

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission on April 27, 2017)

Pursuant to Sections 12.28, 16.05, and 13.08 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated April 5, 2017 (hereafter "Exhibit A"), except as may be revised as a result of this action.
3. 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.
4. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalks bordering the site.
5. **Green Wall.** A green wall shall be installed along the east and west building façade of Building "B" to provide articulation and differing materials to the satisfaction of the Director of Planning or his/her designee.

Site Plan Review

6. All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
7. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from the ground level view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
8. **Alley Pedestrian Walkway.** The project shall improve the alleyway as a green alley (conforming to Standard Plan S-485-0) to provide permeability and to differentiate the space to the satisfaction of the Bureau of Engineering.
9. **Joint Live/Work Access.** Direct access from the alley to each of the joint live/work units shall be required.

Zoning Administrator Adjustment

10. The project is granted the following setback deviation:
 - a. A 0-foot eastern side yard setback for Building A
 - b. A 2-foot 6-inch front and rear yard setback for Building B

Community Design Overlay

11. **Site Development.** The property shall be developed in substantial conformance with the submitted plans, labeled "Exhibit A, and attached to the subject case file, except as modified herein. No change to the plans will be made without prior review by the Department of City

Planning and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.

12. **Building Materials.** The front elevation of the building shall be composed of Brownstone (tan) color stucco, French Toast (light brown) color stucco, and El Dorado (cream) color stucco, with painted steel railings, stained wood balconies, glass windows and doors, and shall be in substantial conformance with the material, texture, and paint schedules of Exhibit A.
13. **Building Screening.** Exterior building elements, such as downspouts, gutters, vents, and other mechanical equipment shall be painted to blend into the background surface whenever screening of the equipment is not possible.
14. **Pedestrian Lighting.** Pedestrian lighting shall be installed along the ground-floor frontage along Sherman Way, Cantlay Street, and along the alleyway.
15. **Building Signage.** All building signage shall comply with the signage standards of the Municipal Code and the [Q] Conditions of Ordinance 176,558. In addition:
16. **Sign Type.** Only channel letter wall signs shall be used.
17. **Security Devices.** Security devices that have a negative impact on the building design, such as barbed wire, or roll down security doors, or window coverings shall be prohibited.
18. **Lighting.** All lighting for the Project shall be low-illumination safety lighting of a color similar to incandescent light which is shielded and directed onto the property on which the Project is located.
19. **Landscape Plan.** Landscaping shall be provided in substantial compliance with the submitted Landscape Plan (as seen in Exhibit A). Landscaped areas shall be planted with a variety of plant materials which include shrubs, trees and ground cover, and all plants and trees shall be drought-resistant. Artificial plants are prohibited. All landscaped areas shall be equipped with an automatic sprinkler or drip irrigation system designed to conserve water. In addition:
 - a. As per the requirement from the Bureau of Engineering, a new sidewalk shall be constructed, and broken or off-grade concrete curbs and gutters shall be repaired.
 - b. As per the requirement from the Bureau of Engineering, tree wells with root barriers shall be constructed, and street trees approved by the Urban Forestry Division (213-847-3077) shall be planted.
 - c. If necessary, street lighting may be required by the Bureau of Street Lighting (213-847-1551).
 - d. The area from the front lot line to the building, and the rear lot line to the building shall be landscaped with live plant materials and/or ground cover, except for exit-ways, equipment pads, walkways and driveways.
 - e. Front and rear yards, and center courtyard shall be landscaped using similar materials so that the total development creates a consistent landscape theme.

Environmental Conditions

20. **Aesthetics (Landscape Plan).** All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect in accordance with LAMC Sections 12.40 and 12.41. The final landscape plan shall be reviewed and approved by the City of Los Angeles Department of City Planning during the building permit process.
21. **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.
22. **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.
23. **Tribal Cultural Resources.** During the course of any ground disturbance activities, the applicant, or their agent, shall retain a professional Native American monitor(s). Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity. Monitoring of the project site during ground disturbance activities shall comply with the following:
- a. The applicant, or their agent, shall obtain a professional Native American monitor, or monitors, by contacting the Fernandeano Tataviam Band of Mission Indians. Prior to the issuance of a grading permit, evidence shall be provided to the Department of City Planning that monitor(s) have been obtained;
 - b. A monitor shall be secured for each grading unit. In the event that there are simultaneous grading units operating at the same time, there shall be one monitor per grading unit;
 - c. In the event that subsurface archaeological resources, human remains, or other tribal cultural resources are encountered during the course of ground disturbance activities, all such activities shall temporarily cease on the project site until the archaeological or other tribal cultural resources are assessed and subsequent recommendations are determined by a qualified archaeologist. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, including the required notification to the County Coroner and the Native American Heritage Commission;
 - d. In the event that subsurface resources are encountered during the course of ground disturbance activities, the qualified archaeologist on site shall specify a radius around where resources were encountered to protect such resources until the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 have been fulfilled. Project activities may continue outside of the designated radius area.
 - e. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC).
24. **Noise (Demolition, Grading, and Construction Activities).**

- a. Construction and demolition 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. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. 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.

25. Noise (Parking Structure Ramps).

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.

26. Noise (Retail Markets, Bars, Entertainment, etc.).

- a. A 6-foot-high solid decorative masonry wall, measured from the lowest adjacent grade, adjacent to residential properties shall be constructed if no such wall currently exists.
- b. The proposed facility shall incorporate noise-attenuating features (physical as well as operational) designed by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.

27. Noise (Mixed-Use Development) Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Class (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.

28. 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.

29. 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.

30. 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.

31. **Transportation (Impact Assessment).** The applicant shall submit final plans to LADOT to determine if the project conforms to LADOT Case No. 44386, or if additional review and analysis is required.

32. **Transportation (Hauling of Soil).**

- 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 public right of way, 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.

33. **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.

Administrative Conditions of Approval

- 34. **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.
- 35. **Code Compliance.** Area, height and use regulations of the (T)(Q)RAS4-1L-CDO zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 36. **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.
- 37. **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.
- 38. **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.
- 39. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
- 40. **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.
- 41. **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 \$50,000. 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.