

**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:**

## (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. Entitlement Conditions

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked **Exhibit B**, dated **February 21, 2014**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the City Planning Department for review.
2. **Use.** Use of the subject property shall be limited to the use and area provisions of the RAS4 zone, permitting a mixed use development with commercial uses on the ground level and residential uses as defined in Section 12.11.5 of the Municipal Code, except where conditions herein may be more restrictive. Residential uses shall be permitted on the ground floor subject to the limitations contained herein.
3. **Height.** The majority of the building shall be limited to a height of 85 feet, as defined by Los Angeles Municipal Code (LAMC) Section 12.03 and allowed per LAMC Section 12.21.1 and the Los Angeles Building Code Chapter IX, Article 1, Division 5, Table 503, and Section 504.2. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.
4. **Floor Area Ratio (FAR).** The total floor area of the structure on the property shall not exceed 3:1 times the buildable area of the lot. The total floor area of non-residential, ground-floor commercial uses on the subject property shall not exceed 12,550 square feet, as defined by Section 12.03 of the LAMC.
5. **Residential Density.** Not more than 138 dwelling units may be constructed on the property, per the RAS4 zone, Section 12.11.5 of the LAMC.
6. **Parking.** The project shall provide parking pursuant to LAMC Section 12.21.A4. However, notwithstanding Section 12.21 A.4 of the LAMC, the project shall be permitted to have a maximum additional 20 on-site parking spaces above the LAMC required minimum of 279 spaces.
7. **Refuse/recycling area.** Details shall be provided on the method of enclosure for the refuse/recycling areas at the time of final plan sign off. The refuse/recycling area shall be secured with an enclosure that fully screens the view of the refuse/recycling area. It shall be constructed in a style similar to that of the main building.
8. **Parking district.** The tenants of 5100 Wilshire shall not be permitted to obtain a Preferential Parking District (No. 36) permit on Mansfield Avenue.
9. **Electric Vehicle parking.** 12 percent, or 33 spaces, of the total parking spaces shall be pre-wired for electric vehicles.

10. **Vehicular access.** There will be no vehicular access directly to the surface parking lot on the Orange Drive frontage of the property. Access to this parking lot will be via the commercial driveway entrance to the building from Orange Drive.
11. **Surface lot Landscaping.** There shall be a minimum 10' 0" landscaped buffer between the surface parking lot and sidewalk on Orange Drive and a 5'0" un-excavated landscape buffer between the surface parking lot and the properties to the south of the site.
12. Landscaped parking peninsulas shall be implemented between parking spaces located in the surface parking lot.
13. There shall be a 6'0" high solid CMU wall (stucco on both sides) at the property line between the project and the abutting properties to South, and 10'0" away from the sidewalk along Orange Drive adjacent to the surface parking lot.
14. Aluminum-framed dual glass casement windows by Arcadia Inc. or an approved equivalent window shall be used for all units.
15. Exterior plaster for the building shall be 1-inch thick smooth finish 5 stage stucco system including anti-crack mesh.
16. Prior to the commencement of construction, the Developer will provide Council District 4 with a Construction Traffic Management plan to include plans for parking construction worker's cars/trucks. A copy of that report will be sent to the Neighborhood Council and Sycamore Square Neighborhood Association.

## **B. Environmental Conditions**

1. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect.
2. **Aesthetics (Landscape Buffer).** A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
3. **Aesthetics (Surface Parking).**
  - A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.
  - The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. An automatic irrigation plan shall be approved by the Department of City Planning.
  - Palm trees shall not be considered in meeting this requirement.
  - The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.
4. **Aesthetics (Light)** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

5. **Aesthetics (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.

6. **Air Pollution (Demolition, Grading, and Construction Activities).**

- 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. 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.
- 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.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

15. **Tree Removal (Non-Protected Trees).**

- 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.
- 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 the Department of Public Works, Bureau of Street Services.

16. **Seismic.**

The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

17. **Erosion/Grading/Short-Term Construction Impacts.**

- The applicant shall provide a staked sign at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading

activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

**18. Grading (20,000 Cubic Yards, or 60,000 Square Feet of Surface Area or Greater)**

Impacts will result from the alteration of natural landforms due to extensive grading activities. However, this impact will be mitigated to a less than significant level by designing the grading plan to conform with the City's Landform Grading Manual guidelines, subject to approval by the Department of City Planning and the Department of Building and Safety's Grading Division. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
- "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- Movement and removal of approved fencing shall not occur without prior approval by LADBS.

**19. Geotechnical Report.**

- Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

**20. Green House Gas Emissions.**

Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

**21. Explosion/Release (Existing Toxic/Hazardous Construction Materials).**

- **(Asbestos)** Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
- **(Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

**22. Explosion/Release (Methane Gas).**

- All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements; a vent system and gas-detection system which shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.
- All commercial, industrial, institutional and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to Department of Building and Safety and Fire Department approval.
- All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.

**23. Explosion/Release (Fairfax District).**

The applicant shall comply with Administrative procedures of Ordinance No. 161,552 of the Los Angeles Municipal Code, establishing a High Potential Methane Zone in the Fairfax area of the City of Los Angeles.

**24. Stormwater Pollution (Demolition, Grading, and Construction Activities).**

- Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.

- Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

**25. Increased Noise Levels (Landscape Buffer).**

- A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
- A landscape plan prepared by a licensed Landscape Architect shall be submitted for review and approval by the decision maker.

**26. 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.
- Construction and demolition shall be restricted to the hours of 8:00 am to 6:00 pm Monday through Saturday.
- 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.

**27. Increased Noise Levels (Mixed-Use Development).**

Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.

**28. Dwelling Unit construction Tax.**

Payment of the City's Dwelling Unit Construction tax is required in Section XV a. of this document and is expected to mitigate any increased demand on park land and open space.

**29. Public Services (Fire).**

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

**30. Public Services (Police – Demolition/Construction Sites).**

Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

**31. Public Services (Schools).**

The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

**32. 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 portion to those caused by the proposed project's implementation.

**33. Construction Damage Bond.**

- A cash bond or security ("Bond") shall be posted in accordance with terms, specifications, and conditions to the satisfaction of the Bureau of Engineering and shall remain in full force and effect to guarantee that any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, is properly repaired by the applicant.
- Prior to the issuance of a Certificate of Occupancy, any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, shall be properly repaired by the applicant to the satisfaction of the Bureau of Engineering. The applicant is hereby advised to obtain all necessary permits to facilitate this construction/repair.

**34. Recreation (Increase Demand For Parks Or Recreational Facilities – Zone Change)**

Pursuant to Section 12.33 of the Los Angeles Municipal Code, the applicant shall pay the applicable fees for the construction of dwelling units.

**35. Utilities (Local Water Supplies - Landscaping).**

- The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
  - Weather-based irrigation controller with rain shutoff
  - Matched precipitation (flow) rates for sprinkler heads
  - Drip/microspray/subsurface irrigation where appropriate
  - Minimum irrigation system distribution uniformity of 75 percent
  - Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
  - Use of landscape contouring to minimize precipitation runoff
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

**36. Utilities (Local Water Supplies - All New Construction).**

- If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant