

APPENDIX L

ZONING (Q) CONDITIONS

ORDINANCE NO. 170151

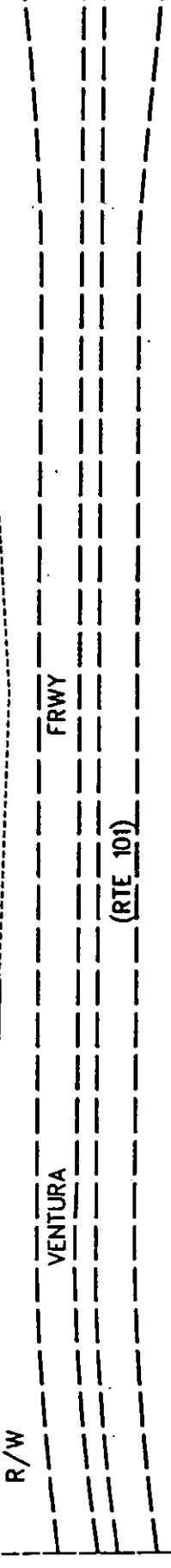
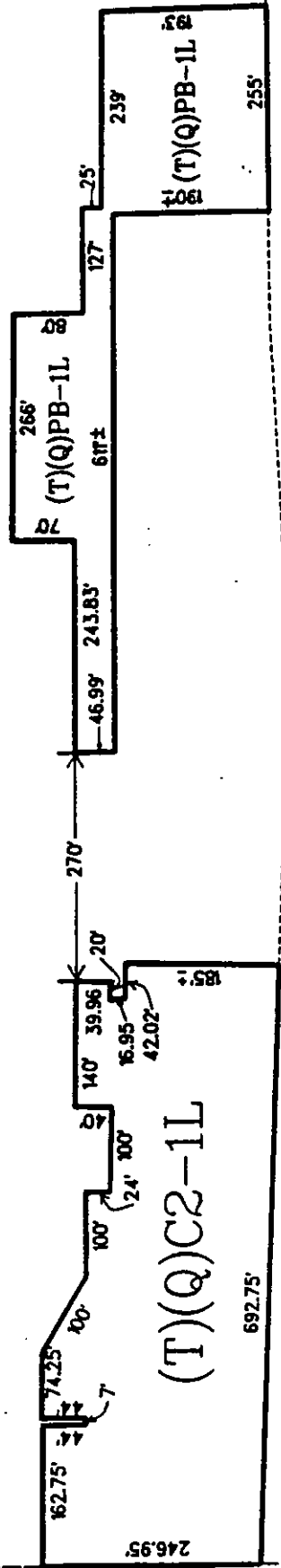
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

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:

RIVERSIDE DR

HAZELTINE AVE 88'



| | |
|--------------|----------------|
| CM 168 B 153 | CPC 94-0287 ZC |
|--------------|----------------|

VHV/KAC

Sec. 2 Pursuant to Section 12.32-J 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 "Q" Qualified classification.

(Q) QUALIFIED CONDITIONS OF APPROVAL

Sec. 2. Pursuant to Section 12.32-J 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 "Q" Qualified classification.

1. Administration.

- a. 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 must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department.
- b. Approval verification and submittals. Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
- c. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor, and in accordance with any stated laws or regulations, or any amendments thereto.

2. Environmental. The following conditions are required by proposed Mitigated Negative Declaration, MND 94-0240 ZC, for this project.

a. Seismic Safety

1. Recommendations set forth in the geotechnical engineering report shall be incorporated into the structural engineering design of the project.
2. The project shall conform to the City's adopted Seismic Safety Plan.
3. Structures shall be designed in accordance with Division 23 of the Building Code and the recommended lateral force requirements and commentary of the Structural Engineers Association of California.

- b. 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.

