

CONDITIONS OF APPROVAL

As modified by the City Planning Commission 7-27-17

Pursuant to Sections 12.24-U.14, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plot plan marked Exhibit "A", last revised July 13, 2017, except as may be revised as a result of this action. 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, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Use.** 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.
3. **Height.** The project shall be permitted a maximum building height of 135 feet (135'), with an additional 20 feet in height permitted for the housing of rooftop mechanical equipment, only.
4. **Parking.**
 - a. **Electric Vehicle Parking.** The project shall include at least 20 percent (20%) of the total provided 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. In addition, five percent (5%) of the total provided 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.
 - b. In addition to the above described requirements, 20 percent (20%) of the parking spaces provided beyond the requirements of the Los Angeles Municipal Code shall be provided with EV chargers equipped to immediately accommodate electric vehicle within the parking area. When the application the required 20 percent results in a fractional space, round up to the next whole number.
5. **Above-Grade Parking.** Above-grade parking shall be fully integrated into the building design utilizing extensive glazing so that it is free of blank walls and open screening, to the satisfaction of the Director or Planning.

6. **Green Wall.** The applicant shall plant clinging vines along the screening of the parking levels to create a green wall, to the satisfaction of the Director of Planning.

7. **Solar-Ready Building.**
 - a. The project shall comply with the Los Angeles Green Building Code, Section 95.05.211, to the satisfaction of the Department of Building and Safety.
 - b. A minimum of 3,300 square feet of roof area, as shown on Exhibit A, shall be reserved for the installation of a solar photovoltaic system. The system shall be installed prior to the issuance of a certificate of occupancy.

8. **Ancillary Uses.** Accessory café/restaurant and retail space shall not exceed 3,400 square feet. Per LADOT Technical Traffic Memorandum (CTC15-103799) the commercial component of this development has been reviewed and approved at a trip generation factor equivalent to that of an office campus. Any accessory commercial use identified to have a trip generation factor equivalent to a restaurant or cafeteria and service retail facilities or below (as referenced in the ITE Trip Generation Manual) is allowed. The applicant shall submit final plans to LADOT to determine if the project conforms to LADOT Case No. CTC15-103799, or if additional review and analysis is required.

9. **Landscaping.**
 - a. All planters containing trees shall have a minimum depth of 48 inches.
 - b. Two (2) Western Sycamore (*Platanus racemosa*) trees located at the southeastern corner of 12575 Beatrice Street shall be preserved and incorporated into the landscape of the proposed project.
 - c. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

10. **Lighting.** 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.

11. **Pedestrian/Security Gate.** Any security gate provided on-site shall be maintained open to the public during business hours.

12. **Mechanical and Rooftop Equipment Screening.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from 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.

13. **Trash/Storage.**
 - a. All trash collection and storage areas shall be located on-site and shall not be visible from the public right-of-way.

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

14. Vehicular Access.

- a. All requirements and conditions listed in the Department of Transportation's "Traffic Impact Assessment" and "Assessment of Supplemental Traffic Measures" letters dated, June 6, 2017, and all subsequent revisions to these this traffic assessment, shall be applied to the project. Supplemental Traffic Measures include:
 - i. Jandy Place Driveway Restrictions: In order to enhance safety for pedestrians on Jandy Place, during the 60 minute lunch time period between 12:30 p.m. and 1:30 p.m. Monday through Friday, the ingress and egress to the project from Jandy Place shall be closed, and the only available ingress and egress shall be via Beatrice Street.
 - ii. Further Study of Jandy Place Driveway Restrictions: In connection with the first annual supplemental traffic signal warrant analyses submitted pursuant to Project Requirement C.4 contained in our November 21, 2016 TIA, the project shall also submit an analysis of operations of the Jandy Place driveways to determine if any restrictions should be imposed during the a.m. peak and p.m. peak hours to ensure that project driveway operations do not cause a significant impact to traffic flow on Jandy Place at peak hours. This analysis may also review and recommend changes to the 60-minute lunch time Jandy Place driveway restrictions outlined in Recommendation 1 above. The analysis shall be submitted to DOT for review. If deemed warranted by DOT, the project shall implement additional driveway restrictions and/or make changes to the lunch time driveway restrictions.
 - iii. Funding for Pedestrian Crossing: The applicant shall fund and install a yellow flashing signal at the existing striped crosswalk on Inglewood Blvd. at Beatrice Street. If, at the time of project approval, this improvement has been funded by others, then DOT shall require a similar nearby measure of equivalent value designed to enhance pedestrian and student safety in the vicinity of the project.
- b. A minimum of 20-foot reservoir space is required between any ingress security gate(s) and the property line or to the satisfaction of the Department of Transportation.
- c. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21-A-5(i)a.
- d. This project is subject to the Los Angeles Coastal Transportation Corridor Specific Plan requirement. A parking are and driveway plan shall be submitted to the Department of transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be accomplished by submitting detailed site/driveway plans at a scale of 1"=40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Avenue, Los Angeles, CA 90045. For an appointment, call (213) 482-7024.

