

CONDITIONS OF APPROVAL

Entitlement Conditions

1. **Use.** Authorized herein is a 96,936 square-foot commercial office building with ground floor retail.
 - a. **Commercial Office.** A maximum of 90,773 square feet of commercial office floor area shall be permitted.
 - b. **Ground Floor Retail.** A maximum of 6,163 square feet of floor area shall be permitted on the ground floor.
2. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total code-required parking spaces 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 ampacity. Of the twenty percent EV Ready parking, five percent 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 required 20 percent or five percent results in a fractional space, 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. None of the required EV Ready parking shall apply to parking spaces used for dealership vehicle storage.
3. **Solar Panels.** Solar panels shall be installed on the project's rooftop space to be connected to the building's electrical system, in substantial conformance with the plans stamped "Exhibit A" and dated November 30, 2016.
4. **River Implementation Overlay (LA-RIO).** Prior to the issuance of building permits, the applicant shall obtain approval of a LA-RIO Administrative Clearance from the Department of City Planning.
5. **Landscaping.** All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
6. **Bicycle Parking Signage.** Prominent directional signage shall be installed to direct bicyclists to the location of the project's long term bicycle parking spaces.
7. **Mechanical Equipment.** All mechanical equipment on the roof shall be fully screened from view of any abutting properties and the public right-of-way.
8. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
9. **Trash/Storage.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.

- a. Trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof, at all times.
- b. Trash/recycling containers shall be locked when not in use.

Environmental Conditions

10. **Hazardous Materials Site.** A soil remediation plan shall be developed and implemented to excavate and remove impacted soils prior to building construction. The impacted site soils should be segregated, stockpiled, and resampled for waste profiling, particularly in the areas of Boring B2 and B7. Visible metal debris should be removed during the profile sampling event, and recycled. Pending the results of the stockpile profiling, the soil analytical results may be more favorable with regards to the disposal facility criteria. Onsite soil excavation personnel should be licensed and trained to properly handle hazardous materials encountered at the site.
11. **Emergency Response Plan.** Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, and location of nearest hospitals and fire stations.
12. **Increased Noise Levels (Demolition, Grading, and Construction Activities).**
 - a. To the maximum extent practical, demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - b. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.
13. **Temporary Groundborne Vibration Impacts.** All new construction work shall be performed so as not to adversely affect the structural integrity of the building located at 2124 E. Violet Street. Prior to commencement of construction, a qualified structural engineer shall survey the existing foundations and structure of the building located at 2124 E. Violet Street, and provide a plan to protect it from potential damage. The required documentation shall consist of video and photographic documentation of accessible and visible areas on the exterior and interior facades of the buildings (if access is granted by the adjacent building owner). A registered civil engineer or certified engineering geologist shall develop recommendations for the adjacent structure monitoring program that will include, but not be limited to, vibration monitoring, elevation and lateral monitoring points, crack monitors and other instrumentation deemed necessary to protect adjacent building and structure from construction-related damage. The monitoring program shall include vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, work will stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction related damage to the adjacent structure.
14. **Public Services (Police – Demolition/Construction Sites).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

15. Transportation and Traffic. Measure(s) detailed in LADOT's communication to Department of City Planning (DOT Case No. CEN 15-43627, dated April 14, 2016) shall be complied with.

16. Increase Vehicle Trips/Congestion. A Construction work site traffic control plan shall be submitted to DOT and LAFD for review and approval in accordance with the LAMC prior to the start of any construction work. The plans shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties, and if applicable, the location of off-site staging areas for haul trucks and construction vehicles. All construction related traffic shall be restricted to off-peak hours.

17. Haul Route.

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- b. The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
- c. There shall be no staging of hauling trucks on any streets adjacent to the project, unless specifically approved as a condition of an approved haul route.
- d. No hauling shall be done before 9 a.m. or after 3 p.m.
- e. Trucks shall be spaced so as to discourage a convoy effect.
- f. A minimum of two flag persons are required. One flag person is required at the entrance to the project site and one flag person at the next intersection along the haul route.
- g. Truck crossing signs are required within 300 feet of the exit of the project site in each direction.
- h. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind.
- i. Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material.
- j. Trucks and loads are to be cleaned at the export site to prevent blowing dirt and spilling of loose earth.
- k. A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
- l. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.

Administrative Conditions of Approval

- 18. **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.
- 19. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 20. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 21. **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.
- 22. **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.
- 23. **Building Plans.** Page 1 of the grants 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.
- 24. **Corrective Conditions.** The authorized use shall be conducted at all time with due regards to the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code to impose additional corrective conditions, if in the Commission's or Director's opinion such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 25. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.

26. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's

fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.

- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$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 (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions 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.