

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:

CAHUENGA BLVD

LA MIRADA AVE

30

80

294

67.50

53.52

83

(T)(Q)C2-1D

237.48

140.06

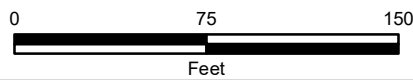
55

50

LEXINGTON AVE

LILLIAN WAY

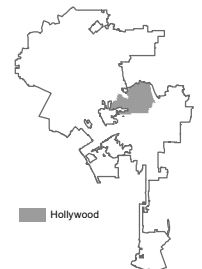
City of Los Angeles



CPC-2021-10170-GPA-ZC-WDI

AA/Cf

050323



(Q) QUALIFIED CLASSIFICATIONS

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 and area regulations for the new development on-site shall be developed for the commercial uses as permitted in the C2 Zone as defined in LAMC Section 12.14, except as modified by the conditions herein or subsequent action.
2. **Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of Planning. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.

OR

The site shall be developed with residential uses allowed, and in accordance with the density and all other development standards in the RD1.5-1XL zone.

3. **Authorization.** Authorized herein is the construction, use and maintenance of a new 75,262 square-foot creative office campus with a ground-floor retail use.
4. **Solar Energy Panels.** The project shall comply with Section 99.05.211.1 of the LAMC.
5. **Electric Vehicle Parking.** All automobile parking spaces shall provide electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) consistent with the regulations outlined in Section 99.05.106 of Article 9, Chapter IX of the LAMC.

B. Environmental Conditions

Project Design Features

6. Project construction will not include the use of driven (impact) pile systems.
7. Outdoor amplified sound systems, if any, will be designed so as not to exceed the maximum noise level of 80 dBA (L_{eq}) at a distance of 15 feet from the face of the loudspeakers, from all outdoor spaces. A qualified noise consultant will provide written documentation that the design of the system complies with this maximum noise level.
8. The following Transportation Demand Management strategies will be incorporated into the Project design:
 - **BICYCLE INFRASTRUCTURE** – Include Bike Parking per LAMC - This strategy involves implementation of short and long-term bicycle parking to support safe and comfortable bicycle travel by providing parking facilities at destinations under existing LAMC regulations applicable to the Project. The Project is required to, and will provide, a minimum of 22 bicycle parking spaces.

- BICYCLE INFRASTRUCTURE – Include Bike Parking and Showers - This strategy involves implementation of additional end of trip bicycle facilities to support safe and comfortable bicycle travel by providing amenities at the Project. This Project will provide up to four showers and 14 secure lockers.
9. The Applicant will, prior to construction, develop a Construction Traffic Control/Management Plan (CTM Plan) to be approved by LADOT to minimize the effects of construction on vehicular and pedestrian circulation and assist in the orderly flow of vehicular and pedestrian circulation in the area of the Project. The CTM Plan will identify the location of any roadway closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. The CTM Plan will also address the potential conflicts associated with concurrent construction activities of related projects, if applicable.
 10. The Applicant will, prior to construction, develop a Construction Traffic Control/Management Plan (CTM Plan) to be approved by LADOT to minimize the effects of construction on vehicular and pedestrian circulation and assist in the orderly flow of vehicular and pedestrian circulation in the area of the Project. The CTM Plan will identify the location of any roadway closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. The CTM Plan will also address the potential conflicts associated with concurrent construction activities of related projects, if applicable.