15. Pedestrian Access during Construction.

- a. Maintain Pedestrian Access. The project applicant shall implement the following:

- Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. The plan shall 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.
- Temporary pedestrian facilities shall 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.
- Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- Sidewalks shall remain open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as reasonably feasible taking construction and construction staging into account.

16. Construction Noise.

- 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. Temporary noise barriers shall be used along the property boundaries to block the line-of-site between the construction equipment and adjacent land uses.
- d. 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, where feasible.

17. **Construction Parking.** Parking for construction workers shall be provided on-site, where feasible, and/or in a nearby lot rented by the Project Applicant. Street parking by construction workers shall not be permitted.

18. Prior to the issuance of the building permit, a copy of an approved Case No. AA-2017-397-PMEX shall be submitted to the satisfaction of the Department of City Planning.

19. Signage. The approval of this application does not constitute approval of a signage plan or signage.

20. Modifications. Any modifications, change-of-use or increase in floor area of the property shall be cause for separate discretionary review pursuant to applicable statutory requirements.

Environmental Conditions – Project Design Features (PDF)

21. PDF-GHG-1. The proposed project will be designed to incorporate measures that will reduce energy and resource demand, including, but not limited to, solid waste recycling, reduced-flow plumbing fixtures, low-energy appliances, and drought-tolerant landscaping. The CALGreen Code specifies additional measures that may reduce energy and resource demand from the

proposed project. The proposed project would incorporate feasible measures such as reducing baseline water usage by 12 percent, use of gray water or rainwater systems for watering landscaped areas, and compliance with the California Department of Water Resources Model Water Efficient Landscape Ordinance (MWELO).

Monitoring Agency: Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Ongoing during project construction

Action Indicating Compliance: Approval of Construction Traffic

Management Plan from the Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction)

Environmental Conditions – Mitigation Measures (MM)

22. MM- AES-1. (Light). Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Pre-Construction

Monitoring Frequency: Pre-construction; Construction

Action Indicating Compliance: Field inspection sign-off; Compliance certification report by Project contractor

23. MM-AES-2. (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. Windows and other glass surfaces would have a transparency higher than 80 percent and be less than 15 percent reflective.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Once, at plan check; during project construction

Action Indicating Compliance: Approval of Building Permit; Written compliance certification prior to issuance of Certificate of Occupancy

24. MM-AES-3. (Screening on Parking Garages).

- a. Exterior screening shall be installed to minimize the spill light from luminaires within open structure buildings from reaching beyond the Project Site. The screening shall also be installed so as to minimize the views and potential glare of headlights of motor vehicles within the garage from beyond the Project Site boundary. Screening measures may include, but are not limited to, shielding attached to the luminaire, building, or site structures.
- b. This measure would be enforced by the Los Angeles Department of Building and Safety and the Los Angeles Department of City Planning. A plan check would be conducted to ensure compliance. A field inspection would be conducted before the issue of the Certificate of Occupancy. Compliance would be indicated by Approval of Lighting Plans prior to issuance of the applicable building permit.

Enforcement Agency: Los Angeles Department of Building and Safety and Department of City Planning

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction, Construction

Monitoring Frequency: Once, at plan check; during project construction

Action Indicating Compliance: Approval of Building Permit; Written compliance certification prior to issuance of Certificate of Occupancy

25. MM-CR-1. (Tribal Monitor). Prior to commencing any ground disturbance activities including excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site, the Applicant, or its successor, shall retain and pay for archeological monitors, determined by the City's Office of Historic Resources to be qualified to identify subsurface tribal cultural resources. The archeological monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archeological monitor shall be assigned to each location where the ground disturbance activities are occurring.

