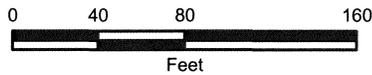
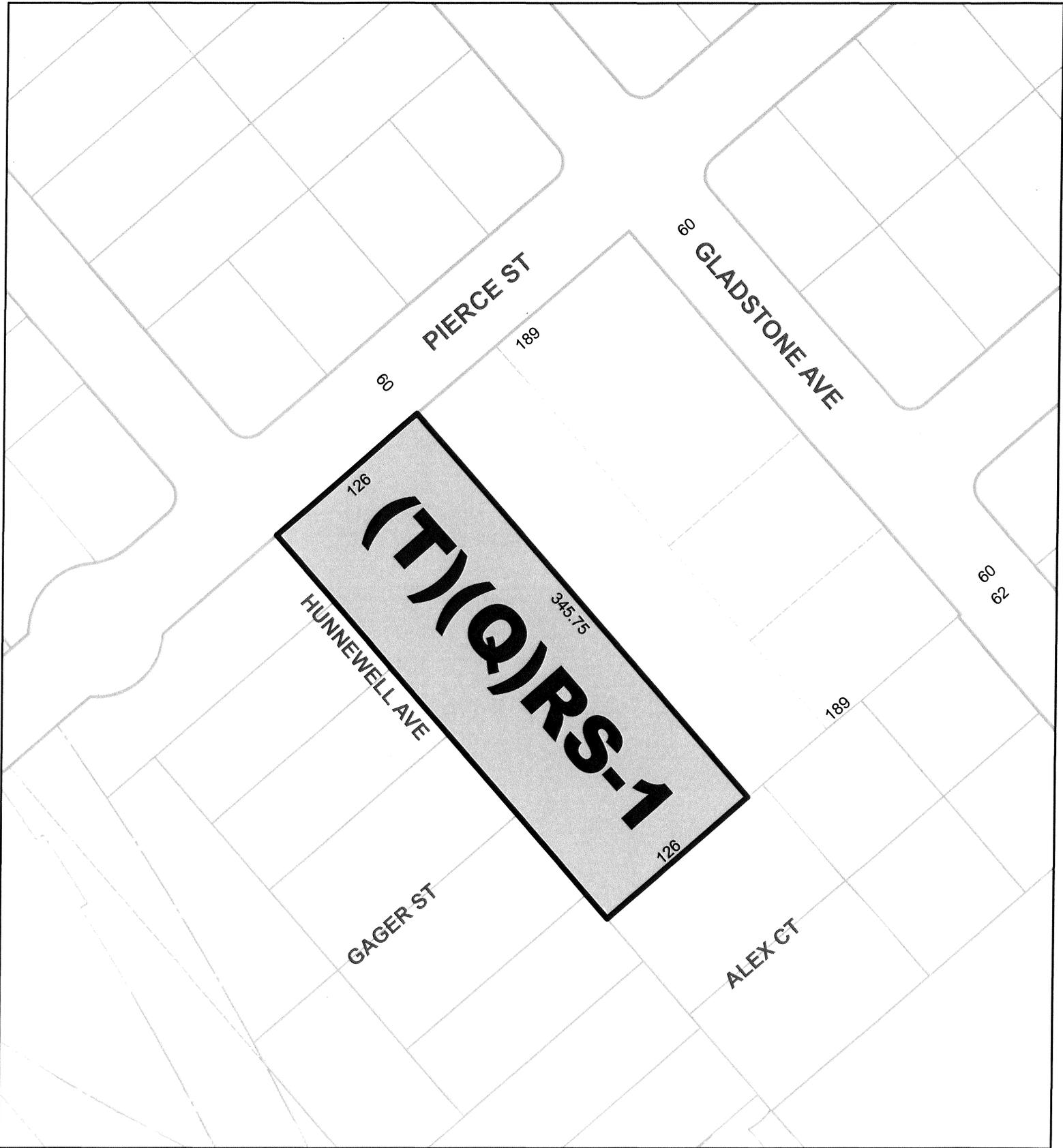


