

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission 11-16-17)

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

Entitlement Conditions

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and labeled Exhibit "A" dated May 15, 2017, and ground floor plan, labeled Exhibit "A" dated September 29, 2017 (The ground floor plan dated September 29, 2017 supersedes the ground floor plan dated May 15, 2017). Deviations may be allowed only in order to comply with provisions of the LAMC, the subject conditions, and the intent of the subject permit authorization.
2. **Residential Density.** The project shall be limited to a maximum density of 205 residential units including 18 units restricted to Very Low Income Households.
3. **Affordable Units.** The project shall restrict 11 percent of the base density to Very Low Income Households, as defined by the State Density Bonus Law 65915 (C)(2). The size, location, and type of units reserved for Very Low Income Households shall be determined by HCIDLA.
4. **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 LAMC Section 12.22 A.25 (9a-d).
5. **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 18 units available to Very Low Income Households, for rental 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. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
6. **Affordable Housing Incentives.**
 - a. **Floor Area.** A maximum Floor Area Ratio (FAR) of 3.1:1 shall be permitted in lieu of the 3:1 FAR otherwise permitted. The building's total floor area shall not exceed 181,893 square feet.
 - b. **Height.** A maximum building height of 61 feet shall be permitted, in lieu of 50 feet as permitted in Section 2.B of Ordinance No. 176,558.
7. **Automobile Parking for Residential Uses.** Based upon the number and type of dwelling units proposed, 251 automobile parking spaces shall be provided for the residential portion of the project. The project currently provides the required automobile parking with 274 auto spaces for residential uses.
 - a. 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 provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five (5) percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

- b. All parking spaces provided in excess of those required by the Municipal Code shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
8. **Automobile Parking for Commercial Uses.** For the 5,932 square feet of commercial uses, the project shall provide a minimum of 23 automobile parking spaces, at a ratio of one space for every 500 square feet of commercial square footage, as required by LAMC Section 12.21 A.4. The project currently provides the required automobile parking with 24 auto spaces for the commercial use.
 9. **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 above.
 10. **Unbundled Parking.** The project shall provide unbundled parking leases for residential units. Residential tenants of the market rate residential dwelling units shall have the option to lease parking spaces separately from the residential dwelling units or to opt out of leasing parking spaces. Parking spaces for Restricted Affordable Units shall be sold or rented consistent with LAMC Section 12.22 A.25(d).
 11. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces. Based on the number of dwelling units, 205 long-term and 21 short-term bicycle parking spaces shall be provided onsite for the residential uses onsite. Short-term and long-term bicycle parking for general retail stores requires one bicycle parking space per 2,000 square feet, with a minimum of two bicycle parking spaces for both long- and short-term bicycle parking. Based upon the commercial square footage, three (3) long-term and three (3) short-term bicycle parking spaces shall be provided for the commercial uses onsite. The project provides a total of 212 long-term bicycle parking spaces and 26 short-term bicycle parking spaces on-site.
 12. **Construction Generators.** Should the project require the use of generators during tenant improvements, 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 plugin electric or solar powered.
 13. **Solar Power.** A minimum of 12,000 square feet of the roof area shall be reserved for the installation of solar panels. Solar panels shall be installed in this roof area prior to the issuance

of a certificate of occupancy. The lowest point of the solar panel may not be more than five feet above the roof line.

14. **Open Space.** The project shall provide open space in accordance with LAMC Section 12.21 G. Trees that are required pursuant to LAMC Section 12.21 G and are planted above grade level shall be planted in a minimum 48-inch in depth planter.
 - a. **Private Balconies.** The project shall provide balconies that each measure at least 50 square feet, for a minimum total of 10,250 square feet.
 - b. **Courtyard.** The courtyard on the 2nd story shall include a total of 10,390 square feet of open space area.
 - c. **Recreation Room.** The recreation room on the 2nd story shall include a total of 318 square feet of open space area.
 - d. **Terrace.** The terrace space on the 3rd story shall include a total of 1,430 square feet of open space area.
 - e. **Garden.** The garden on the 3rd story shall include a total of 1,800 square feet of open space area.

