

CONDITIONS OF APPROVAL

Pursuant to Sections 12.22-A.25, 12.24, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. **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.
2. **Development.** 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 September 29, 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.
3. **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.
4. 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.

Density Bonus Conditions

5. **Residential Density.** The project shall be limited to a maximum density of 478 residential units.
6. **Affordable Units.** A minimum of 11% of the project's base density (39 units) shall be reserved as affordable units for Very Low Income Households, as defined by the State Density Bonus Law 65915(C)(2).
7. **Floor Area Ratio.** The project shall be eligible for a 35% increase in the maximum overall Floor Area Ratio.
8. **Averaging of FAR.** The project is permitted to average floor area across the two proposed contiguous lots.
9. **Parking.** Vehicle parking shall be provided consistent with LAMC Sections 12.21 A.4 and 12.22-A.25. In lieu of reduced parking provided by LAMC Section 12.22-A.25, up to a maximum of thirty percent of the required automobile parking may be replaced with bicycle parking.
10. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with L.A.M.C. Section 12.22-A,25.
11. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 11% of the site's base density units available to Very Low

Income Households, for sale or rental and as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file and to the Council Office and Neighborhood Council. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.

12. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to L.A.M.C. Section 12.22-A,25.

Conditional Use - Beverage

13. **Authorization.** The project is permitted the on- and off-site sales and consumption of alcohol within a hotel, bar, and restaurant located in the C4-2 Zone and C2-2 Zone, and on-site sales and consumption of alcohol within a multi-cultural and performing arts center in the C4-2 and C2-4. On-site consumption for the hotel is inclusive of all areas managed by the hotel, including, but not limited to a lobby, lobby bar/lounge, mini-bars within each hotel room or suite, and a restaurant within the ground floor level. Off-site consumption for the hotel includes a proposed boutique gift shop within the hotel. On-site consumption for the multi-cultural center is inclusive of all publicly accessible, non-class room space.

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 Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

14. Prior to the utilization of the authorizations specified in Condition No. 13, above, the property owner or individual operator shall file a Plan Approval pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Conditional Use Permit authorized for each establishment. The Plan Approval application shall be accompanied by the payment of appropriate fees and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all property owners and tenants within 500 feet of the premise, the Council Office, the Neighborhood Council, the Los Angeles Police Department, and adjacent property owners, unless the hearing is waived by the Chief Zoning Administrator. The purpose of the Plan Approval filing is to review each proposed venue in greater detail and tailor specific conditions for each premise including but not limited to hours of operation, seating capacity, size, security, and/or any requirement for a subsequent Approval of Plans application to evaluate compliance and effectiveness of the conditions of approval. Conditions herein shall be incorporated into each Plan Approval unless in the opinion of the decision-maker the applicant has justified otherwise. Future operators may request beer and wine sales in lieu of a full line of alcoholic beverages when they file their Plan Approval.
15. Within the first six months of utilizing the grant at this establishment, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department

"Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. Employees shall attend the training on an annual basis.

16. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
17. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
18. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
19. A camera surveillance system shall be installed to monitor the interior, entrance, exits and exterior areas, in front of and around the premises.
20. No cover charge or admission fee shall be charged to enter the premises and the premises shall not be utilized in any manner that would characterize the use as a night club. The subject premises shall not be leased to third-party promoters, rave parties or similar events.
21. Prior to the utilization of this grant, 24-hour "hot line" shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Lobby Areas
 - c. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours.

22. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
23. Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
24. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the

Condition Compliance Unit within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.

25. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or If at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
26. **MViP – Monitoring, Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

Site Plan Review

27. **Uses.** The project size shall not exceed the following: a) a 220-room hotel; b) a 478-unit residential tower; c) a multi-cultural and performing arts center with an 850-seat theater, and a classroom/dance studio space that can accommodate up to 50 students. Per LADOT Technical Traffic Memorandum (CEN 16-4442) the project has been reviewed and approved at trip generation factors equivalent to apartment, hotel, live theater, and classroom uses. Any changes to the multi-cultural and performing arts center use identified to have a trip generation factor equivalent to the theater or below (as referenced in the 2015 ITE Trip Generation Manual) is allowed. The applicant shall submit final plans to LADOT to determine if the project conforms to LADOT Case No. CEN 16-4442, or if additional review and analysis is required.
28. **Vehicular Access.**
 - a. Residential parking access shall be limited to Bonnie Brae Street.
 - b. Commercial parking serving the hotel; restaurant; and learning, multi-cultural, and performing arts center shall be limited to Westlake Avenue.
 - c. All requirements and conditions listed in the Department of Transportation's traffic assessment letter dated, August 9, 2016, and all subsequent revisions to this traffic assessment, shall be applied to the project.

29. **Southern Elevation of Project.** The southern area of the project, including the proposed parking structure shall be set back from the southern property line and constructed as follows:
- a. The portions of the parking structure from ground level to top of podium parking level of the adjacent multi-family building to the south, shall be set back from the southerly property line by at least three (3) feet.
 - b. The remainder of the parking structure (the “top area of the parking structure”) shall be set back from the south property line by at least six (6) feet.
 - c. All other portions of the project, including the residential building and all balconies, shall be set back from the south property line by at least fourteen (14) feet.
 - d. The top area of the parking structure’s southern façade shall be (a) a solid wall to minimize any impacts to the residents of the adjacent multi-family building to the south, and (b) substantially landscaped vertically, as depicted on stamped plans that are (i) substantially consistent with Sheets 35 and 36 of the plans submitted with the application and marked Exhibit A, and (ii) approved in writing by the Los Angeles County Metropolitan Transportation Authority. The landscaping areas of this façade shall make up a minimum of 70 percent of this top area of the parking structure’s southern façade, and shall be located directly across from the residential windows on the north façade of the adjacent multi-family buildings. The applicant shall maintain this vertical green landscaping for the duration of the project in accordance with a covenant to be recorded against the property prior to issuance of a building permit for the parking structure. The covenant shall be in a form agreed to by the Los Angeles County Metropolitan Transportation Authority.
- 29.1 **Parking Podium.** The project’s parking podium shall be designed to allow for the future conversion of parking levels into habitable space. Any future conversion shall be subject to any applicable City approvals.
30. **On-site Landscaping.**
- a. All planters containing trees shall have a minimum depth of 48 inches.
 - b. At least 50 percent of the required trees shall be canopy trees that shade open spaces, sidewalks, and buildings.
 - c. The southern façade of the project’s podium open space level shall be constructed with a barrier that measures no less than 42 inches, is made of transparent material, and includes landscaping (i.e. shrubbery or trees) to reduce noise levels at the southerly off-site multi-family building.
31. **Water Usage.** Consistent with the approved water supply assessment completed for the proposed project (“The Lake on Wilshire”), the following water conservation commitments shall be incorporated into project:
- a. High Efficiency kitchen faucets with flow rates of 1.0 gallon per minute or less.
 - b. High Efficiency Toilets with flush volume 1.0 gallon of water per flush or less.
 - c. Waterless urinals
 - d. ENERGY STAR Certified Residential Certified Front-Loading Clothes Washers – IWF of 3.2 or less, with a capacity of 2.5 cubic feet or greater
 - e. ENERGY STAR Certified Residential Dishwashers – 3.2 gallons/cycle or less
 - f. Showerheads with flow rate of 1.5 gallons per minute or less
 - g. Domestic water heating system located in close proximity to points of use

