


MOTION

IMOVE that the matter of ENVIRONMENTAL IMPACT REPORT (EIR), STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MEASURES, MITIGATION MONITORING PROGRAM, PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT, RESOLUTION, and ORDINANCE FIRST CONSIDERATION relative to a General Plan Amendment (GPA) and Vesting Zone Change and Height District Change for the property located at 520, 524, 528, 532 Mateo Street and 1310 East 4th Place, Item 12 on today's Council Agenda (Council File No. 18-0716-S1), BE AMENDED to PRESENT and ADOPT the attached ORDINANCE in lieu of the Ordinance attached to the File to effectuate a technical correction to the Qualified [Q] conditions of approval.

PRESENTED BY: _____


JOSÉ HUIZAR
Councilmember, 14th District

SECONDED BY: _____



COUNCIL

October 31, 2018

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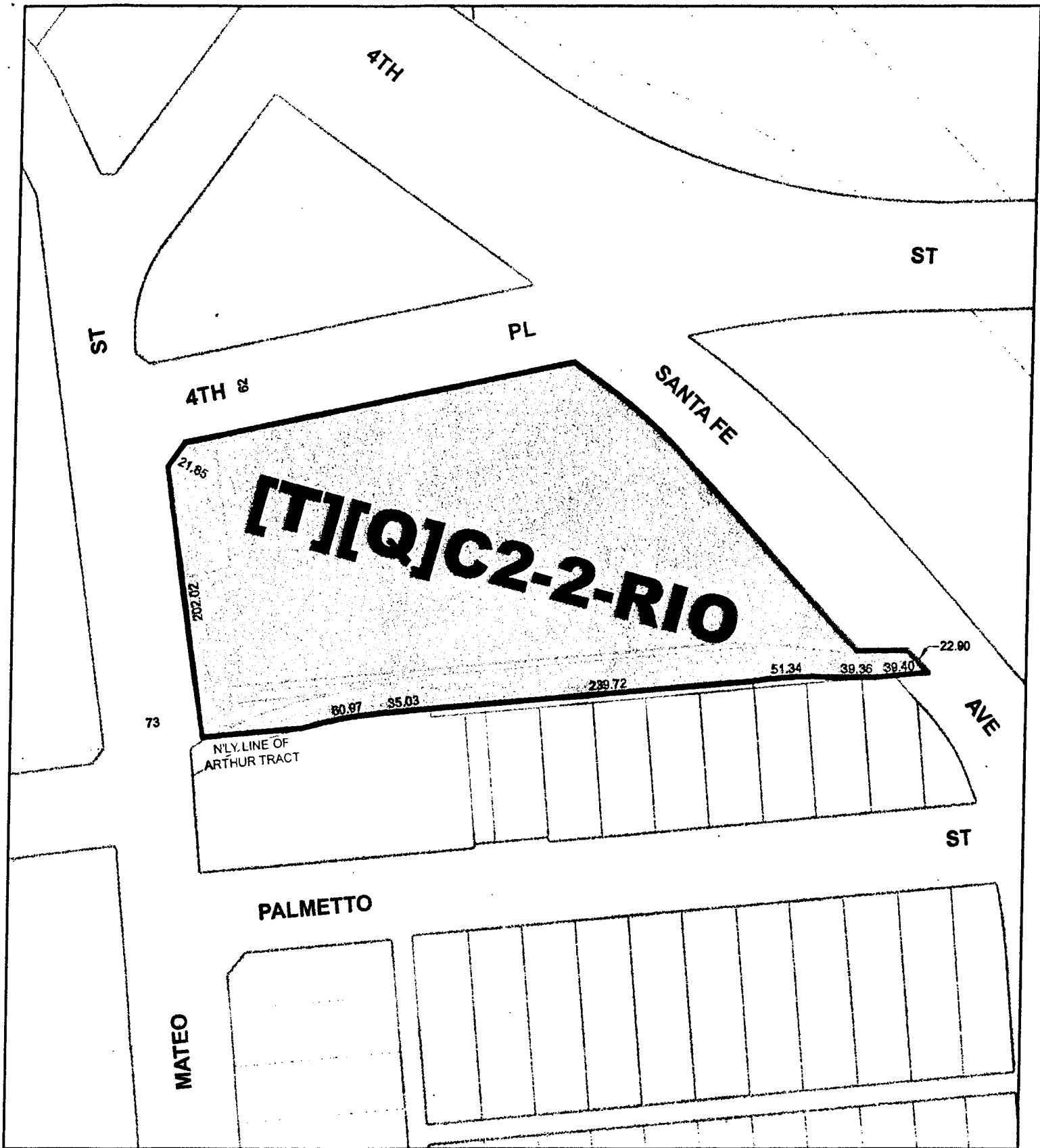


ORDINANCE NO. _____

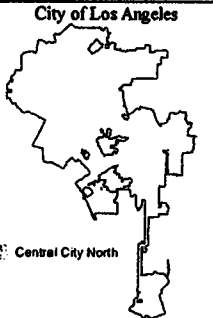
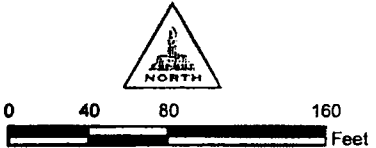
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

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.



