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July 31, 2008

Honorable City Council
City of Los Angeles
Room 395, City Hall
MAIL STOP: 160

CASE NO. CPC-2006-6519-ZC-HD-
ZV-ZAA-SPR
Council File No. 08-0454-S1
Council District No. 13
Plan Area: Hollywood

Dear Honorable Members,

ZONE CHANGE ORDINANCE REVISION: ZONE AND HEIGHT DISTRICT CHANGE FROM C4-1D TO (T)(Q)RAS3-1 FOR PROPERTY LOCATED AT 5641-5663 WEST MELROSE AVENUE AND 5742-5766 WEST CAMERFORD AVENUE WITHIN THE HOLLYWOOD PLAN AREA.

The attached report deletes "Q" Condition No. 4 (Density), modifies "Q" Conditions Nos. 2 and 5 (Height and Affordable Housing), "T" Tentative Condition No. 2.a, and add a new condition (Neighborhood Improvement), as recommended for approval by the City Council at its meeting on June 25, 2008.

Pursuant to Section 559 of the City Charter, I have reviewed the findings of the City Planning Commission's action taken relative to Case No. CPC 2006-6519-ZC-HD-ZV-ZAA-SPR on February 8, 2008, and on behalf of the Commission, I **disapprove** this Ordinance insofar as it does not conform to the latest action of the City Planning Commission in this matter.

Pursuant to Rule No. 38, transmitted herewith is the revised ordinance including "Q" Qualified and "T" Tentative Conditions, and proposed findings in the event the City Council approves the Zone Change.

S. GAIL GOLDBERG, AICP
Director of Planning


Dave Gay
Principal City Planner
GG: DG: DW: HA

AUG 01 2008
PLANNING & LAND
USE MANAGEMENT

History

The History of the proposed zone change for the subject property is as follows:

- | | |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| February 08, 2008 | The City Planning Commission approved and recommended that the City Council adopt a zone change from C4-1D to (T)(Q)RAS3-1 for properties locate at 5663-5647 W. Melrose Avenue and 5742-5766 W. Camerford Avenue subject to conditions of approval. |
| June 3, 2008 | The Planning and Land Use Management (PLUM) Committee of the City Council recommended approval of the subject zone change modifying "Q" Condition No. 4. |
| June 25, 2008 | The City Council passed a Motion, presented by Councilman Eric Garcetti, instructing the Planning Department to prepare and present a revised ordinance deleting "Q" Condition No. 4 (Density), modifying "Q" Conditions Nos. 2 and 5 (Height and Affordable Housing), "T" Tentative Condition No. 2.a, and adding a new condition (Neighborhood Improvement.) |

City Council Motion

At its meeting on June 25, 2008, the City Council instructed the Planning Department to prepare and present a revised ordinance deleting existing "Q" Condition No. 4 (Density), modifying existing "Q" Conditions Nos. 2 and 5 (Height and Affordable Housing), "T" Tentative Condition No. 2.a, and adding a new condition (Neighborhood Improvement, new Condition No. 5) to read as follows:

(Q) QUALIFIED CONDITIONS OF APPROVAL

2. Height. The height on the RAS3-1 zoned portion of the subject property shall be limited to a maximum height, 45 feet, as defined by Municipal Code Sections 12.03 and 12.21.1B 3, of up to 48 feet along the Melrose Avenue frontage with a maximum height of up to 50 feet near the alley at the rear of the site. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.
4. Density. ~~The number of units shall not exceed the density allowed in the RAS3-1 Zone. A minimum of three dwelling units shall be designated as "Very low income" residential units.~~
5. 4. ~~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 LAHD. (HD) Covenant and Agreement (Affordable Housing). Prior to the issuance of any building permits, in accordance with the Section 12.22 A 25 (b) of the~~

~~Municipal Code, the owner shall record a Covenant and Agreement satisfactory to the City of Los Angeles Housing Department or successor agency, to preserve the affordability of the three designated "Very low income" residential units for a minimum of 30 years from issuance of a Certificate of Occupancy. A copy of the Covenant and Agreement shall be submitted to the Planning Department for inclusion into the subject file.~~ Affordable Housing. In lieu of providing affordable housing units on the subject site, the applicant shall work with Hollywood Community Housing Corporation ("HCHC") to make an in lieu payment to one or more HCHC project(s) in need of financial assistance. Prior to the issuance of a building permit, the applicant shall submit evidence of an agreement with HCHC to the City Planning Department and the appropriate Council Office.