- h. Tankless and on-demand water heaters
 - i. Compact design hot water piping systems for dwelling served by a dedicated water heater
 - j. Point source drip and/or subsurface irrigation
 - k. Micro spray irrigation, where required
 - l. Zoned irrigations
 - m. Proper hydro-zoning (groups plans with similar water requirements together)
 - n. Landscaping contouring to minimize precipitation runoff
 - o. Use of artificial turf
 - p. Drought tolerant plans – 43 percent of landscaping
 - q. Water conserving turf – 13 percent of total landscaping, with a 0.6 Plant factor or 60 percent of evapotranspiration rate
 - r. Pool/Spa recirculating filtration equipment
 - s. Water-saving pool filter
 - t. Pool splash troughs around the perimeter that drain back into the pool
 - u. Recycling of pool backwash water utilized for irrigation and process water usage
 - v. Leak detection system for swimming pools and jacuzzi
 - w. Install a meter on the pool make-up line so water use can be monitored and leaks can be identified and repaired
 - x. Individual submetering and billing for water use for residential dwelling units and commercial units
 - y. Cooling tower conductivity controllers or cooling tower pH conductivity controllers
32. **Lighting.**
- a. All indoor non-residential spaces shall be furnished with occupancy controls whereby lights are dimmed and/or turned off when a room is vacant.
 - b. All indoor residential spaces shall be furnished with daylight harvesting controls which utilize ambient light and dim or switch off lighting when sufficient ambient light is present or when the space is unoccupied.
 - c. Outdoor lighting shall be furnished with photocell systems.
 - d. Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate any adjacent residential properties, the public right-of-way, nor the above night skies.
33. **Trash and Recycling.**
- 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.
34. **Mechanical and Rooftop Equipment Screening.** Any mechanical 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.
35. **Metro.** The project shall be required to adhere to the following requests and requirements set forth in the Los Angeles County Metropolitan Transportation Authority letter, dated February 15, 2017:

- a. Those requests and requirements set forth in Items 1 through 7 of the letter's Red and Purple Line Subway Adjacency section;
- b. Those requests and requirements set forth in the letter's Bus Service Adjacency section; and
- c. Those requests and requirements set forth in Items 3 through 5 of the letter's Existing Development Adjacency section.

Questions regarding implementation of such conditions shall be coordinated between the Los Angeles County Metropolitan Transportation Authority and the Department of City Planning.

36. **Transit Orientation.** The hotel and cultural center shall utilize Metro's employer transit pass program including the Annual Transit Access Pass (A-TAP) and Business Transit Access Pass (B-TAP) programs which offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. Additional information regarding these programs should be coordinated with Devon Deming at 213-922-7957 or DemingD@metro.net.
37. **Mobility Hub.** The project shall be designed to provide a mobility hub to encourage transit and bicycle use in the area. The hub shall include transit information kiosks that provide public information on available transit options and stations, nearby destinations, available public bike facilities, etc. One kiosk shall be located within the lobby of the cultural center and hotel along Wilshire Boulevard. One additional shall be located along the new building's westerly façade that faces Westlake Avenue. Information kiosks shall be indicated on the project plans.
38. **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 (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 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.
- 38.1 **Renewable Energy Infrastructure.** Prior to the issuance of a certificate of occupancy for the residential dwelling units, the Project shall install the following sustainability public benefits: (a) a 45-kilowatt (kw) rooftop solar photovoltaic panel array (the "PV Panel Array"); (b) a 250-kw fuel cell system ("Fuel Cells"; and (c) a complementary uninterrupted power system ("UPS") and lithium-ion battery system (cumulatively, the "Fuel Cells and PV Array Panel System"). As a part of the Project's commitment to sustainability and the minimizing of its carbon footprint, the electricity generated by the Fuel Cells and PV Array Panel System will be stored at the Project site and used throughout the site on an as-needed basis (e.g., power outage, demand response, and/or to offset peak demand). It is currently contemplated that the Project's renewable energy infrastructure commitment described above will produce approximately 2,087,876 kw-hours (kWh) of electricity annually; the equivalent of reducing 1,467 metric tons of carbon dioxide (CO₂) (approximately equal to

3,516,635 less passenger vehicle miles traveled annually or providing enough electricity to power 155 homes for one year).