Mitigation Measures

11. A vapor barrier shall be installed along the base and walls all subterranean garages. The vapor barrier shall be installed to include a sub-slab collection and ventilation system during construction. Based on guidance from the regulatory agency, the vapor barrier shall be operated as an active or passive system.
12. Ongoing annual monitoring and reporting shall occur after construction and during occupancy to evaluate the efficiency of the vapor barriers and to confirm that indoor air is safe for occupants. Monitoring shall include a combination of indoor air sampling, subslab sampling, and/or differential pressure monitoring. Regulatory oversight, monitoring, and reporting shall be required for 10 years.
13. All elevators running from the parking lots up into the overlying spaces shall be monitored during occupancy to confirm that indoor air is safe for occupants. Monitoring shall include a combination of indoor air sampling, and/or differential pressure monitoring.
14. A temporary and impermeable sound barrier shall be erected at the following locations, prior to the start of earth moving activities. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.
 - Along the northern property line of the Project Construction Site between the construction area and the residential uses to the north (represented by receptor location R1). The temporary sound barrier shall be designed to provide a minimum 12-dBA noise reduction at the ground level of receptor location R1.
 - Along the southern property line of the Project Construction Site between the construction area and the residential use to the east (represented by receptor location R2). The temporary sound barrier shall be designed to provide a minimum 14-dBA noise reduction at the ground level of receptor location R2.
 - Along the southern property line of the Project Construction Site between the construction area and the residential uses to the south (represented by receptor location R3). The

temporary sound barrier shall be designed to provide a minimum 11-dBA noise reduction at the ground level of receptor location R3.

- Along the western property line of the Project Construction Site between the construction area and the residential uses to the west (represented by receptor location R5). The temporary sound barrier shall be designed to provide a minimum 7-dBA noise reduction at the ground level of receptor location R5.

15. The following mitigation measures are provided to reduce the vibration impacts associated with potential human annoyance.

- The use of large construction equipment (i.e., large bulldozer, caisson drill rig, and/or loaded trucks) shall be a minimum of:
 - 35 feet from the Project northern property line
 - 30 feet from the Project southern property line
 - 70 feet from the Project eastern property line (near the building at receptor R2)
- The use of jackhammer shall be a minimum of 35 feet from the Project eastern/southern property line (near the building at receptor R2).

16. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall assess the find. Work on the portions of the Project outside of the buffered area may continue during this assessment period. The Gabrieleno Band of Mission Indians-Kizh Nation shall be contacted regarding any pre-contact and/or post-contact finds and be provided information after the archaeologist makes their initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant in accordance with applicable law, the Project applicant shall retain a professional Native American monitor procured by the Gabrieleno Band of Mission Indians-Kizh Nation to observe all remaining ground-disturbing activities including, but not limited to, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, clearing, driving posts, auguring, blasting, stripping topsoil or similar activity, and archaeological work. The Lead Agency and/or applicant shall, in good faith, consult with the Gabrieleno Band of Mission Indians-Kizh Nation on the disposition and treatment of any Tribal Cultural Resource encountered during all ground disturbing activities 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, and (2) Department of City Planning, Office of Historic Resources (OHR).
- b. If OHR 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, in consultation with the tribal monitor, reasonably conclude 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 or qualified tribal monitor, 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 or tribal monitor; (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 a 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 both the qualified archaeologist and qualified tribal monitor 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 Items b through e 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 SCCIC at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
- i. Notwithstanding Item h above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.

C. Administrative Conditions

17. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City

Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

18. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
19. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
20. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
21. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews 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.
22. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
23. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
24. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
25. **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 Department of City Planning for approval before being recorded. After recordation, a copy

bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

26. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, 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. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
29. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. 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.
- b. 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.
- c. 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 (b).
- d. 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 (b).
- e. 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 include 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” DEVELOPMENT LIMITATIONS

(As Modified by the City Planning Commission at its meeting on April 20, 2023)

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” Development Limitations.

1. **Floor Area.** The total floor area permitted on the subject property shall not exceed a Floor Area Ratio of 1.5:1.
2. **Height.** The project shall be limited to four (4) stories and 66 feet five (5) inches (66'-5"). Roof structures and equipment may exceed the height limit, as permitted in LAMC Section 12.21.1-B,3.

Sec. 2. 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 City Planning Commission on **April 20, 2022** recommends this ordinance **BE ADOPTED** by the City Council.

By  _____
Cecilia Lamas
Commission Executive Assistant

File No. _____

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____