5. Neighborhood Improvement. Prior to the issuance of a building permit, the applicant shall place \$100,000 (the "Funds") into a Neighborhood Protection Plan (the "Plan"). The applicant, the appropriate Council Office, the Central Hollywood Neighborhood Council, and a representative of the Camerford Avenue residents association located between Vine Street on the west and Gower Street on the east shall work to develop, implement and oversee the Plan. The Funds shall be used specifically for sidewalk and curb improvements at the intersection of El Centro and Camerford Avenues, and along Camerford Avenue between Vine Street and Gower Street. Any portion of the Funds not used or committed by July 1, 2013 shall become property of the applicant.

(T) TENTATIVE CONDITIONS OF APPROVAL

- 2a. Melrose Avenue – Dedicate a 15-foot strip of land along Melrose Avenue adjoining the property to complete a 45-foot wide half right-of-way dedication in accordance with Secondary Highway Standards, including a 20-foot radius property line return at the intersection with El Centro Avenue. Improve Melrose Avenue being dedicated by a concrete curb, gutter and a 15-foot full-width concrete sidewalk with tree wells to the satisfaction of the City Engineer. The applicant shall be permitted to provide a 5-foot sidewalk easement to complete the 15-foot sidewalk.

FINDINGS

1. General Plan Land Use Designation

The subject property is located within the Hollywood Community Plan area, which was adopted by the City Council on December 13, 1988 (pursuant to Council File 86-0695-S1). The Plan Map designates the portion of the subject property, southerly of an alley, fronting on Melrose Avenue for Neighborhood Commercial land use with corresponding zones of C1, C4, C2, RAS3, RAS4 and P, and a "D" limitation of 1:1 FAR. Portion of the property, north of an alley with frontage on Camerford Avenue is designated for Medium Residential with a corresponding zone of R3 within Height District 1XL, a height limit of 30 feet.

2. General Plan Text

The Framework Element of the General Plan contains a number of policies relating to the promotion of housing in the City's centers and along the transit corridors. The Land Use Chapter of the Framework Element also presents policies relating to the promotion of housing in the City.

Objective 3.2 Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1 Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

At its meeting on December 14, 2007, the City Planning Commission made the following changes to the staff recommendation report, and directed staff to revise the Findings and Conditions accordingly.

Approved a height of 45 feet on the RAS3-1 zoned portion of the site.

Denied a Variance to permit the lot area used in calculating density on the RAS3-1 zoned portion of the site to include the area required for a 15-foot street dedication.

Denied an Adjustment to permit the R3-1XL zoned portion of the site to observe a 10-foot front yard in lieu of the required 15 feet.

Required that (T) Condition 2 be revised to include a 15-foot sidewalk instead of 10 feet.

- 3. Zone and Height District Change, L.A.M.C. Sec. 12.32.F:** Pursuant to Section 12.32C7 of the Municipal Code, and based on these findings, the zone and height district change is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The Zone and Height District Change from C4-1D to RAS3-1 with a maximum height of approximately 48 feet and a FAR not to exceed 3:1 is consistent with the existing Neighborhood Commercial land use designation, and is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected by the adopted community plan.

The zone change to RAS3-1 will provide for a transition development between the commercial properties on the south fronting Melrose Avenue and the R3 zoned properties to the north. This area of Los Angeles in general is experiencing significant repopulation but with very little construction of new residential and mixed use projects such as this proposal. The project will provide much needed new housing to the Hollywood Community. The proposed housing units are of the types, sizes, and densities required for the varying needs of all segments of the population, while preserving the neighborhoods character and scale.

The zone change is consistent with public necessity and general welfare because it will implement a project that will act as a catalyst to the redevelopment of the Melrose Avenue corridor, which has been neglected. The Project density and scope are designed to be appropriate to the site surrounding properties. The proposed Project will be in conformity with the general welfare because the Project provides a balanced mix of much needed new residential development and neighborhood commercial uses. The project's housing units will add new units to the City's aging and inadequate housing stock. The project is also located close to transit systems, providing an opportunity to stimulate use of such system. Additionally, providing neighborhood serving retail uses at the ground level will also help increase walkability in the neighborhood.

