormwater and Irrigation.** Stormwater runoff shall be collected within the Paseo areas through the use of Bio-filtration planters and/or basins to the greatest extent feasible and to the satisfaction of the Director of Planning.
17. **Heat Island Effect.** To reduce the heat island effect, pathways, patios, driveways and other paved areas shall ensure a minimum of 50% of materials be used with a minimum initial solar reflectance value of 0.35 in accordance with the American Society for Testing and Materials standards (ASTM standards).

B. Environmental Conditions.

1. **Mitigation Monitoring Program.** The project shall be in substantial conformance with the mitigation measures in the attached MMP and stamped "Exhibit B" and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the Project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Tract Map Modification unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

2. **Mitigation Monitor (Construction).** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant, the election of which is in the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning which approval shall not be reasonably withheld, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the

Applicant's Compliance Report. The Construction Monitor shall be obligated to report to the Enforcement Agency any non-compliance with mitigation measures and project design features within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of written notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

C. Administrative Conditions:

1. **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.
2. **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.
3. **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.
4. **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.
5. **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.
6. **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.
7. **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.
8. **Indemnification and Reimbursement of Litigation Costs.** The 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 \$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).
- (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.

D LIMITATIONS

As Modified by the PLUM Committee on September 25, 2018

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 D limitation.

A. Development Limitations:

1. **Floor Area Ratio.** Floor area over the entire site, as identified in the Ordinance Map, shall not exceed three and fifty-five hundredths times the buildable area of the site (3.55:1), not to exceed a total of 577,301 square feet of floor area.
2. **Building Height.** Building height shall be limited to a maximum height of 85 feet consistent with Exhibit A.

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.

Pursuant to Section 559 of the City Charter, I **DISAPPROVE** this ordinance on behalf of the City Planning Commission and recommend that it **NOT BE ADOPTED**.

By 
Vincent P. Bertoni, AICP
Director of Planning

Date 9/28/18

File No. 18-0826

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____