- c. Air quality (dust). A dust control plan, including but not limited to sprinkler systems, to reduce dust impacts of the subject use on the surrounding neighborhood, shall be submitted and implemented.
- d. Air Quality.
 - 1. Materials such as oil-based architectural coatings, paints and asphalt used in construction shall be controlled according to SCAQMD regulations.
 - 2. Streets adjacent to the site must be swept as needed to remove silt which may have accumulated from construction activities.
 - 3. Equipment. Engines must be maintained in good condition according to manufacturer's specification. Construction activities shall be scheduled to even out emission peaks.
 - 4. The site shall be fenced to reduce wind-blown dust. Construction materials not stored behind temporary fences shall be covered. All debris shall be cleaned up daily and put into a dumpster, which shall have a lid and the lid shall be secured at the end of the day.
- e. Drainage. Construction of drainage facilities to the satisfaction of the City Engineer.
- f. Noise (Parking Structure - Ramps) - Concrete, not metal, shall be used for construction of parking ramps.
- g. Noise (interior - office). Evidence shall be submitted, along with the application for the building permit, by a qualified acoustical engineer specifying the CNEL contour within which the office building will be located and, based on the CNEL contours, the construction necessary to achieve an interior noise (Ldn) of 60, in the interior office areas of the building.
- h. Lighting. Preparation of an outdoor lighting plan according to Department of Building and Safety standards to insure that the light does not adversely affect neighboring residences.
- i. Traffic. Traffic impact mitigation (DOT). The traffic impact mitigation measures set forth in the Transportation Department communication of August 8, 1994, which is attached as Exhibit No. E-5 of the subject report shall be implemented to the satisfaction of the Transportation Department.

- j. A parking plan shall be prepared for approval by the Planning Department which will provide for new or additional off-street parking.
- k. Parking/driveway plan and loading dock/trash collection plan. A parking area and driveway plan, and loading dock/trash collection plan shall be prepared for approval by the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
- l. Access. Truck access to the loading dock area (for deliveries) and trash collection enclosures for the new department store (commercial use) shall not be taken from Riverside Drive.
- m. Fire Department plan approval. Recommendations of the Fire Department relative to fire safety, which may include but are not limited to access and interior heat sensitive sprinkler systems, shall be incorporated into the building plans for the subject project, to the satisfaction of the Fire Department.
- n. Police Department plan approval. Recommendations of the Police Department relative to mitigating of impacts on police services shall be approved and implemented to the satisfaction of Police Department. Police recommendations may include but are not limited to secured parking, security fencing, security lighting, bonded security guards, information signs, elevator illumination and design, building design and landscaping to reduce potential hiding places.
- o. Energy conservation. The Department of Water and Power and the Southern California Gas Company shall be consulted regarding feasible energy conservation features which shall be incorporated into the design of the project. If the demand on the utilities exceeds the available resources, said agencies may postpone new connections for the subject project until the power and/or gas supply is deemed adequate.
- p. 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. If the demand on the water system exceeds the available resources, said agency may postpone new connections for the subject project until the water capacity is deemed adequate.
- q. Public facilities/utilities (project postponement authority). Impacts of the subject project on sewers, storm drain capacity, solid waste disposal and other utilities and facilities may contribute to a demand on the system(s) which exceeds the available resources. In such event, the agency responsible for the impacted facility/utility may cause project to be postponed until the system(s) capacity is deemed adequate.

- r. Landscaping. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect.
 - s. 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.
 - i. 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.
 - ii. In addition to a qualified archaeologist, a representative of the local Native Americans shall be retained to assist the archaeologist in monitoring all subsurface operations. Evidence shall be provided for placement in the subject file, prior to issuance of grading or building permits, that the representative has been retained.
 - iii. Copies of any archaeological survey, study, report of 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.
 - iv. The archaeologist may not halt a project for more than 90 days without the approval of the Planning Department. Such approval must be requested by letter from the archaeologist. Said letter must be 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.
3. The total floor area (as defined in Section 12.21.1A of the Los Angeles Municipal Code) of all the main buildings on the applicant's C-zoned mall area ownership as described in

Exhibit "E-6" for the City Plan Case No. 94-0287 ZC on file in the City Planning Department shall not exceed 1.5 times the buildable area of such ownership. No more than 148,933 square feet of gross leasable area shall be added to such ownership. The floor area of all structures on the total ownership, exclusive parking, shall not exceed a total gross leasable area of 975,000 square feet. No additional development shall be permitted on the total ownership.