The zone change is consistent with good zoning practice because the RAS3-1 Zone is a corresponding zone to the site's Neighborhood Commercial land use designation. The RAS3 Zone is intended to encourage the development of housing in certain areas currently zoned for commercial use, while retaining a commercial component to stimulate pedestrian activity. These project features capture smart growth concepts and will help stimulate the Melrose Avenue corridor's future development.

1. The action has been made contingent upon compliance with the "(T)" and "(Q)" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject action.
2. In addition, the zone change to (T)(Q)RAS3-1 is within the range of zones allowed by the General Plan Land Use designation of Neighborhood Commercial with corresponding zones of C1, C2, C4, RAS3, RAS4 and P. The zone change will also permit a development that supports the General Plan Goals, Objectives and Policies to provide a safe, secure, and high quality residential environment for all economic, age and ethnic segments for the community, and to provide for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the plan area.

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) or [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 Improvements. Prior to the issuance of any building permits, 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).

1. Responsibilities/Guarantees.

a. 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.

b. 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 the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

2. Transportation Dedications. The applicant shall consult with the Bureau of Engineering and the Department of Transportation (DOT) for any dedications. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, department of Public Works. Any dedication must be completed prior to issuance of any Certificate of Occupancy to the satisfaction of the Bureau of Engineering.

At its meeting on December 13, 2007, the City Planning Commission recommended that the dedication area be improved with a 15-foot sidewalk.

The dedications and improvements shall include, but not be limited to, the following:

a. Melrose Avenue – Dedicate a 15-foot strip of land along Melrose Avenue adjoining the property to complete a 45-foot wide half right-of-way dedication in accordance with Secondary Highway Standards, including a 20-foot radius property line return at the intersection with El Centro Avenue. Improve Melrose Avenue being dedicated by a concrete curb, gutter and a 15-foot full-width concrete sidewalk with tree wells to the satisfaction of the City Engineer. The applicant shall be permitted to provide a 5-foot sidewalk easement to complete the 15-foot sidewalk.

- b. Alley – Dedicate a 5-foot wide strip of land above a depth of 10-feet below the finished elevation of the alley to complete a 20-foot wide alley.
3. Street Lighting. To the satisfaction of the Bureau of Street Lighting, if new street light(s) are required, the property within the boundary of the development shall be formed or annexed into a Street Lighting Maintenance Assessment District prior to final recordation or issuance of the Certificate of Occupancy.
4. Street Trees. If determined necessary, construct tree wells and plant street trees satisfactory to the City Engineer and the Urban Forestry (213) 847-0833 of the Bureau of Street Services.
5. Sewers. If determined necessary, construct sewers to the satisfaction of the City Engineer.
6. Parking/Driveway Plan. Submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation, Construction Services Counter (Station 23 at 201 North Figueroa Street, third floor), prior to the issuance of a building permit. A parking area and driveway plan may be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be accomplished by submitting detailed site/driveway plans at a scale of 1"=40' and proper documentation verifying the existing or previous use, square footage
 - a. A minimum of 40-foot reservoir space be provided between any security gates and the property line.
 - b. Parking stalls shall be designed so that a vehicle is not required to back out onto any public street or sidewalk.
7. Cable Television. The applicant shall make necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05 N, to the satisfaction of the Department of Telecommunications.
8. Prior to issuance of a clearance letter, all engineering fees pertaining to Ordinance 171,502 adopted by the City Council must be paid in full.
9. Fire Safety. The requirements 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 issuance of any building permit. The plot plan shall include the following minimum design features:
 - a. Fire lanes, where required, shall be a minimum of 20-feet in width;
 - b. All structures shall be within 300-feet of an approved fire hydrant;
 - c. 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.
10. Police. The requirements of the Police Department relative to public safety and crime prevention shall be incorporated into the building plans, which includes the submittal of a

plot plan for approval by the Police Department either prior to the issuance of any building permit.

