

ORDINANCE NO. 168992

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:

3 RD

DR

(T)(Q)R4-2

OGDEN

BLACKBURN AV

BURNSIDE

COLGATE AV



ZM	492	CM	135 B 177	CPC	90-0449	HD
			138 B 177		89-0597	MPR

DG/PA

8-5-92

[Q] QUALIFIED PERMANENT CONDITIONS OF APPROVAL

Sec. 2. Pursuant to Section 12.32-K of the Los Angeles Municipal Code, the following limitations are hereby imposed upon the use of that property shown in Section 1 hereof which is subject to the Permanent "Q" Qualified classification.

1. Approval Verification. Copies of any approvals, guarantees or verification of consultations, review or approval as may be required by the following conditions of approval shall be provided to the Planning Department for attachment to the subject file.
2. 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 owners, heirs or assigns. Further, 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 must be given to the City Planning Department for attachment to the subject file.
3. Definition. Any agencies or public officials referenced in these conditions shall mean those agencies or public officials or their successors or designees.
4. Access. Vehicular ingress and egress from the subject property shall be prohibited from Third Street, except for emergency access as may be required by the Fire Department.
5. Density. Residential density shall not exceed a maximum of 737 dwelling units. A minimum of two hundred sixteen (216) of the dwelling units constructed shall be contained in the congregate living facility described in Condition No. 9 below.
6. Environmental. The following conditions are required by the environmental clearance for the subject project:
  - a. Air Quality. The project shall be provided with an air filtration system to improve the air quality for the project's tenants/residents. However, this requirement shall not preclude the installation of operable windows which permit passive heating and cooling.
  - b. Archaeological. Prior to issuance of grading or building permits for the subject project, a qualified

archaeologist shall be retained to monitor any subsurface operations, including but not limited to grading, excavation, trenching or removal of existing features of the subject property. The archaeologist shall be authorized to and must halt the project and order reasonable protective measures if any significant archaeological resources are uncovered. Such authorization shall be in writing, shall be recorded by covenant and agreement with the County Recorder and shall be provided to the Planning Department for placement in the subject file prior to issuance of grading or building permits for subject project.

- (1) A "qualified archaeologist" means securing the services of the Center for Public Archaeology of California State University at Northridge, the Archaeological Survey of the University of California at Los Angeles or a member of the Society of Professional Archaeologists.
  - (2) Copies of any archaeological survey, study, report or findings shall be provided to the Environmental Review Section of the Department of City Planning (Room 655, City Hall, Los Angeles, California 90012) for incorporation into the City archaeological site identification program.
  - (3) The archaeologist may not halt a project for more than 90 days without the approval of the City Planning Commission. Such approval must be requested by letter from the archaeologist submitted not more than 30 days after the project is halted. The letter must be accompanied by documentation to support the request and must contain proposed measures to protect the site and to allow all or part of the project to proceed.
- c. Energy Conservation. The Department of Water and Power and the Southern California Gas Company shall be consulted regarding feasible energy conservation features which can be incorporated into the design of the project. All structures shall comply with State Building Energy Efficiency Standards (Title 24).
- d. Lighting. All lighting shall be shielded and directed onto the site and no floodlighting shall be located so as to be seen directly by the adjacent residential areas. This condition shall not preclude the installation of low-level security lighting.

- e. Landscaping - All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect or landscape contractor to the satisfaction of the Planning Department and the Council Office of the district in which the property is located.
- f. Noise (Residential).
- (1) All exterior windows and glass doors having a line of sight of Third Street shall be constructed with double pane glass.
  - (2) Any exterior wall having a line of sight of Third Street shall be constructed so as to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition or any revision thereto. The developer, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 40 dBA in any habitable room.
  - (3) As an alternative to the measures described in paragraphs (1) and (2) above, the developer may retain an acoustical engineer to submit evidence, along with the application for a building permit, specifying any alternative means of sound attenuation sufficient to reduce interior noise levels below 45 dBA in any habitable room.
- g. Parking - Residential. Any multiple residential use of the subject property shall provide for resident parking on the subject property as required by Municipal Code Section 12.21.A.4. or any amendment thereto, and guest parking at a ratio of at least one-quarter space per rental dwelling unit and one-half space per condominium dwelling unit in excess of that required by the Municipal Code. Any designated guest parking shall be clearly identified and readily accessible to guests of the project. Any congregate living facility/senior housing project for which reduced parking pursuant to Municipal Code Section 12.21.A.4.(u) is authorized shall

nevertheless provide guest parking at the above-stated ratio.