4. At least 60,000 square feet of the gross square footage of the Mall area shall be utilized as non-leasable public area.
5. Except for the four-level parking structure, the pedestrian bridges to the parking structure, the three-story space formerly occupied by I. Magnin and the enclosure of the mall, a two-level height limitation shall be maintained in the C2, PB, and P Zones within the applicant's mall area ownership. In no event shall any structure exceed 62 feet in height within the mall area.
6. With the exception of the expanded department store to replace I. Magnin, no single tenancy of the applicant's mall area ownership shall exceed 20,000 square feet.
7. Parking: The applicant shall provide a parking ratio of 4.5 parking spaces per 1,000 square feet of gross leasable area for the subject property, and that the total number of parking spaces shall not be less than 4,388 parking spaces for the total ownership.
8. The applicant shall provide direct vehicle ramp access to the third level of the parking structure.
9. Parking shall be at no cost to customers and employees provided, however, that a validation system may be utilized. A parking management plan for employee parking, including an identification system for employees' vehicles by decal or similar means should be submitted to the Planning Department prior to the issuance of the Certificate of Occupancy.
10. Employee Parking.
 - i. Shall be provided on-site.
 - ii. Employees shall not park on adjacent residential streets during the hours they are working at the subject facility.
11. Parking signage interior to the subject property shall be increased. Parking signage fronting the exterior of the property along Woodman and Hazeltine Avenues and Riverside Drive shall also be increased. A parking signage plan shall be prepared to the satisfaction of the Department of Transportation and the Planning Department.

12. No more than three full, sit-down table service restaurants shall be located within the mall area. Only these three full-service restaurants shall be permitted to apply for an alcoholic beverage license. No separate bar shall be permitted in the restaurants. One full-service restaurant is currently existing. The size of each additional permitted full-service restaurant shall not exceed 5,000 square feet. Entertainment within the restaurants shall be of a low-key character, including strolling, violin, mariachis, piano, guitar, harp, combo (the foregoing being illustrative and not exhaustive). This condition shall not be interpreted as prohibiting other entertainment in any central interior court as part of a special event, festive or holiday show.
13. In addition to the restaurants permitted by condition No. 11 above, a food court area shall be permitted within the mall area. The food court shall not exceed 5,000 square feet for the food service area and an additional maximum of 5,000 square feet for the dining area for such food service area (not including public amenity areas such as water fountains, pools, or walkways). No liquor, beer or wine shall be served within such food area.
14. No separate cocktail bars shall be permitted.
15. All mall shops shall close no later than 10:00 p.m., except for special sales events. The closing hour of the food court shall be identical to the closing hour of the shops.
16. Security officers shall be kept on the premises until all restaurants and/or the food service area are closed.
17. No movie theater shall be permitted.
18. No amusement arcade, dance club or disco shall be permitted.
19. All lights emanating from second- and third-story windows and the parking structure shall be shielded from the view of residential properties. Noise from air conditioning units shall be buffered from residential properties to the north.
20. A community room of approximately 900 square feet, including a kitchenette, shall be provided for use by community groups. Provision for partition of the room into two separate meeting areas shall be made. Notice of the availability of this room shall be posted at the mall management offices, and annually sent to all recognized community groups in the Sherman Oaks area.
21. Neighborhood Protection Plan.

Prior to the issuance of any building permit the property owner shall guarantee the necessary funding of a Neighborhood Protection Plan through cash or irrevocable letter of credit, payable to the Department of Transportation (DOT). The property owner shall covenant and agree to submit a preliminary Neighborhood Protection Plan to DOT prior to the issuance of any building permit.

The Plan shall be prepared to investigate and implement options to address concerns in reference to the intrusion of "cut-through" traffic into the local residential neighborhoods and the protection of pedestrians in the project vicinity.

No later than the issuance of the first Certificate of Occupancy an Implementation Plan for neighborhood protection shall be determined by DOT in consultation with the Council office, the applicant and representatives of the neighborhood in the project vicinity bounded by Magnolia Boulevard on the north, Moorpark Street on the south, Woodman Avenue on the east, and Hazeltine Avenue on the west. Measures may be implemented prior to the issuance of any certificate of occupancy. Other implementation measures shall be based on monitoring of traffic conditions after occupancy of the project. The Plan may include, but shall not be limited to, traffic control such as turn prohibitions, installation of traffic diverters and other measures designed to discourage "cut-through" traffic in residential neighborhoods and to provide pedestrian related improvements.

