

CONDITIONS OF APPROVAL

As modified by the City Planning Commission on May 25, 2017

The following conditions are hereby imposed upon the use of the subject property:

Entitlement Conditions

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit "A", stamp-dated May 11, 2017, except as may be revised as a result of this action.
2. **Density.** A maximum of twenty-two (22) dwelling units shall be permitted.
3. **Parking.**
 - a. **Electric Vehicle Parking.** A minimum of 20 percent of the provided guest parking spaces shall be installed with EV Charging Stations to immediately accommodate electric vehicles within the parking area. When the application of the 20 percent results in a fractional space, round up to the next whole number.
 - b. **Guest Parking.** The project shall provide 12 guest parking spaces. The applicant shall submit a revised site plan to the Development Services Center eliminating the two guest parking spaces adjacent to the common open space area at the southwest corner of the project site shown in the site plan stamped Exhibit "A", stamp-dated May 11, 2017. This area shall be designated for common open space purposes only.
4. **Solar Ready Buildings.**
 - a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 95.05.211, to the satisfaction of the Department of Building and Safety.
 - b. A minimum of 300 square feet of the rooftops of each small lot home, as shown on Exhibit A, shall be reserved for the installation of solar panels. The solar panels shall be installed prior to the issuance of a certification of occupancy.
5. **Pedestrian Connectivity and Access.**
 - a. **Pedestrian Pathways.** A pedestrian pathway located within or parallel to the common access driveway shall be constructed and/or treated with paving that distinguishes the pathway from vehicular traffic. The project shall provide interconnected pedestrian pathways from all homes to the common areas of the subdivision.
 - b. **Fences/Walls.** Fences or walls within the front yard along Tampa Avenue shall provide a point of entry into each small lot abutting the street.
 - c. **Pedestrian Access.** Pedestrian access shall be provided along all street frontages in order to connect the development to Tampa Avenue, Aura Avenue, and Gault Avenue. The project shall install at least one pedestrian gate along the Aura Avenue/Gault Avenue street frontage.

6. Landscaping, Common Open Space Areas, and Amenities.

- a. All open areas not used for buildings, parking areas, driveway, pedestrian pathways, utilities or common open space areas shall be attractively landscaped and maintained.
- b. All landscaping around the perimeter of the subject property where it abuts a single-family zone or use shall be of a non-deciduous species.
- c. Block walls abutting the street along Aura Avenue or Gault Avenue shall be planted with clinging vines of a non-deciduous species.
- d. All common open space areas shall provide passive open space amenities, such as benches or other seating.
- e. The applicant shall obtain approval of a Los Angeles River Improvement Overlay (LA-RIO) Administrative Clearance from the Department of City Planning.

7. Construction.

- a. **Parking.** The applicant shall provide parking for all construction workers on-site. Construction workers shall be discouraged from parking on adjacent streets.
- b. **Liaison.** The applicant shall designate a construction relations officer to serve as a liaison with surrounding residents and property owners who is responsible for responding to any concerns regarding construction. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall also be posted at the project site that includes permitted construction days and hours.

8. Department of Transportation.

- a. A minimum of 20-foot reservoir space is required between any security gate or parking space and the property line, to the satisfaction of the DOT.
- b. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.

9. **Fire Department.** Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.

Environmental Conditions

10. **Aesthetics (Light).** Outdoor lighting shall be designed to shine downward and installed with shielding and be directed onto the project site, so that the light source does not illuminate any adjacent properties, the public right-of-way, or be seen from the above night skies.

11. Increased Noise Levels (Demolition, Grading, and Construction Activities).

- a. 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.
- c. The construction contractor shall use on-site electrical sources or solar generators to power equipment rather than diesel generators where feasible.

12. 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.**13. Safety Hazards.**

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycle, and vehicle safety.
- b. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

Administrative Conditions

14. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews 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.
15. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
16. **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.
17. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
18. **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.

19. **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.
20. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for 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.
21. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
22. **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 (ii).
- 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 in paragraph (ii).
- e. 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. Actions include 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.