THE INTENT OF THIS ORDINANCE IS FOR THE BOUNDARIES OF THIS ZONE CHANGE TO COINCIDE WITH THOSE OF RECORDED TR 74529.



CPC-2016-3853-GPA-VZC-HD-ZAD-SPR

MY/g

070518

CONDITIONS FOR EFFECTUATING [T] TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32-G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, the following public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary):

Responsibilities/Guarantees.

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.

2. **Bureau of Engineering.** Prior to issuance of sign offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

a. Dedication Required –

- i. Santa Fe Avenue: That a 28-foot and variable width strip of land be dedicated along Santa Fe Avenue adjoining portion of the tract to complete a 43-foot wide half right-of-way in accordance with Avenue II of LA Mobility Plan Standards.
- ii. That if necessary a 10-foot by 10-foot or a 15-foot radius property line be dedicated at the intersection of 4th Place and Mateo Street adjoining the tract.

b. Improvements Required –

- i. Santa Fe Avenue - Improve portion of the Santa Fe Avenue being dedicated and adjoining the subdivision by the construction of the following:
 1. A Concrete curb, a concrete gutter, and a 15-foot full-width concrete sidewalk with tree wells.
 2. Suitable surfacing to join the existing pavement and to complete 28-foot half roadway.
 3. Any necessary removal and reconstruction of existing improvements.
 4. The necessary transitions to join the existing improvement.

3. Bureau of Street Lighting

- i. Construct new lights: four (4) on Santa Fe Ave. and three (3) on Mateo St. If street widening per BOE improvement conditions, relocated and upgrade street lights; five (5) on 4th Pl.
4. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the sub divider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

[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. **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, stamp dated June 4, 2018) of the subject case file, and the required design changes identified below. 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.

Roof Design. Project plans shall be revised to eliminate the flat roof design and replace it with a varied or sculptural roof design.

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 6% of the total dwelling units, shall be reserved as Moderate Income units, as defined by Section 50093 of the Health and Safety Code, with the choice of units to be designated at applicant's discretion, and an allocation of ground floor accessible square footage equal to the minimum of 5% of the commercial floor area to be reserved as affordable work space for artists or other users as approved by the City of Los Angeles at 50% of the market rate for a period of 20 years. The project shall be limited to a maximum of 475 residential units.

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 6% of total units built available as Moderate Income Units for sale or rental as defined in Section 50093 of the Health and Safety Code 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.

5. **Public Paseo.** The paseo shall run east and west from Mateo Avenue through to Santa Fe Avenue as a design feature of the pedestrian walkway to the greatest extent possible as shown on Exhibit A. The paseo shall not be gated during business hours, but may be secured for safety reasons during non-business hours and shall contain permeable materials where feasible. 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. Where feasible, permeable ground surface materials shall be used within the Paseo area.
6. **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.
7. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
8. **Billboards.** There shall be no Billboards on the project site, any existing Billboards shall be removed.
9. **Creative Office.** The project shall provide a range of creative office spaces, including smaller spaces designed to accommodate small businesses and configurable floor plates to accommodate a range of productive uses.
10. **Bicycle Parking.** Bicycle Parking shall be provided for the project pursuant to LAMC 12.21 A.16.
11. **Solar.** The project shall provide a minimum of 2,000 square feet of solar panels to be installed on the building as a part of an operational photovoltaic system to be maintained for the life of the project and shall comply with the Los Angeles Green Building Code, Section 95.05.211, to the satisfaction of the Department of Building and Safety.
12. The Applicant shall implement an affirmative marketing plan for Artists and local businesses that will include the designation of an identified outreach coordinator whose primary function will be to coordinate with one or more local nonprofit organization(s) for the purposes of establishing and maintaining the affirmative marketing program as part of the leasing operations for the project. The plan shall be submitted to the city for approval prior to the start of leasing.
13. The Applicant shall provide 2.25 million dollars to the Council District 14 Public Benefit Trust Fund Affordable Housing Subaccount for future affordable housing within Council District 14, a minimum of 500 thousand dollars of which shall be paid within sixty (60) 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) if a judicial challenge has been filed, such judicial challenge has been finally resolved in a manner acceptable to both City and developer in their reasonable

discretion. The remaining one-million seven hundred fifty thousand dollars (\$1,750,000) shall be paid prior to the issuance of a building permit.

B. Environmental Conditions.

- 14. 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.

- 15. 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:

- 16. 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.

17. **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.
18. **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.
19. **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.
20. **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.
21. **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.
22. **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.
23. **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

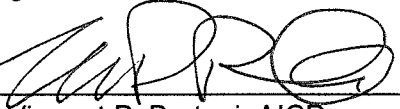
Pursuant to Section 12.32-G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the D limitation.

A. Development Limitations:

1. **Floor Area Ratio.** Floor area over the entire site, as identified in the Ordinance Map, shall not exceed six times the buildable area of the site (6:1), not to exceed a total of 584,760 square-feet of floor area.
2. **Building Height.** Building height shall be limited to a maximum height of 370 feet for the live-work tower and 92 feet for the westerly portion of the site containing the office tower 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 10-30-18

File No. _____

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____