11. Recreation and Parks. Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes and/or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
12. School District Fees. The Project Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the Project area.
13. Covenant: Prior to the issuance of any permits relative to this matter, an agreement concerning off the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

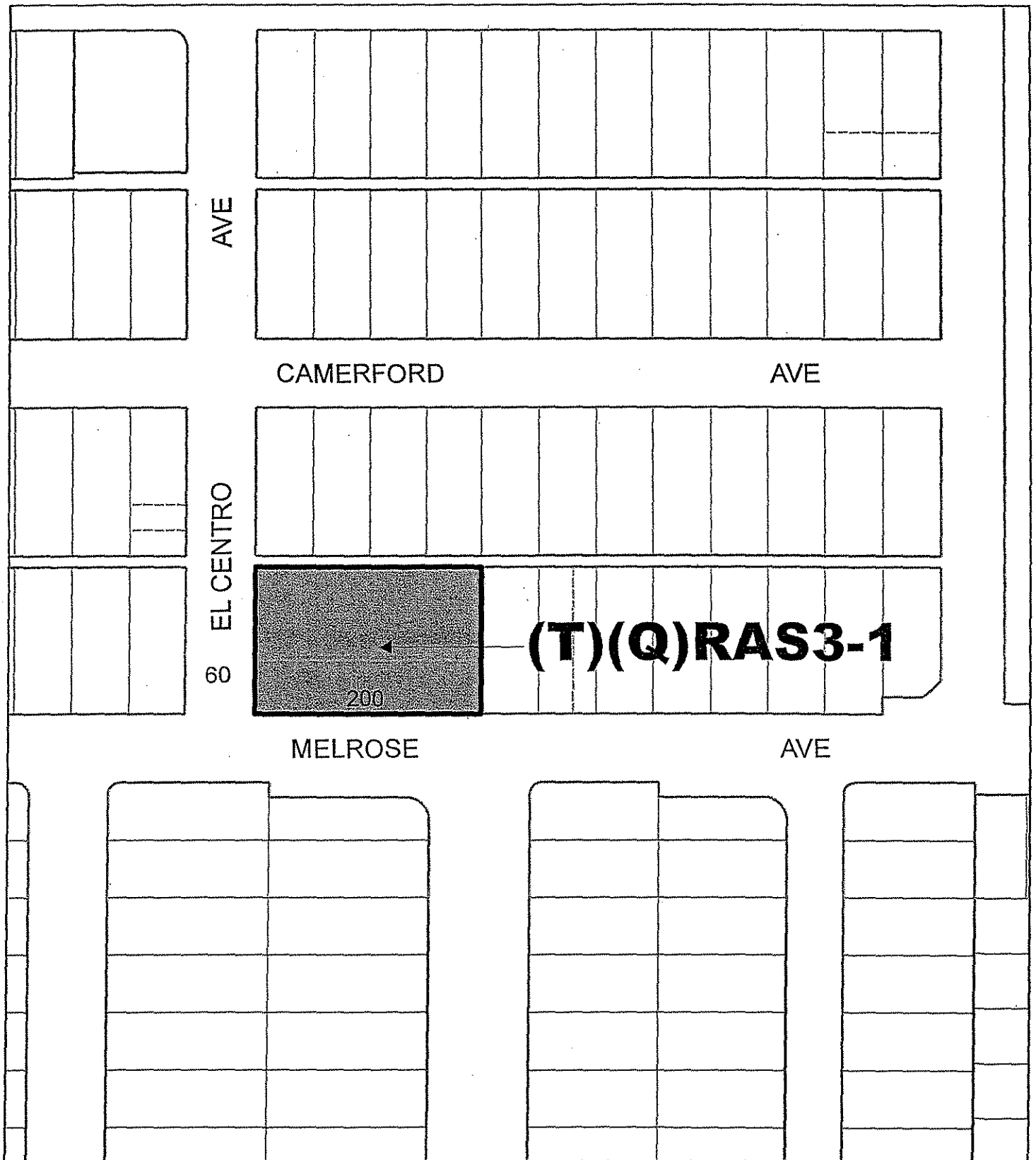
Notice: Certificates of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

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:



