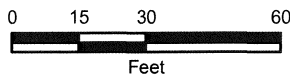
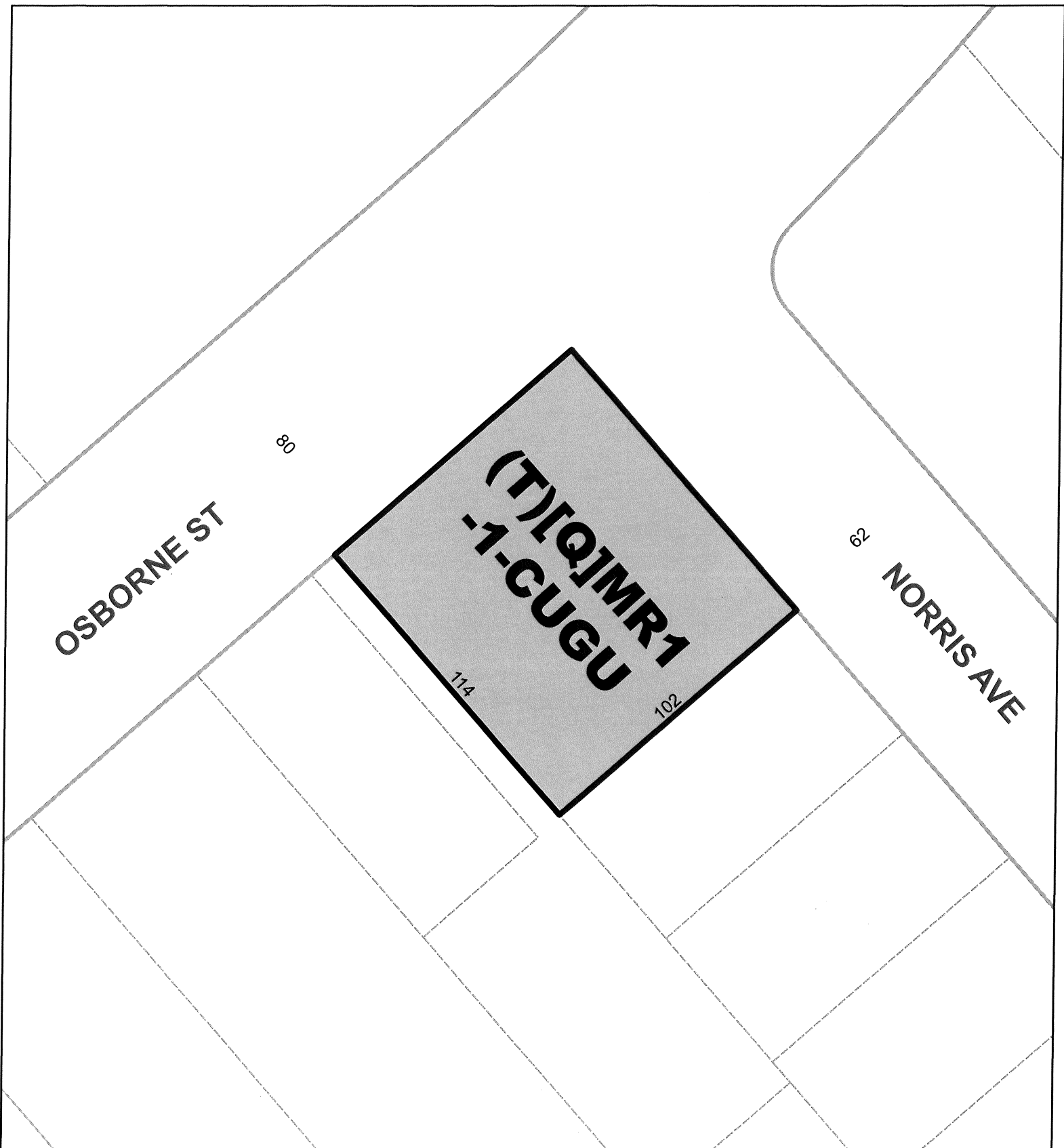


ORDINANCE NO. _____

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:

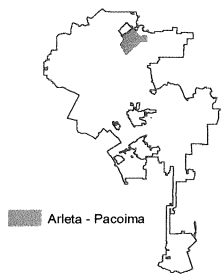


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City of Los Angeles



[Q] QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G.2 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 an approximately 1,940 square foot commissary food catering establishment for the film and television industry.
2. **Height.** The maximum building height of the proposed structure is one-story, approximately 21 feet 4 inches in height.
3. **Automobile Parking.** Automobile parking shall be provided per Los Angeles Municipal Code requirements with a minimum of 9 parking spaces.
4. **Bicycle Parking.** Bicycle parking shall be provided per Los Angeles Municipal Code Requirements with a minimum of 4 spaces including 2 long-term and 2 short-term spaces.
5. **Plot/Site Plan.** Prior to the issuance of any building permits for the subject project, detailed development plans, including site and elevation plans, and including complete landscape and irrigation plans prepared by a licensed landscape architect or architect, shall be submitted for review by the Department of City Planning for verification of compliance with the imposed conditions. The plans submitted to Building and Safety shall be in substantial conformance with the plans dated October 31, 2018, and labeled "**Exhibit A**", attached to the subject case file. Minor 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.
6. **Storage.** There shall be no open air storage of materials, food products, or equipment. All activity related to the food commissary shall take place within the 1,940 square foot structure with the exception of the loading and unloading of goods.
7. **Clean Up Green Up.** The project shall be designed to meet all applicable Development Regulations of the Clean Up Green Up (CUGU) Ordinance No. 184,246 and Los Angeles Municipal Code Section 13.18 F and shall be shown on "**Exhibit A.**"
 - a. Site Planning.
 - (1) All trash receptacles shall be located within a gated, covered enclosure at least 6 feet in height.
 - (2) Chain link, barbed wire, and concertina wire fences are prohibited at the perimeter of the property.
 - b. Enclosure - A use, material or equipment that emits or generates dust, smoke, gas, fumes, cinder or refuse matter shall be completely enclosed with mechanical ventilation to prevent fugitive emissions unless another regulatory