Prior to the commencement of any ground disturbance activities at the project site, the Applicant, or its successor, shall notify any California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project (Gabrieleno Band of Mission Indians – Kizh Nation) that ground disturbance activities are about to commence and invite the tribes to observe the ground disturbance activities, if the tribes wish to monitor.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by the qualified archeologist, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning, Office of Historic Resources.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, or its successor, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by

the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.

- e. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
- f. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by a qualified archaeologist and determined to be reasonable and appropriate.
- g. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.
- h. 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) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
- i. Notwithstanding paragraph 8 above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and shall comply with the City's AB 52 Confidentiality Protocols.

Enforcement Agency: Los Angeles Department of City Planning

Monitoring Agency: Los Angeles Department of City Planning

Monitoring Phase: During excavation

Monitoring Frequency: Once upon completion of excavation

Action Indicating Compliance: Compliance report by qualified archaeological monitor

- 26. MM-GEO-1. The proposed project shall follow the recommended measures outlined in the preliminary geotechnical engineering investigation to ensure proper structural support in potentially liquefiable soil. These measures may include, but are not limited to
 - a. The use of Auger Cast Displacement Piles (ACDP).
 - b. Performance of an indicator test pile program prior to installation of production piles.

- c. Equipping buried utilities and drain lines with flexible or swing joints.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; construction

Monitoring Frequency: Ongoing during construction

Action Indicating Compliance: Issuance of grading permits; Field inspection sign-off; Geotechnical Engineers site visit reports as needed

27. MM-NOISE-1.

- a. The construction contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- b. The construction contractor shall ensure that all equipment is properly maintained to prevent additional noise due to worn or improperly maintained parts.
- c. The construction contractor shall use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than metal-tracked equipment).
- d. The construction contractor shall minimize the use of equipment or methods with the greatest peak noise generation potential.
- e. The construction contractor shall use on-site power generators that shall either be plug-in electric or solar powered.
- f. The construction contractor shall locate construction staging areas away from sensitive uses.
- g. Flexible sound control curtains shall be placed around all drilling apparatuses, drill rigs, and jackhammers when in use.
- h. The construction contractor shall establish a noise disturbance coordinator. The noise disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units and sound editing studios (e.g., 740 Sound Design) within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the noise disturbance coordinator.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Ongoing during construction

Action Indicating Compliance: Field inspection sign-off within compliance report

28. MM-Transportation/Traffic-1. Physical improvements would be required to mitigate traffic impacts at the following intersections:

- a. *Westlawn Avenue / Jefferson Boulevard.* The recommended mitigation consists of re-striping the southbound Westlawn Avenue approach to the Jefferson Boulevard intersection. The re-striping would provide two left-turn lanes, one through lane and one right-turn lane (i.e., add a second left-turn lane). Changes to the existing traffic signal

equipment needed in conjunction with the recommended improvement would also be implemented as part of the mitigation measure.

- b. *Grosvenor Boulevard / Jefferson Boulevard*. The recommended mitigation consists of re-striping the southbound Grosvenor Boulevard approach to the Jefferson Boulevard intersection. The re-striping would provide one left-turn lane and one shared left-turn/right-turn lane (i.e., add a second left-turn lane). The proposed mitigation measure would require the removal of approximately three street parking spaces on the west side of Grosvenor Boulevard north of Jefferson Boulevard. Changes to the existing traffic signal equipment needed in conjunction with the recommended improvement would also be implemented as part of the mitigation measure.
- c. *Centinela Avenue - Campus Center Drive / Jefferson Boulevard*. The recommended mitigation consists of re-striping the southbound Centinela Avenue approach to the Jefferson Boulevard intersection. The re-striping would convert one of the existing through lanes to a right-turn lane. The resulting lane configuration on the southbound approach of Centinela Avenue would provide two left-turn lanes, one through lane, and two right-turn lanes. In addition, it is recommended that right-turn traffic signal phasing be provided for the northbound Campus Center Drive approach, including overlap with the westbound Jefferson Boulevard left-turn movement. Changes to the existing traffic signal equipment needed in conjunction with the recommended improvement would also be implemented as part of the mitigation measure.
- d. Traffic Signal Implementation - In order to insure full and appropriate redress for potential access / circulation conditions, the project shall covenant and agree to implement traffic signalization at the following locations:
 - i. Jandy Place & Beatrice Street
 - ii. Westlawn Avenue & Beatrice Street

The term of the covenant shall begin with the project's first year of 80% occupancy and shall continue for three (3) consecutive years (of minimum 80% occupancy). The project shall conduct and submit annual supplemental traffic signal warrant analyses, for each location, to DOT for review. If deemed warranted, the project shall assume full responsibility for implementing the signal(s), subject to the Shared Mitigation provision below at Paragraph D.