Community Design Overlay Approval Conditions

15. **Residential Lobby Entry.** Pedestrian access to the Apartment Lobby and Leasing Office shall be provided from the 30-foot proposed alley to north of the proposed project.
16. **Northerly Setback.** The northerly setback from the westerly property line to the transformer platform shall be a minimum of 5 feet in width.
17. **Ground Mounted Equipment.** The project transformer and other ground mounted equipment shall be screened from view by a wall and landscaping.
18. **Mechanical Equipment.** 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.
19. **Northerly Alley.** The 30-foot proposed alley to the north of the proposed project shall be surfaced with decorative stamped concrete or decorative stamped asphalt. The 30-foot proposed alley to the north of the proposed project shall be illuminated by pedestrian-scale lighting.
20. **Commercial Uses.** The project shall provide commercial uses to a depth of at least 100 feet from the front facade. Commercial uses include automobile and bicycle parking, loading zones, and commercial tenant space. The project shall provide commercial retail space to a depth of at least 25 feet from the front facade. Commercial retail space is limited to commercial tenant space only.
21. **Front Façade Treatment.**
 - a. Wall openings including storefront windows and doors shall compromise at least 60 percent of a building's street level facade.
 - b. The project shall provide clear glass for all wall openings along Reseda Boulevard. Dark tinted, reflective or opaque glazing is not permitted for any wall openings along street level facades.

22. **Ground Floor Façade Landscaping.** All ground floor portions not dedicated to windows or entrances for pedestrians or vehicles of the commercial ground floor façade shall be landscaped with trees and shrubs.
23. **Lighting.** All outdoor and parking lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes). Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated. Lighting fixtures shall be harmonious with the building design.
24. **Security Devices.** The use of barbed wire, razor wire, and concertina wire shall not be visible to the public right-of-way. Any security devices installed on the ground floor shall be positioned behind the storefront windows, and should be see-through for increased visibility.
25. **Signage.** All wall signs combined shall not exceed 380 square feet. All signage will be subject to the permanent [Q] conditions of Ordinance No. 176,558, which among other regulations allow channel-letter sign types, and prohibit cabinet signs and the illumination of wall signs installed along the rear of the building.
26. **Building Shift.** The proposed project's commercial tenant square footage shall be shifted toward Reseda Boulevard by six (6) feet, two (2) inches.
27. **East Elevation.** The proposed project's East Elevation shall be revised to utilize Material A (Prodema Wood Façade Panels in Rustik Color) in the rectangular area bounded by Callout No. 6, the edge of the balconies between Callouts 7.5 and 8, the height of 51 feet, and the height of 11 feet, as shown on Exhibit A.

Environmental Conditions

28. **Aesthetics (Landscape Plan).** All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect in accordance with LAMC Sections 12.40 and 12.41. The final landscape plan shall be reviewed and approved by the City of Los Angeles Department of City Planning during the building permit process.
29. **Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas).**
 - a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
 - b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
 - i. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being

conducted no more than 3 days prior to the initiation of clearance/construction work.

- ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
- iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- iv. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

30. Tree Removal (Public Right-of-Way).

- a. Removal of trees in the public right-of-way requires approval by the Board of Public Works.
- b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).
- c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.
- d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

31. Grading (20,000 Cubic Yards, or 60,000 Square Feet of Surface Area or Greater).

- a. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
- b. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- c. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- d. Movement and removal of approved fencing shall not occur without prior approval by LADBS.

32. Human Health Hazard (Vector Control).

- a. The property shall be maintained in a neat, attractive, and safe condition at all times.
- b. On-site activities shall be conducted so as not to create noise, dust, odor, or other nuisances to surrounding properties.
- c. Trash and garbage bins shall be maintained with a lid in working condition; such lid shall be kept closed at all times.

- d. 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.
- e. Trash and garbage collection containers shall be emptied a minimum of once per week.
- f. Trash and garbage bin collection areas shall be maintained free from trash, litter, garbage, and debris.

33. Creation of a Health Hazard.

- a. Prior to the issuance of a use of land or building permit, or issuance of a change of occupancy, the applicant shall obtain approval from the Fire Department and the Department of Public Works, for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s).
- b. Approved plans for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s) shall be submitted to the decision-maker for retention in the case file.

34. Emergency Evacuation Plan. Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

35. Public Services (Police – Demolition/Construction Sites). Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

36. Safety Hazards.

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

37. Inadequate Emergency Access. The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

38. Transportation/Traffic.

- a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- b. Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- d. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

- e. Applicant shall implement required transportation/traffic mitigation measures to the satisfaction of LADOT.
- f. The applicant shall comply with the requirements per the Department of Transportation letter dated August 2, 2017.

39. **Tribal Cultural Resources.** Impacts to cultural resources from the proposed project shall be mitigated through the salvage and disposition of Tribal resources that result from all ground-disturbing activities. Ground-disturbing activities include, but are not limited to, drilling, excavation, and trenching. The Applicant shall retain one Native American Monitor who shall be present during all ground-disturbing activities. Should a Tribal cultural resource be encountered, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) a qualified archaeologist who shall assess the find, and (2) all California Native American tribes that have informed the City that they are traditionally and culturally affiliated with the geographic area of the proposed project.

Administrative Conditions

- 40. **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 Planning Department for placement in the subject file.
- 41. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 42. **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 Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
- 43. **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.
- 44. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 45. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
- 46. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional

review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.

47. **Indemnification.** 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 in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

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