The maximum amount required of the property owner to fund possible transportation improvements described in the proposed Neighborhood Protection Plan and any additional improvements deemed necessary by LADOT is \$175,000. Up to \$75,000 of such funds may be used by the City for the street improvements of Valley Heart Drive. In the event the Plan is guaranteed by cash, LADOT shall deposit the monies in an interest-bearing account and shall provide the property owner with an annual statement reflecting interest earned and payments made. Upon the expiration of 5 years after the issuance of the final Certificate of Occupancy, the property owner may request a refund from LADOT for any unused portion of these funds. However, the refund shall only be granted if LADOT and the Fifth District Council Office determine that all of the provisions of the Plan have been fully complied with and no additional future improvements are necessary.

22. The applicant shall assist the Department of Transportation to increase utilization and/or expand service of the Sherman Oaks "DASH" or other para-transit services, evidence of efforts shall be provided to the Department of City Planning within one year of project approval.
23. Landscape plans by a licensed landscape architect depicting existing and proposed landscaping along all frontages of the site should be submitted to the District Council Office for review and shall be submitted to the Planning Department for approval.
24. Prior to the issuance of any building permit the applicant shall provide evidence to the Planning Department that all mitigation measures identified in MND 94-0240-ZC have been appropriately incorporated into project designs, or included construction contracts.
25. Deliveries. All deliveries and loading/unloading and trash collection shall be limited to the hours 8 a.m. to 8 p.m., Monday through Friday, and 10 a.m. to 4 p.m., Saturday and Sunday.

26. Signage. No illuminated flashing, or animated signs shall be visible from adjacent residential neighborhoods. No off-site commercial signs shall be permitted at the subject shopping mall.
27. The haul route(s) utilized for the exporting of all materials shall be approved by the Department of Transportation.
28. Roof Structures. All structures, such as air conditioning and heating units, elevator and stairwell shafts shall be fully screened from residential areas. The equipment and screening shall include noise attenuation features and shall be located away from residential neighborhoods, as feasible.
29. Fire Department.
 - a. Applicant shall submit plot plans for Fire Department review and approval prior to issuance of any building permit.
 - b. Adequate off-site public and on-site private fire hydrants shall be required. Their number and location to be determined after the Fire Department's review of the plot plan.
 - c. During demolition the Fire Department access will remain clear and unobstructed.
 - d. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 - e. Private roadways for general access use shall have a minimum width of 20 feet.
 - f. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road or designated fire lane.
30. Maintenance, trash and storage.
 - a. The subject property, including the Riverside Drive frontage, and any associated parking facilities, shall be maintained in an attractive condition and shall be kept free of trash and debris.
 - b. Open areas devoted to trash storage or other storage shall not be located adjacent to a residential use or shall be buffered so as not to result in noise, odor or debris impacts on any adjacent residential uses.
 - c. All outside trash containers on the subject property shall be enclosed and shall be located so as not to result in noise or smell impacts on any adjacent residential use.

- d. Trash shall not be taken outside for deposit in trash bins or storage between the hours of 8:00 p.m. and 8:00 a.m. Further, the bins shall be locked during those hours.
 - e. Trash pick up shall take place only between 8:00 a.m. and 8:00 p.m. Monday through Friday, and 10:00 a.m. to 4:00 p.m. Saturday and Sunday.
 - f. Screening walls shall conceal trash bins; wrought iron gates shall be used to gate enclosures.
31. Plans. The property shall be developed substantially in accordance with the plot plan and plans identified as Exhibit E-6, attached to City Plan Case No. 94-0287 on file in the City Planning Department, except as the City Council may subsequently approve a modification of the plan(s), or as development of the subject property may require modification to meet other requirements or provisions of the Municipal Code.
32. Plans. Prior to the issuance of building permits, a detailed set of complete plot plans showing existing as well as proposed structures, including elevations, landscaping plans, plans for the loading and trash areas, and driveway plans shall be submitted for approval by the City Planning Department.
33. Graffiti removal and deterrence. The property owners and all successors shall acknowledge the applicability of the graffiti removal and deterrence requirements pursuant to Municipal Code Sections 91.8101-F, 91.8904.1 and 91.1707-E relative to the subject project, particularly with regard to the following:
- 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 pursuant to Section 91.1707-E; and
 - 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 the property to remove such graffiti with costs accruing to the property owner (91.8904.1); and
 - the period for compliance with a subsequent order for a subsequent occurrence is three days (91.8904.1.).
 - 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.
34. Parking-Building-Phasing. Code-required parking shall be provided for existing mall retail commercial uses during the construction of the mall expansion (new department store).