*Should any improvement be deemed infeasible at the time of reconciliation, the City may substitute an alternative measure of equivalent effectiveness.

Monitoring Agency: Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Ongoing during project construction

Action Indicating Compliance: Approval of Construction Traffic

Management Plan from the Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction)

29. MM-Transportation/Traffic-2. Transportation Demand Management Plan and Monitoring (TDMP&MP).

- a. Pursuant to Section 5G of the CTCSP, and in order to insure full and appropriate redress for potential access / circulation conditions, the applicant shall submit to DOT a Transportation Demand Management (TDM) Plan designed to achieve a progressive average vehicle ridership (AVR) reduction, as determined by DOT. The measurement of actual trips and monitoring shall be conducted using an automated detection and

surveillance monitoring system. In addition to providing hourly vehicular count tabulations, the monitoring system shall also be designed in a manner that will permit direct data access to DOT staff. The installation and maintenance of the monitoring system shall be at the Project's expense. The monitoring program shall continue until such time that the Project has shown, for five consecutive years, at a minimum of 80% occupancy, achievement of the progressive AVR reduction. Should the review show that an AVR reduction has not been achieved, the project shall be subject to a penalty program, to be developed in consultation with LADOT, including an extension of the monitoring review period.

A full detailed description of the TDMP, and all subsequent MP reporting, should be prepared by a licensed Traffic Engineer and submitted to DOT for review. The TDMP should be submitted to DOT and the Department of City Planning for review and approval, prior to the issuance of any certificate of occupancy.

The TDM Plan should include a variety of measures to reduce single occupant vehicle (SOV) trips by increasing the number of walking, bicycling, carpool, vanpool, and transit trips. The project shall also comply with Section 12.26-J (Ordinance 168,700) of the Los Angeles Municipal Code which requires specific TDM and trip reduction measures. The TDM program should include, but is not limited to, the following strategies:

- Provide a dedicated shuttle service;
- Provide and internal Transportation Management Coordination Program with on-site transportation coordinator;
- Implement enhanced pedestrian connections (e.g., improve sidewalks, widen crosswalks adjacent to the project, install wayfinding signage and pedestrian level lighting, etc.);
- Design the project to ensure a bicycle, pedestrian and transit friendly environment;
- Coupled with unbundled parking, provide on-site car share amenities;
- Provide rideshare program and support for project employees and tenants;
- Allow for subsidized transit passes for eligible project employees and tenants;
- Coordinate with DOT to determine if the site would be eligible for one or more of the services to be provided by the future Mobility Hubs program (secure bike parking, bike share kiosks, and car-share parking spaces);
- Provide on-site transit routing and schedule information;
- Contribute a one-time fixed fee into the City's Bicycle Plan Trust Fund to implement bicycle improvements within the area of the proposed project. Amount of fee to be determined in consultation with DOT and Council District 11 staff.
- Guaranteed Ride Home Program

To the extent possible, the TDM plan should also include opportunities for coordination with the area adjacent Transportation Management Organizations (TMO's) including Playa Vista and the Howard Hughes Center.

Monitoring Agency: Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Ongoing during project construction and operation

Action Indicating Compliance: Approval of Construction Traffic

Management Plan from the Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction), Subsequent MP reporting submitted to the Department of Transportation

30. **MM-Transportation/Traffic-3. Construction Impacts.** DOT recommends that a construction work site traffic control plan be submitted to DOT's Western District Office for review and approval prior to the start of any construction work. The plan should 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. DOT also recommends that construction related traffic be restricted to off-peak hours.

Monitoring Agency: Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; Construction

Monitoring Frequency: Ongoing during project construction

Action Indicating Compliance: Approval of Construction Traffic

Management Plan from the Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); compliance certification report submitted by Project contractor (Construction)

Administrative Conditions of Approval

31. **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.
32. **Code Compliance.** Area, height and use regulations of the M2-1 zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
33. **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.
34. **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.
35. **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.
36. **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.
37. **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.

38. **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.

39. **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.