ORDINANCE NO. _____

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

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

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

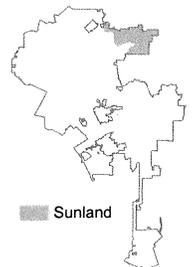


APCNV-2016-0070-ZC

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City of Los Angeles



(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. **Use.** The use of the subject property shall be limited to those uses permitted in the RS-1 Zone as defined in Section 12.07.1 of the L.A.M.C. and as shown on "**Exhibit A**", including all yards.
2. **Height.** No building or structure shall exceed 28 feet in height, as defined by Section 12.21.1 of the LAMC, and as shown on the project plans dated June 19, 2018 and labeled "**Exhibit A**", attached to the subject case file.
3. **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 June 19, 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.
4. **Landscaping (Open Areas).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan that substantially conforms with **Exhibit A** and is prepared by a licensed landscape architect or licensed architect. Additionally, landscaping is required to complement the building design and shall comply with the City of Los Angeles Landscape Ordinance 170,978 and Section 12.40 of the LAMC.

B. Environmental Conditions

5. **Air Quality.**

- a. All off-road construction equipment greater than 50 hp shall meet US EPA Tier 4 emissions standards, where available, to reduce NO_x, PM₁₀, and PM_{2.5} emissions at the Project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- b. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet U.S. EPA 2007 model year NO_x emissions requirements.
- c. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.

6. Tree Removal (Non-Protected Trees).

- a. 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.
- b. 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.
- c. Removal of 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, Bureau of Street Services, Department of Public Works.

7. Tree Removal (Locally-Protected Species).

- a. All protected tree removals require approval from the Board of Public Works.
- b. A Tree Report shall be submitted to the Urban Forestry, Division of the Bureau of Street Services, Department of Public Works, for review and approval (213) 847-3077), prior to implementation of the Report's recommended measures. The Tree Report shall address retaining and protecting the existing oak tree on the subject property in place, and the following measure, in addition to any other measures as required by the Department of Urban Forestry, shall be implemented to assure its protection:
 1. Prior to the issuance of any grading permit, and for the duration of proposed construction activities, the applicant shall install orange staked construction fencing around the drip line of the one protected oak (*Quercus agrifolia*) tree located on Parcel A. Placement of this required fencing shall be verified a licensed Tree Arborist, and proof of such verification shall be provided (in a letter) to the Department of Building and Safety prior to the issuance of any grading permit.
- c. A minimum of two trees (a minimum of 48-inch box in size if available) shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division.
- d. The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.
- e. Bonding (Tree Survival):
 1. The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new protected tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's protected tree bond may be exonerated.
 2. The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and

processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the protected trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

8. Increased Noise Levels (Demolition, Grading, and Construction Activities).

- a. Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
- b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

9. Severe Noise Levels (Residential Fronting on Major or Secondary Highway, or adjacent to a Freeway)

- a. All exterior windows having a line of sight of a Major Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- b. The applicant as an alternative, may retain an acoustical engineer to submit evidence along with the application for a building permit and any alternative means of sound insulation sufficient to mitigate interior noise levels below CNEL of 45 dBA in any habitable room.

10. Increased Noise Levels (Residential within 500 feet of Freeway)

- a. Wall and roof-ceiling assemblies making up the building envelope shall have a Sound Transmission Class (STC) of at least 50, and exterior windows shall have a minimum STC of 30 as determined in accordance with ASTM E90, and ASTM E413, or any amendment thereto.

C. Administrative Conditions:

11. Approval, Verification, and Submittals. Copies of any approvals, guarantees, or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject case file.

12. 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.

13. 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.

14. 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.

15. **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.
16. **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.
17. **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.
18. **Indemnification and Reimbursement of Litigation Cost.** 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 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 North Valley Area Planning Commission on March 7, 2019, recommends this ordinance **BE ADOPTED** by the City Council.

By  _____
Rocky Wiles
North Valley Area Planning Commission

File No. _____

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____