Environmental Conditions – Project Design Features

39. PDF-1 Aesthetics. Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties, the public right-of-way, nor from above.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: Once, at plan check

Action Indicating Compliance: Plan approval

40. PDF-2 Aesthetics. The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective glass to minimize glare and reflected heat. Low-E (low emissivity) glass shall be permitted.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: Once, at plan check

Action Indicating Compliance: Plan approval

41. PDF-3 Hazards. The Project shall be maintained in a neat, attractive, and safe condition at all times. On-site activities shall be conducted so as not to create noise, dust, odor, or other nuisances to surrounding properties. Trash and Recycling bins shall be maintained with a lid in working condition; such lid shall be kept closed at all times. Trash and garbage collection bins shall be maintained in good condition and repair such that there are no holes or points of entry through which a rodent could enter. Trash and garbage collection containers shall be emptied a minimum of once per week. Trash and garbage bin collection areas shall be maintained free from trash, litter, garbage, and debris.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: Once, at plan check

Action Indicating Compliance: Plan approval

42. PDF-4 Hazards. Temporary construction fencing and sheeting typical for a demolition and construction project shall be placed along the periphery of the active construction areas to reduce dust and other emissions from the Project Site.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections during construction

Action Indicating Compliance: Field inspection sign-off

Environmental Conditions – Mitigation Measures

43. MM-1 Air. All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 4 (final) off-road emission standards. Contractor requirements to utilize Tier 4 (final) equipment or next cleanest equipment available will be included as part of the Project construction contracts.
- Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Periodic field inspections during construction
Action Indicating Compliance: Field inspection sign-off
44. MM-2 Air. On-road medium-duty and larger diesel-powered trucks with a gross vehicle weight rating of at least 14,001 pounds shall, at a minimum, comply with USEPA 2010 on-road emissions standards for PM10 and NOx. Contractor requirements to utilize such on-road haul trucks or the next cleanest vehicle available will be included as part of the Project construction contracts.
- Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Periodic field inspections during construction
Action Indicating Compliance: Field inspection sign-off
45. MM-3 Air. The on-road haul truck and off-road construction equipment requirements shall apply unless any of the following circumstances exist and the Project contractor(s) provides a written finding consistent with Project contract requirements that:
- The Contractor does not have the required types of on-road haul trucks or off-road construction equipment within its current available inventory and intends to meet the requirements as to a particular vehicle or piece of equipment by leasing or short-term rental, and the Contractor has attempted in good faith and due diligence to lease the vehicle or equipment that would comply with these measures, but that vehicle or equipment is not available for lease or short-term rental within 120 miles of the project site, and the Contractor has submitted documentation showing that the requirements of this exception provision apply.
- The Contractor has been awarded funding by SCAQMD or another agency that would provide some or all of the cost to retrofit, repower, or purchase a piece of equipment or vehicle, but the funding has not yet been provided due to circumstances beyond the Contractor's control, and the Contractor has attempted in good faith and due diligence to lease or short-term rent the equipment or vehicle that would comply with the MM 3-1 and MM 3-2 requirements, but that equipment or vehicle is not available for lease or short-term rental within 120 miles of the project site, and the Contractor has submitted documentation showing that the requirements of this exception provision apply.
- Contractor has ordered a piece of equipment or vehicle to be used on the construction project in compliance with MM 3-1 and MM 3-2 at least

60 days before that equipment or vehicle is needed at the project site, but that equipment or vehicle has not yet arrived due to circumstances beyond the Contractor's control, and the Contractor has attempted in good faith and due diligence to lease or short-term rent a piece of equipment or vehicle to meet the requirements of MM 3-1 and MM 3-2, but that equipment or vehicle is not available for lease or short-term rental within 120 miles of the project, and the Contractor has submitted documentation showing that the requirements of this exception provision apply.

Construction-related diesel equipment or vehicle will be used on the project site for fewer than 20 calendar days per calendar year. The Contractor shall not consecutively use different equipment or vehicles that perform the same or a substantially similar function in an attempt to use this exception to circumvent the intent of the requirements.