- agency requires natural ventilation. A stack, vent or flare is exempt from this enclosure requirement.
- c. Signage. “No Idling” signage shall be posted onsite at the back of the curb and adjacent to the entrance of the driveway on Norris Avenue where truck loading, staging or parking occurs.
 - d. Surface Lot Parking Design Layout. The loading area shall be located at the rear of the lot away from Osborne Street.
 - e. Surface Parking Lot Design Screening. The parking area shall be screened at the perimeter of the property abutting the sidewalk with a decorative wrought iron fence of uniform appearance no less than 3 feet 6 inches in height.
 - f. Surface Parking Lot Design Tree Planting. One tree is required for every four (4) new parking spaces within the surface parking lot and one tree shall be planted and maintained every 15 feet along Norris Avenue and Osborne Street in the public right-of-way or on the applicant’s property. Any fraction over one-half shall require a new tree. Shrubs shall be planted and maintained between trees to along Osborne Street and Norris Avenue to create a visual screen. Parking spaces covered by solar carports functioning as shade structures are exempt from the calculation.
 - g. Surface Parking Lot Ground Water Recharge. The surface lot shall be graded to allow for ground water recharge into a minimum 3-foot by 3-foot unpaved planting area. This unpaved area shall be concave in design to receive runoff per Bureau of Engineering specifications and approval.
 - h. Noise. The applicant shall submit to the Department of City Planning an acoustic evaluation report issued by a licensed noise consulting professional which indicates that no noise as a result of project activity will exceed 60 dBA during the day (7:00 a.m. to 10 p.m.) and 55 dBA at night (10:00 p.m. to 7:00 a.m.). The report shall include compliance options for noise mitigation if necessary, and the applicant shall comply with all mitigation measures. Noise levels shall be measured per LAMC Section 13.18 F.2(I)(1)(ii).
8. **Landscape Plan**. Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project as regulated by LAMC Section 12.22 A.25(f)(1), which requires the number of landscape points to be equivalent to 10% more than otherwise required by LAMC Section 12.40 and Landscape Ordinance Guidelines “O.” All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, **Exhibit “A,”** and shall incorporate any modifications required as a result of this grant. Any modifications to the landscape plan subsequent to the effectuation of this grant shall be to the satisfaction of the Director of Planning.

9. **Trees Planted in Public Right-of-Way.** New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.
10. **Tree Removal.** No trees are proposed for removal. However, should any trees be removed, tree replacement will be at a 4:1 ratio.
11. **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 the Department of City Planning.
12. **Roof-Top Equipment.** Any mechanical equipment (air conditioning units and other such equipment) shall be fully screened from view of any abutting properties and the public right-of-way.
13. **Lighting.** All outdoor lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
14. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
15. **Electric Vehicle Parking.** The project shall include at least 20 percent (20%) of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Five percent (5%) of the total code required parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or 5 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

Any parking spaces provided above LAMC requirements shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas.

16. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
17. **Solar Ready Buildings.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
18. **Solar Power.** The project shall provide a minimum of 80 kilowatts of solar power. Solar panels may be installed on all rooftop areas and surface parking lots with the exception of areas occupied by rooftop mechanical equipment.
19. **Signs.** There shall be no off-site commercial signage of construction fencing during construction.
20. **Permeable Paving.** The Project shall incorporate techniques throughout the Project site including permeable paving and landscaping to avoid excessive runoff into the Los Angeles Flood Control Basin. LID requirements shall be met by providing an underground BMP filtration basin on the southeast portion of the project site.
21. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.

B. Environmental Conditions

22. Prior to commencing any ground disturbance activities including excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site, the Applicant, or its successor, shall retain and pay for archeological monitors, determined by the City's Office of Historic Resources to be qualified to identify subsurface tribal cultural resources. The archeological monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archeological monitor shall be assigned to each location where the ground disturbance activities are occurring.

Prior to the commencement of any ground disturbance activities at the project site, the Applicant, or its successor, shall notify any California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project that ground disturbance activities are about to commence and invite the tribes to observe the ground disturbance activities, if the tribes wish to monitor.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by the qualified archeologist, until the potential tribal cultural

resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning, Office of Historic Resources.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, or its successor, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
- e. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
- f. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by a qualified archaeologist and determined to be reasonable and appropriate.

- g. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.
- h. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
- i. Notwithstanding paragraph 8 above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and shall comply with the City's AB 52 Confidentiality Protocols.

C. Administrative Conditions

- 23. **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 Department of City Planning for placement in the subject file.
- 24. **Code Compliance.** The area, height and use regulations of the zone classification of the subject property shall be complied with, except where conditions herein are more restrictive.
- 25. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.
- 26. **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.
- 27. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

28. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and Department of Building and Safety.
29. **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.
30. **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, in whole or in part, 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.
- ii. 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.
- 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:

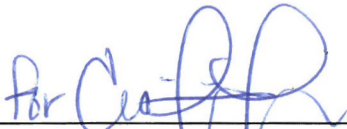
"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"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.

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 Los Angeles City Planning Commission on **January 10, 2019** recommends this ordinance **BE ADOPTED** by the City Council.

By  _____
James K. Williams
Commission Executive Assistant II

File No. _____

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____