

MODIFIED BY THE PLANNING AND LAND USE MANAGEMENT COMMITTEE ON 2/14/2017

**(Q) QUALIFIED CONDITIONS OF APPROVAL**

Pursuant to Section 12.32-G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

**A. Development Conditions:**

1. **Use and Density.** The use and restrictions/limitations of the subject property shall be limited to those permitted in the R3 Zone as defined in Sections 12.10 of the LAMC; and shall be limited to nine (9) units. This limitation shall not prohibit the project from utilizing State Density Bonus provisions.
2. **Site Development. Plot/Site Plan.** Prior to the issuance of any building permits for the subject project, detailed development plans including site and elevation plans, and including complete landscape and irrigation plans prepared by a licensed landscape architect or architect, shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The plans submitted to Building and Safety shall be revised in substantial conformance with this approval, contemplated by the Planning and Land Use Management Committee on February 14, 2017, showing not more than nine (9) units, and shall be in substantial conformance with the plans dated **May 8, 2015**, and labeled "**Exhibit E5**", attached to the subject case file. This limitation shall not prohibit the project from utilizing State Density Bonus provisions.
3. **Open Space.** The project shall comply with the open space standards of Section 12.21.G of the Los Angeles Municipal Code.
4. **Solar Energy.** The project shall include infrastructure for the future installation of solar energy generation.
5. **Air Filtration.** The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 13 or better in order to reduce the effects of diminished air quality on the occupants of the project within 1,000 feet of a Freeway.
6. **Noise Reduction.** All exterior windows having a line of sight of Burbank Boulevard (an Avenue II) or the Ventura 101 Freeway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (ATC) value of 50, as determined in accordance with ADTM E90 and ASTM E413, or any amendment thereto.
7. **Curb Cuts.** All curb cuts along Burbank Boulevard shall be removed.
8. **Off-street Parking.** Automobile and bicycle parking shall be provided on-site as required by LAMC Sections 12.21 A.4 and 12.21 A.16, respectively, and to the satisfaction of the Department of Building and Safety.
9. **EV Parking.** The project shall include at least 20% of the total code required parking spaces provided for all types of parking facilities, but in no case less than one location,

shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Of the 20% EV Ready, i.e. with wiring in five (5)% of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20% or 5% results in a fractional spaces, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

10. **Los Angeles County Metropolitan Transportation Authority (Metro).** Prior to the commencement of construction of the project, the applicant and/or owner should contact LACMTA's Metro Bus Operations Control Special Events Coordinator at (213) 922-4632 regarding construction activities that may impact Metro bus lines.
11. **Construction Activities.** The following limitations shall be required during the construction of the Project:
  - a. **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.
  - b. **Construction Hot-line.** A 24-hour "hot-line" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors and the local neighborhood association, if any. The applicant shall be required to respond within 24 hours of any complaint received on this hotline.
  - c. **Construction Parking.** Off-street parking shall be provided for all construction-related employees generated by 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 owners' base of operations.

- d. **Construction Truck Deliveries.** 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. No truck queuing related to such deliveries to the project site shall occur on any local or collector street within the project vicinity outside of that time period. A circulation plan shall specifically address the routing of delivery and exiting vehicles from the project site during all phases of construction to minimize any potential impacts to adjacent residential areas resulting from development of the proposed project. If warranted, any truck haul routes and staging areas shall be subject to approval by the Department of Building and Safety and Department of Transportation (no soil is anticipated to be transported off site).
- e. **Security.** A security patrol or fencing shall be provided at the project site in order to minimize trespassing, vandalism, short cuts, and other attractive nuisances.
- f. **Dust Control.** 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 northernmost property line between the site and adjoining lots to the north and south as necessary to preclude dust dispersion from the project site to adjacent homes. The walls shall be in place during any time period when grading is being conducted within 100 feet of any occupied residence on said adjoining lots. The temporary wall may be installed on the adjoining residential lot(s) if requested by an occupant of the residence thereon provided that: (1) it is safe and practical to do so, and (2) the written consent of the owner of said lot is provided to the developer prior to erection of the dust wall. Once erected the dust walls along the northern property line shall remain in place until the entire site grading is completed.

**B. Urban Design Conditions:**

**12. Landscaping**

- a. **Landscape Planters.** Incorporative decorative materials into the design of the landscape planters along Burbank Boulevard to provide visual interest. Include a change in color, material, and texture.
- b. **Landscaped Walls.** Utilize trees, shrubs, and vines along walls situated at the property lines to soften appearance.

**13. On-Site Lighting.** Prior to issuance of a Certificate of Occupancy, the applicant shall install onsite lighting along all vehicular and pedestrian access ways. Installed lighting shall provide  $\frac{3}{4}$  foot candle of flood lighting intensity as measured from the ground. Lighting must also be shielded from projecting light higher than 15 feet above ground level and away from adjacent property windows. The maximum height of any installed lighting fixture shall not exceed 14 feet in height.

**14. Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints

or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

15. **Wall.** A six-foot-high, solid, decorative, masonry wall shall be constructed, if no such wall exists, to the adjacent Ventura 101 Freeway to the north.
16. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The project owner shall be required to acquire approval from the Director of Planning, via a Building Permit clearance sign off, for the installation of any security devices on the exterior or the structure.
17. **Trash Enclosures.** All trash enclosure areas shall be screened from public view from Burbank Boulevard.
18. **Surface Equipment.** All surface or ground mounted mechanical equipment shall be screened from public view and treated to match the materials and colors of the building which they serve.
19. **Roof-top Appurtenances.** All rooftop equipment and building appurtenances shall be screened from any street, public right-of-way, or adjacent property with enclosures or parapet walls constructed of materials complimentary to the materials and design of the main structure.

**C. Environmental Conditions:**

20. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
21. **Aesthetics (Glare).** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

**22. Air Quality**

- a. AQ-1 All off-road construction equipment greater than 50 hp shall meet US EPA Tier 4 emission standards, where available, to reduce NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions at the Project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- b. AQ-2 Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model

year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet U.S. EPA 2007 model year NOx emissions requirements.

- c. AQ-3 At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
23. **Erosion/Grading/Short-Term Construction Impacts.** The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
24. **Grading (20,000 Cubic Yards, or 60,000 Square Feet of Surface Area or Greater).** The project shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Department of City Planning and the Department of Building and Safety's Grading Division. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
- d. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
  - e. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
  - f. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
  - g. Movement and removal of approved fencing shall not occur without prior approval by LADBS.
25. **Public Services (Fire).** The following recommendations 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 recordation of a *final* map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and 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.
26. **Public Services (Police).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-

illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

**27. Transportation/Traffic.**

- a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- b. Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- d. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

**28. Public Services (Schools).** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

**D. Administrative Conditions:**

**29. 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.

**30. Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.

**31. Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy

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

32. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
33. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
34. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
35. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning and the Area Planning Commission.
36. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.
  - a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during Project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of Project implementation as follows:
    - i. Pre-construction (prior to issuance of a building permit);
    - ii. Construction (prior to certificate of occupancy); and
    - iii. Post-construction / maintenance (post-issuance of certificate of occupancy).

In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of Project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.

- b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.
- c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
- d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

### 37. Indemnification.

The applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of, in whole or in part, this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from



responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Action includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.