Documentation of good faith efforts and due diligence regarding the above exceptions shall include written record(s) of inquiries (i.e., phone log[s]) to at least three (3) leasing/rental companies that provide construction-related on-road trucks of the type specified in the requirements above (i.e., medium-duty and larger diesel-powered trucks with a gross vehicle weight rating of at least 14,001 pounds) or diesel-powered off-road construction equipment such as the types to be used by the Contractor, documenting the availability/unavailability of the required types of trucks/equipment. The Property owner, from time-to-time, will conduct independent research and verification of the availability of such vehicles and equipment for lease/rent within a 120-mile radius of the Project site, which may be used in reviewing the acceptability of the Contractor's good faith efforts and due diligence.

In any of the situations described above, the Contractor/ Subcontractor shall provide the next cleanest piece of equipment or vehicle as provided by the step down schedules in Table A for Off-Road Equipment and Table B for On-Road Equipment.

Nothing in the above shall require an emissions control device (i.e., VDECS) that does not meet OSHA standards.

Compliance Alternative	Engine Standard	CARB-verified DECS (VDECS)
1	Tier 4 interim	N/A**
2	Tier 3	Level 3
3	Tier 2	Level 3
4	Tier 1	Level 3
5	Tier 2	Level 2
6	Tier 2	Level 1
7	Tier 3	Uncontrolled
8	Tier 2	Uncontrolled
9	Tier 1	Level 2
** Tier 4 (interim or final) or 2007 model year equipment not already supplied with a factory-equipped diesel particulate filter shall be outfitted with Level 3 VDECS.		
Equipment less than Tier 1, Level 2 shall not be permitted.		

Table B On-Road Compliance Step Down Schedule*		
Compliance Alternative	Engine Model Year	CARB-verified DECS (VDECS)
1	2007	N/A**
2	2004	Level 3
3	1998	Level 3
4	2004	Uncontrolled
5	1998	Uncontrolled
** 2007 Model Year equipment not already supplied with a factory-equipped diesel particulate filter shall be outfitted with Level 3 VDECS.		
Equipment with a model year earlier than Model Year 1998 shall not be permitted.		

How to use Table A and Table B: For example, if Compliance Alternative #1 is required by this policy but Contractor cannot obtain an off-road vehicle that meets the Tier 4 interim standard (Compliance Alternative #1 in Table A) and meets one of the above exceptions, then Contractor shall use a vehicle that meets the next compliance alternative (Compliance Alternative #2) which is a Tier 3 engine standard equipped with a Level 3 VDECS. Should Contractor not be able to supply a vehicle with a Tier 3 engine equipped with a Level 3 VDECS in accordance with Compliance Alternative #2 and has satisfied the requirements of one of the above exceptions as to Contractor's ability to obtain a vehicle meeting Compliance Alternative #2, Contractor shall then supply a vehicle meeting the next compliance alternative (Compliance Alternative #3), and so on. If Contractor is proposing an exemption for on-road equipment, the step down schedule in Table B should be used. Contractor must demonstrate that it has satisfied one of the exceptions listed above before it can use a subsequent Compliance Alternative. The goal of this requirement is to ensure that Contractor has exercised due diligence in supplying the cleanest fleet available. Nothing in the above shall require an emissions control device (i.e., VDECS) that does not meet OSHA standards.

Enforcement Agency: Los Angeles Department of Building and Safety; SCAQMD

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections during construction

Action Indicating Compliance: Field inspection sign-off

46. MM-4 Air.

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 NO_x emissions requirements.