NOT TO SCALE

Legend

 ZONE CHANGE AREA

C.M. 141 B 189

CPC 2006-6519-ZC-HD-ZV-ZAA-SPR

5/16/08

(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. Use. The use and area regulations of the subject property, fronting on the north side of Melrose Avenue, southerly of the alley, shall be limited to the provisions of the RAS3-1 Zone, as defined in Section 12.11.5 of the LAMC, except at least 3,350 square feet of commercial uses shall be provided on the ground floor, and as varied herein, by the Variance, and the Adjustment pursuant to CPC 2006-6519-ZC-HD-ZV-ZAA-SPR.
2. Height. The height on the RAS3-1 zoned portion of the subject property shall be limited to a maximum height, as defined by Municipal Code Sections 12.03 and 12.21.1B 3, of up to 48 feet along the Melrose Avenue frontage with a maximum height of up to 50 feet near the alley at the rear of the site. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.
3. Floor Area Ratio (F.A.R.). The total floor area of a structure or structures on the property shall not exceed three (3) times the buildable area of the lot.
4. Affordable Housing. In lieu of providing affordable housing units on the subject site, the applicant shall work with Hollywood Community Housing Corporation ("HCHC") to make an in lieu payment to one or more HCHC project(s) in need of financial assistance. Prior to the issuance of a building permit, the applicant shall submit evidence of an agreement with HCHC to the City Planning Department and the appropriate Council Office.
5. Neighborhood Improvement. Prior to the issuance of a building permit, the applicant shall place \$100,000 (the "Funds") into a Neighborhood Protection Plan (the "Plan"). The applicant, the appropriate Council Office, the Central Hollywood Neighborhood Council, and a representative of the Camerford Avenue residents association located between Vine Street on the west and Gower Street on the east shall work to develop, implement and oversee the Plan. The Funds shall be used specifically for sidewalk and curb improvements at the intersection of El Centro and Camerford Avenues, and along Camerford Avenue between Vine Street and Gower Street. Any portion of the Funds not used or committed by July 1, 2013 shall become property of the applicant.
6. Site Plan. 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 satisfaction of the Planning Department.
7. Parking. All project related parking shall be provided in compliance with Section 12.21.A.4 of the Municipal Code.
8. 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, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.
9. Graffiti. The owners shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code

Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs.

10. Lighting. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
11. Tree Removal (Protected Trees). Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated oak tree expert as designated by LAMC Ordinance No. 153,478, for approval by the Department of City Planning and the Street Tree Division of the Bureau of Street Services. A minimum of two oak trees (a minimum of 48 inch box in size) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 153,478, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency. (Note: All oak tree removals shall be approved by the Board of Public Works on sites more than one acre in size. Contact the Street Tree Division at 213-485-5675).
12. Tree Removal (Non-Protected Trees). Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site as well as measures to preserve as many trees as possible. The plot plan shall be submitted for approval by the Department of City Planning and Urban Forestry Division of the Bureau of Street Services. Mitigation measures such as replacement by a minimum of 24-inch box trees in a parkway and on the site on a 1:1 basis shall be required for the unavoidable loss of desirable trees. All trees in the public right-of-way shall be provided per the Urban Forestry Division standards. (Note: Removal of trees in the public right-of-way shall require approval of the Board of Public Works. Contact Urban Forestry Division at: 213-485-5675).
13. Air Pollution (Stationary). The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 8 or better on all residential units and a Minimum Efficiency Rating Value (MERV) of at least 11 or better on all commercial/institutional uses in order to reduce the diminished air quality effects on occupants of the project.
14. Construction (Air Quality).
 - a. 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.
 - b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
 - c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.

- e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
 - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
15. Construction (Noise). The project shall comply with the City of Los Angeles Noise Ordinance Nos. 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.
- a. Construction shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.
 - b. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
 - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.
16. Construction (Grading). Grading, excavations and fills shall comply with Chapter IX, Division 70 of the Municipal Code. All grading activities required shall receive grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within a hillside area. The application of Best Management Practices shall include but not be limited to the following measures:
- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
 - b. Appropriate erosion control and drainage devices shall be incorporated to the satisfaction of the Building and Safety Department, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. Install roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, and can provide groundwater recharge and reduce excess runoff into storm drains.
 - c. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
17. General Construction.
- a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable

materials and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

- b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- f. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

18. Methane Gas Explosion/Release

- a. All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include a vent system and gas-detection system 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.
- b. 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. 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 approval by the Department of Building and Safety and Fire Department.
- c. All multiple unit 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.

19. Asbestos Containing Materials. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no asbestos containing materials are present in the building. If asbestos containing materials 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 state and federal rules and regulations.

20. Hazards and Hazardous Materials (Lead). Prior to the issuance of the demolition permit, the applicant shall perform a lead-based paint survey to the 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.

Liquefaction. A geotechnical report shall be prepared by a registered civil engineer or certified engineering geologist in compliance with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that consider building design. Building design mitigation measures should consider, but not be limited to: ground stabilization, foundation type and depths, and structural systems to accommodate anticipated displacements.