35. No commercial activities shall be permitted on the pedestrian bridge(s).
36. Noise.
- . Structural construction work shall be limited to the hours of 7 a.m. to 6 p.m., Monday - Friday and 8 a.m to 6 p.m. Saturday.
 - . Construction contracts shall require project contractors to use power construction equipment with noise shielding and muffing devices.
 - . During construction, the project shall comply with applicable Section 112.03 of the City Noise Ordinance No. 144,331 and its subsequent ordinances.
 - . Noise barriers such as temporary wooden barrier walls, mufflers and noise entrenching devices shall be employed to reduce the intrusive construction noise to the fullest extent possible.
 - . The placement, screening and maintenance of all external mechanical equipment shall be designed to ensure that noise levels do not exceed standards outlined in Article 2 of the City's Noise Ordinance 144,331, 161,574 and their subsequent ordinances at adjacent uses.
37. Riverside Drive Frontage. The applicant shall improve the Riverside Drive frontage of the mall in conformance with the landscaping/renovation plan on the file, Exhibit E-6. The plan shall include, but not be limited to: the planting of 37 new trees and 125 shrubs along the south side of Riverside Drive; screen walls shall be raised so that trash bins are concealed; chain link fences and gates shall be replaced with wrought iron fencing and gates to screen loading docks and trash areas; transformer and other equipment will be screened by wrought iron fencing and landscaped; and damaged stucco will be repaired and the frontage will be repainted.
38. Prior to the issuance of any building permits, the applicant shall submit detailed plans in substantial conformance with Exhibit E-6 attached to the file, for the loading dock and trash collection areas for the new department store, with truck access to the loading dock area and trash collection enclosures for the new department store not be taken from Riverside Drive, and plans for the inclusion and implementation of the applicant's landscaping/renovation on Riverside Drive, including a landscape plan with a timetable for achieving screening of the Riverside Drive frontage with mature plants in conformance with Exhibit E-6, attached to the file, to the Planning Department for review and approval consistent with Section 2.5 a-d of the Planning Commission's adopted Site Plan Review Guidelines, addressing on-site circulation and access including driveway location, loading docks, trash collection areas, and sanitation and delivery vehicles.

The applicant shall also record a mitigation monitoring agreement on the appropriate form and in a manner satisfactory to the Planning Department

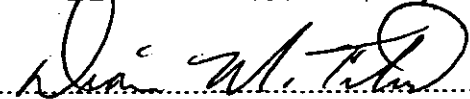
providing for an annual review for a period of three years to verify compliance with the required landscaping, screening and maintenance of landscape on the Riverside Drive frontage.

39. The Department of Transportation may identify and require future traffic-related improvements in the area generally bounded by Magnolia Boulevard, Woodman Avenue, Moorpark Street and Hazeltine Avenue. A bond, or other instrument, shall be posted in the amount of \$50,000 prior to the issuance of a certificate of occupancy. (A B permit or other permit may be required by the Bureau of Engineering and/or the Department of Transportation). The Department of Transportation may impose such conditions during and up to a period of not to exceed three years.

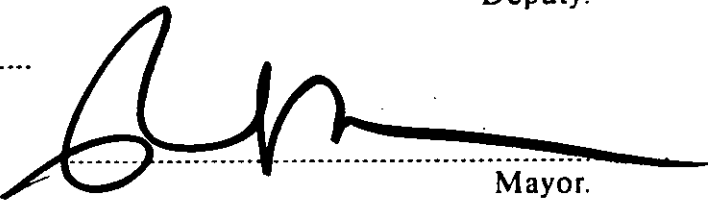
Sec. 3 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of NOV 29 1994

ELIAS MARTINEZ, City Clerk.

By  Deputy.

Approved DEC 06 1994

 Mayor.

Approved as to Form and Legality

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JAMES K. HAHN, City Attorney,

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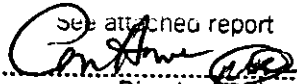
By
Deputy.

File No. 94-2018

City Clerk Form 23

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

NOV 23 1994

see attached report

Director of Planning