Enforcement Agency: Los Angeles Department of Building and Safety; SCAQMD

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

- Monitoring Frequency:** Periodic field inspections during construction
Action Indicating Compliance: Field inspection sign-off
47. MM-5 Air. Require the use of architectural coatings that average 50 g/L VOC content for interior applications and 75 g/L VOC content for exterior applications.
- Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Periodic field inspections during construction
Action Indicating Compliance: Field inspection sign-off
48. MM-6 Air. Ensure a minimum of seven months for application of architectural coatings to ensure daily emissions don't exceed 75 lb/day of VOC.
- Enforcement Agency:** Los Angeles Department of Building and Safety; SCAQMD
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Periodic field inspections during construction
Action Indicating Compliance: Field inspection sign-off
49. MM-7 Bio. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- 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 Project 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.
- Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division of the Department of Public Works, Bureau of Street Services.
- Enforcement Agency:** Board of Public Works Urban Forestry Division
Monitoring Agency: Board of Public Works Urban Forestry Division
Monitoring Phase: pre-construction
Monitoring Frequency: Once, at plan check, and once at field inspection
Action Indicating Compliance: Issuance of Certificate of Occupancy
50. MM-8. Cultural. The applicant shall engage a historic preservation consultant that meets the Secretary of the Interior's Professional Qualifications Standards to oversee the design development and construction for compliance with the Secretary of the Interior's Standards for Rehabilitation. The historic preservation consultant shall conduct on-site construction monitoring throughout the construction phase.

The Project shall include a shoring plan to ensure the protection of the Wilshire Medical Building at 1930 Wilshire Boulevard during construction from damage due to underground excavation and general construction procedures and to reduce the possibility of settlement due to the removal of adjacent soil.

The Project shall include an onsite interpretive display commemorating the history of the Wilshire Medical Building at 1930 Wilshire and its historic significance. This display may include historic photos, drawings and text.

Enforcement Agency: Los Angeles Department of City Planning, Office of Historic Resources

Monitoring Agency: Los Angeles Department of City Planning, Office of Historic Resources; Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: Prior to issuance of building permit

Action Indicating Compliance: Compliance report by qualified archaeological monitor

51. MM-9 Geo. 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.

The Project shall prepare a Grading Plan that shall conform with the City of Los Angeles Department of Building and Safety Grading Division's Landform Grading Manual Guidelines.

Appropriate erosion control and drainage devices per the Los Angeles Municipal Code Section 91.7013 shall be provided to the satisfaction of the Los Angeles Department of Building and Safety.

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

52. MM-10 Geo. The Project shall comply with the recommendations and conditions contained within the Soils Management Plan prepared by EFI Global, dated August 19, 2016 for the Project, and as it may be subsequently amended or modified.

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

53. MM-11 Geo. Prior to the issuance of a building permit, the applicant shall develop an emergency response plan for the Project in consultation with the Fire Department. The emergency response plan shall include but not be

limited to the following performance standards and requirements: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

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

54. MM-12 Noise. Two weeks prior to commencement of construction, notification shall be provided to the off-site residential and school uses within 500 feet of the Project site that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections during construction

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

55. MM-13 Noise. All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices capable of achieving a sound attenuation of at least 3 dBA at 50 feet of distance.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections during construction

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

56. MM-14 Noise. All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent noise-sensitive land uses.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections during construction

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

57. MM-15 Noise. Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators shall be provided where feasible.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspections during construction

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

58. MM-16 Noise. At all Project boundaries, temporary sound barriers capable of achieving a sound attenuation of at least 10 dBA (e.g., construction sound walls with acoustical blankets) shall be erected to obstruct line-of-sight noise travel from the Project site to all Project receptors.
- Enforcement Agency:** Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Periodic field inspections during construction
Action Indicating Compliance: Field inspection sign-off; Compliance certification report by proposed project contractor
59. MM-17 Noise. 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.
- Enforcement Agency:** Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Periodic field inspections during construction
Action Indicating Compliance: Field inspection sign-off; Compliance certification report by proposed project contractor
60. MM-18 Pub. 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.
- Enforcement Agency:** Los Angeles Police Department
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Pre-construction; Post-occupancy
Monitoring Frequency: Once, at plan check; during project construction; during project operation, on an as needed basis
Action Indicating Compliance: Written approval by the Los Angeles Police Department prior to issuance of building permits
61. MM-19 Pub. The plans shall incorporate a design that enhances the 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. These measures shall be approved by the Police Department prior to the issuance of building permits.
- Enforcement Agency:** Los Angeles Police Department
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Pre-construction; Post-occupancy
Monitoring Frequency: Once, at plan check; during project construction; during project operation, on an as needed basis
Action Indicating Compliance: Written approval by the Los Angeles Police Department prior to issuance of building permits