21. Stormwater and Urban Runoff Pollution Control. The project shall comply with the following:

- a. Ordinance Nos. 172,176 and 173,494 (Stormwater and Urban Runoff Pollution Control), which require the application of Best Management Practices (BMPs).
- b. Chapter IX, Division 70 of the Municipal Code, which addresses grading, excavations, and fills.
- c. The Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board (A copy of the SUSMP can be downloaded at <http://www.swrcb.ca.gov/rwqcb4/>).
- d. Applicable requirements associated with the National Pollutant Discharge Elimination System Permit regulations. The developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to the issuance of any building or grading permits. A General Permit for Stormwater Discharge shall be obtained from the Southern California Regional Water Quality Board in accordance with NOI instructions.
- e. Stormwater BMPs shall be incorporated to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate shall be required from a California licensed civil engineer or licensed architect that the proposed BMPs comply with this numerical threshold standard.
- f. A Stormwater Pollution Prevention Plan shall be prepared by a California licensed civil engineer or licensed architect, to the satisfaction of the Stormwater Management Division of the Bureau of Sanitation that shall include the following:
 - 1) Identifies the sources of sediments and other pollutants that affect the quality of storm water discharge;
 - 2) A monitoring program and reporting plan for the construction period.

The Stormwater Pollution Prevention Plan shall be retained at the construction site.

- g. Appropriate erosion control and drainage devices shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code.
 - h. Any connection to the sanitary sewer shall be required to receive authorization by the Bureau of Sanitation.
 - i. All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as ANO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
 - j. The owner shall record a covenant and agreement satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer=s instructions.
 - k. Design an efficient irrigation system to minimize runoff including: (1) drip irrigation for shrubs to limit excessive spray; (2) shutoff devices to prevent irrigation after significant precipitation; and (3) flow reducers.
22. Parking Structure Ramps. Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
23. Noise (Residential).
- a. All exterior windows shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition 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, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
24. Solid Waste. The developer shall institute a recycling program to the satisfaction of the Planning Department to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.
25. Haul Routes. Project shall get approval of a haul route from the Department of Building and Safety. The applicant shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

C. Other Conditions

26. Posting of Construction Activities. The adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.

27. Construction-related Parking. Off-street parking shall be provided for all construction-related parking generated by employees of the proposed project. No employees or subcontractor shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owner's base of operations.
28. Truck Traffic Restricted Hours. Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period.
29. Maintenance. The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
30. Dust Walls. Temporary dust walls (e.g., Visqueen plastic screening or other suitable product) not less than 8 feet in height shall be installed and maintained along the property line as necessary to preclude dust dispersion from the project site to adjacent properties. The walls shall be in place during any time period when grading is being conducted within 100 feet of any occupied residence on adjoining lots.

D. Administrative Conditions

31. 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.
32. Code Compliance. Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
33. 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 assigns. The agreement shall 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.
34. 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.
35. 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.

36. 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 the Department of Building and Safety.
37. Utilization of Concurrent Entitlement. The subject Zone Change, Zone Variance, Adjustment and Site Plan Review require completion of all applicable conditions of approval herein to the satisfaction of the Department of City Planning. The applicant/owner shall have a period of six years from the effective date of the subject Zone Change approval to effectuate the terms of the Zone Change; a period of two years from the effective date of the subject approvals to effectuate the terms of the Zone Variance and Adjustment entitlements by either securing a building permit or a Certificate of Occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the grant, the applicant files a written request, and is granted an extension to the termination period for up to one additional year pursuant to applicable provisions of the Municipal Code.

Thereafter, these enumerated entitlements shall be deemed terminated and the property owner shall be required to secure a new authorization for the use. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.

38. 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 of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
39. Idemnification. The applicant shall defend, idemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, idemnify, or hold harmless the City.

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.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all of its members, at its meeting of _____.

KAREN E. KALFAYAN, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

Pursuant to Sec. 559 of the City Charter,
I disapprove this ordinance on behalf of the City Planning Commission and recommend not to be adopted...

By _____

City Attorney

July 31, 2008
See attached report

S. Gail Goldberg

S. Gail Goldberg
Director of Planning

File No. C.F. 08-0454-S1
CPC-2006-6519