- (1) Tandem parking may be used only for the spaces which are assigned and designated for a single residential unit.
  - (2) Guest parking signs shall be clearly posted at building entrances. The signs shall be in large, easy to read lettering and shall indicate the general location of guest parking. Sign wording shall be to the satisfaction of the Planning Department and shall indicate the number of reserved guest parking spaces.
  - (3) If any guest parking is located behind security gates, the following shall apply:
    - (a) A remote electronic gate opening system shall be installed so that the security gate can be opened from each residential unit served by the secured guest parking.
    - (b) An electronic intercommunication system shall be installed. The system shall be readily accessible to the drivers of guest vehicles and to the units served by the secured guest parking.
    - (c) The security gate shall be set back at least 18 feet from the public right-of-way so as to provide a waiting area for guest vehicles and to prohibit blockage or interfere with the public right-of-way by waiting guest vehicles.
    - (d) Alternatives to the provisions of this condition may be approved by the Planning Department provided that the intent of readily accessible guest parking facilities and no interference with the public right-of-way is assured.
- h. Parking/Driveway Plan - A parking area and driveway plan shall be prepared for approval by the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
- i. Parking Level Screening. Not more than one level of structure parking shall be at or above grade with no more

than eight (8) feet exposed, the exposed portion to be fully screened. Any above-grade parking level shall be screened from the view of any public right-of-way by landscape features including trees, shrubbery and/or planter boxes. Any planter boxes shall not be used to add to the height of a structure.

- j. Trees. Prior to issuance of a grading permit or other building permit for the subject project, a plot plan prepared by a reputable tree expert, as defined by Municipal Code Section 17.02, shall be submitted to the Planning Department and Street Tree Division of the Bureau of Street Maintenance for approval. The plan shall contain the following:
- (1) Location, size, type and current condition of existing significant desirable trees.
  - (2) Measures recommended by the tree expert for preservation or relocation of as many significant desirable trees as possible on the subject property, including any parkway trees, to the satisfaction of the Planning Department.
  - (3) Measures for replacement of significant desirable trees which cannot be preserved or relocated on the property.
  - (4) Replacement trees in the parkway must be to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
  - (5) Replacement trees must be not less than 24-inch box trees which are not less than eight feet in height, not less than two inches in trunk diameter and with not less than a five-foot spread. In those cases where trees of the required size and caliber cannot be obtained, a larger container stock shall be required. Further, all trees shall be in a healthy growing condition. Root bound trees are not acceptable.
- k. Water Conservation. The Department of Water and Power shall be consulted regarding feasible water conservation features which can be incorporated into the design of the project.
- l. Public Services.

- (1) Police. Applicant shall consult with the Los Angeles Police Department Crime Prevention Unit on design and implementation of a security plan. Prior to the issuance of any building permits, applicant shall execute and record a covenant to the satisfaction of the LAPD assuring implementation of the applicable measures described on pp. 188-189 (Section IV - 0.2) of the Park La Brea SDEIR dated January, 1991.
  - (2) Fire. Applicant shall submit all building plans to the Fire Department for review. Prior to the issuance of any building permits, applicant shall execute and record a covenant to the satisfaction of the Fire Department assuring implementation of the measures described on pp. 185-187 (Section IV - 0.1) of the Park La Brea FEIR dated August, 1991.
  - (3) Libraries. Applicant shall contribute to a trust fund to the satisfaction of the Department of Libraries for the financing of the expansion/upgrading of library facilities serving the project. The pro rata contribution shall be one hundred dollars (\$100) per capita based on the projected population of the housing development utilizing household size estimates presented in Table 22 (p. 144) of the Park La Brea SDEIR dated January, 1991.
- m. Solid Waste. Facilities for source separation of recyclable materials including, but not limited to glass, metal, newsprint and plastics shall be provided.
- n. Open Space.