62. MM-20 Pub. Upon completion of the Project, the Rampart Area commanding officer shall be provided with a diagram of each portion of the property. The diagram shall include access routes and any additional information that might facilitate police response.
- Enforcement Agency:** Los Angeles Police Department
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Pre-construction; Post-occupancy
Monitoring Frequency: Once, at plan check; during project construction; during project operation, on an as needed basis
Action Indicating Compliance: Written approval by the Los Angeles Police Department prior to issuance of building permits
63. MM-21 Pub. The developer shall maintain ongoing contact with administrators of Camino Nuevo Charter Academy, Esperanza Elementary School, and Liechty Middle School. The administrators shall be contacted when demolition, grading and construction activity begin on the Project Site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from LAUSD's Transportation Branch (323) 342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school are maintained. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- 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: Issuance of a Certificate of Occupancy
64. MM-22 Safety. The developer shall install appropriate construction related traffic signs around the site to ensure pedestrian and vehicle safety.
- 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) 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.
- Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction and/or

construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

Enforcement Agency: Los Angeles Department of Building and Safety, LADOT, BOE

Monitoring Agency: Los Angeles Department of Building and Safety, LADOT

Monitoring Phase: Construction

Monitoring Frequency: Ongoing

Action Indicating Compliance: Issuance of Certificate of Occupancy

65. MM-23 Waste. Prior to the development of a new building, the capacity of the on-site sanitary sewers that would serve the building shall be evaluated based on applicable Bureau of Sanitation and California Plumbing Code standards and replacement or new sanitary sewers shall be installed on-site as necessary to accommodate proposed flows.

As part of the normal construction/building permit process, the Project Applicant shall confirm with the City that the capacity of the local and trunk lines are sufficient to accommodate the Project's wastewater flows during the construction and operation phases. If the public sewer has insufficient capacity, then the Project Applicant shall be required to build sewer lines to a point in the sewer system with sufficient capacity. If street closures for construction is required, the Project applicant shall coordinate with LADOT on a traffic control plan and have flagmen to facilitate traffic flow and safety.

Enforcement Agency: Los Angeles Department of Building and Safety, Bureau of Sanitation, LADOT

Monitoring Agency: Los Angeles Department of Building and Safety, Bureau of Sanitation, LADOT

Monitoring Phase: Construction

Monitoring Frequency: Ongoing

Action Indicating Compliance: Issuance of Certificate of Occupancy

66. MM-24 Water. New on-site water mains and laterals would be installed in accordance with City Plumbing Code requirements, where necessary, to distribute water within the Project Site.

As part of the building permit process, the Project Applicant shall confirm with the LADWP Water Service Organization (WSO) that the capacity of the existing water infrastructure can supply the domestic needs of the Project during the construction and operation phases. If the water infrastructure has insufficient capacity, then the Project Applicant shall be required to build water lines to a point in the system with sufficient capacity. If street closures for construction is required, the Project applicant shall coordinate with LADOT on a traffic control plan.

Enforcement Agency: Los Angeles Department of Water and Power, LADOT

Monitoring Agency: Los Angeles Department of Water and Power

Monitoring Phase: Construction

Monitoring Frequency: Ongoing

Action Indicating Compliance: Issuance of Certificate of Occupancy

Administrative Conditions of Approval

67. **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.
68. **Code Compliance.** 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.
69. **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.
70. **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.
71. **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.
72. **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.
73. **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.
74. **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.
75. **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.