Open Space Definition: Usable open space for the purpose of this section shall be defined as private and/or common open areas with recreational amenities open to the sky (except that structures may project no more than three feet into an open space area provided that there is at least ten feet of clearance underneath) which are designed and intended to be used for active or passive recreation purposes.

A minimum of 100 square feet of usable open space shall be provided for each dwelling unit. Parking areas, driveways, front yard setback areas, and rooftops shall not be included as open space. To be considered as

usable open space the project shall meet the following criteria:

- A. Private Open Space: Patios and yards (located at ground level or the first habitable room level) which are part of a single dwelling unit and are enclosed by solid screen material at least four feet in height may be included as usable open space provided said areas have a horizontal dimension of at least eight feet and contain a total area of not less than 150 square feet.

Private open space areas may not count for more than 50 percent of the total required open space, as well as more than 100 square feet per unit (RD1.5 or less restrictive zones).

- B. Common Usable Open Space: Each common usable open space area shall have a total area of at least 400 square feet and shall have an average width of 20 feet with no width less than 15 feet at any point. Side yard and rear yard setback areas shall be at least 15 feet in width.

Recreation rooms at least 600 square feet in area may qualify as common open space, but shall not exceed more than 25 percent of total open space required.

Common open space areas shall incorporate recreational amenities such as swimming pools, spas, picnic tables, benches, tot lots, ball courts, barbecue areas, sitting areas, etc. to the satisfaction of the Department of Planning. (Note amenities that meet the Department of Recreation and Parks specifications pursuant to Section 17.12F LAMC may be credited against fees required under Section 12.33 of the LAMC).

A minimum of 50 percent of the common usable open space areas shall be planted in ground cover, shrubs or trees and shall include at least one 24-inch box tree for every three dwelling units (Trees shall be planted within open space areas). An automatic irrigation system shall be provided for all required landscaped areas. Landscaped areas located on top of a parking garage or deck shall be contained within permanent planters at least 30

inches in depth (12 inches for lawn/ground cover) and properly drained.

- o. Articulation/Massing. For any building facade greater than sixty (60) feet in length, articulation shall be required for every fifty (50) feet. Minimum depth of modulation of the facade shall be four (4) feet for a minimum horizontal dimension of six (6) feet. For the purposes of this condition, recessed balconies shall not be considered as the building facade; however, cantilevered balconies shall be considered as the facade.
  
- p. Paleontological - Prior to issuance of grading or building permits for the subject project, a qualified paleontologist shall be retained to monitor any subsurface operations, including but not limited to grading, excavation, trenching or removal of existing features of the subject property. The paleontologist shall be authorized to and must halt the project and order reasonable protective measures if any significant paleontological resources are uncovered. Such authorization shall be in writing, shall be recorded by covenant and agreement with the County Recorder and shall be provided to the Planning Department for placement in the subject file prior to issuance of grading or building permits for the subject project.
  - (1) A "qualified paleontologist" means securing the services of the County Museum of Natural History (George C. Page Museum).
  - (2) Copies of any paleontological survey, study, report or findings shall be provided to the Environmental Review Section of the Department of City Planning (Room 655, City Hall, Los Angeles, California 90012) for incorporation into the City paleontological site identification program.
  - (3) The paleontologist may not halt a project for more than 90 days without the approval of the City Planning Commission. Such approval must be requested by letter from the paleontologist submitted not more than 30 days after the project is halted. The letter must be accompanied by documentation to support the request and must contain proposed measures to protect the site and to allow all or part of the project to proceed.

- q. Risk of Upset. Applicant shall implement the mitigation measures related to methane gas as described on pp. 141-142 (Section IV-J) of the Park La Brea SDEIR dated January, 1991.
7. Graffiti Removal and Deterrence - The owners and all successors shall acknowledge applicability of the graffiti removal and deterrence requirements of the Municipal Code to this project as contained in Sections 91.8101(f), 91.8904.1 and 91.1707(e), particularly with regard to the following:
- a. The first nine feet of exterior walls and doors, measured from grade, and all of any walls enclosing the property shall be built and maintained with a graffiti resistant finish consisting of either a hard, smooth, impermeable surface such as ceramic tile, baked enamel or a renewable coating of an approved, anti-graffiti material or a combination of both (91.1707[e]); and
  - b. The period for compliance with a graffiti removal order issued by the Building and Safety Department is 15 days following which period with failure to perform, the City or its contractor is empowered to enter upon the premises to remove such graffiti with costs accruing to the owner (91.8904.1); and
  - c. The period for compliance with a subsequent order for a subsequent occurrence is three days (91.8904.1B).
  - d. In addition to a, b and c above, 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 the height of at least 9 feet, excluding windows and signs.
8. Height. The average height of all buildings and structures located on the subject property shall not exceed fifty-three (53) feet in height. Notwithstanding anything to the contrary contained in the Municipal Code, for the purposes of this section, height shall be measured from the highest point of the roofplate of the building to the natural grade directly beneath said point. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view from the ground level of nearby residential properties.
9. Congregate Living Facility. Development of the subject property with multiple-unit residential shall include a

congregate care facility providing a minimum of two hundred sixteen (216) congregate living units. All congregate living units shall be reserved and maintained for rental to qualifying residents as defined in Section 51.3 of the State Civil Code to the satisfaction of the Planning Department and the Department of Housing Preservation and Production. Exception: A maximum of 10 percent of these congregate living units may be occupied by physically handicapped tenants (as defined in Chapter 2, Title 24 of the California Administrative Code) who would not otherwise be qualifying residents.

10. Housing - Senior Citizen:

a. Use. The congregate living facility described in Condition No. 9 above shall be a senior citizen housing development as defined by the California Civil Code Section 51.3, or any amendment thereto, including specially designed accessible housing features.

b. Elevators and ramps. The project shall provide elevators and/or ramps which make the parking facilities of the project accessible to all residential units in the project.

11. Landscape Buffer. A minimum 20-foot landscaped buffer shall be provided along the Third Street frontage. Walkways and driveways shall be permitted to cross any buffer. However, no buildings or structures may be permitted within the buffer with the exception of retaining walls and fences. This condition is not intended to limit the buildable area used to calculate the floor area ratio.

a. The landscaped buffer along Third Street shall be open to the sky with no balconies or projections into the landscape buffer.

b. An exhibit shall be included showing the double-loaded tree system including size of trees on Third Street.

12. Reserved Lower Income Units. The project shall reserve and maintain 43 of the total 216 senior congregate living facility units for rental to lower income residents, as defined in Section 50079.5 of the State Health and Safety Code, for 30 years. Units reserved for lower income residents shall not be rented for more than 30 percent of 60 percent of the area median monthly income, calculated to the satisfaction of the Department of Housing Preservation and Production.

13. Plans. Prior to the issuance of building permits, detailed development plans and elevations, including complete landscaping and irrigation plans, shall be submitted to the satisfaction of the Planning Department and the Council Office of the district in which the property is located. Such review of the detailed development plans shall only be for the purpose of assuring that such plans substantially conform to the site plans on file and with the conditions set forth herein. This section shall not be deemed to give the Planning Department, the Council Office, or any other agency or entity the discretion to amend any condition or impose any new conditions on the Project.
14. Street Trees. Street trees 30 feet on-center (minimum 24-inch box) with root collars to prevent uplifting of sidewalks, shall be provided. Construction of tree wells, and planting of street trees shall be carried out to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.

Sec. 3 ..... The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of AUG 11 1993.....

By [Signature] .....  
City Clerk.  
Deputy.

Approved AUG 11 1993.....

[Signature]  
.....  
Acting Mayor.  
LA 3413110 8/13

Council File No. 92-1844

Pursuant to Sec. 97.8 of the City Charter,  
~~disapproval of~~ this ordinance recommended  
for the City Planning Commission .....

AUG 09 1993

See attached report  
[Signature]  
Director of Planning