

CONDITIONS OF APPROVAL

As modified by the City Planning Commission February 8, 2018

Approval of this subject development project is made with the following Terms and Conditions imposed, in order to ensure compliance with allocable requirements of Los Angeles Municipal Code Sections 11.5.7 C, 12.22 A.25, 16.05, 12.24 U.26, 12.24 W.1 and State Government Code Section 65915 (State Density Bonus Program).

Density Bonus Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A" and dated January 26, 2018 (hereafter referred to as "Exhibit A"), and attached to the subject case file. Exhibit A shall be modified to reflect the project approval and Conditions of Approval. No change to the plans (except as conditioned) will be made without prior review by the Department of City Planning, Central Project Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 87 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 11 units, that is 20 percent of the 55 base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2). Affordable units required as replacement units, per Government Code 65915, shall be an equivalent size or type, or both, as those units being replaced.
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 11 units available to Very Low Income Households, for sale or 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.
6. **Floor Area Ratio.** The Floor Area Ratio (FAR) of the Project shall be limited to a maximum FAR of 2.78:1, or 97,334 square feet of floor area.
7. **Averaging Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A total of 97,334 square feet of floor area, or 2.78 FAR; 87 residential dwelling units; 100 residential and 12 commercial parking spaces, and 56 bicycle parking spaces; 12,566 square feet of open space; and vehicular access from a less restrictive zone to a more restrictive zone shall be permitted on the entire Project Site.
8. **Lot Assembly.** The Project Site may consist of a maximum of seven (7) contiguous lots (APNs 5544-006-024, -025 and -051 thru -053), totaling 38,276 square feet in size for both residential and commercially zoned properties.

9. **Height.** The Project shall be limited to a maximum building height of 60 feet.
10. **Automobile Parking for Residential Uses.** The project proposes 13 studio units, 58 one-bedroom units and 16 two-bedroom units. Based upon the number and/or type of dwelling units proposed, a minimum of 52 automobile parking spaces shall be provided for the residential uses of the project, pursuant to AB 744.
11. **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.

Project Permit Compliance Conditions

12. **Parks First.** Prior to the issuance of any building permit, the applicant shall complete the following:
 - a. Make a payment of \$361,200 for the net increase of 84 residential dwelling units to the Office of the City Administrative Officer (CAO), Parks First Trust Fund.
 - b. Contact Maria Ramos of the CAO directly at maria.ramos@lacity.org or (213) 978-7683, to arrange for payment.
 - c. The calculation of a Parks First Trust Fund fee to be paid or actual park space to be provided pursuant to this Ordinance shall be off-set by the amount of any Quimby Fee (LAMC § 17.12) or dwelling unit construction tax (LAMC § 21.10.1, et seq.) paid as a result of the project.
 - d. All residential units in a project, containing units set aside as affordable for Low or Very Low Income residents that are subsidized with public funds and/or Federal or State Tax Credits with affordability covenants of at least 30 years are exempt from the Parks First Trust Fund.
13. **Use.** The Project is permitted 87 residential dwelling units over both Subareas A and B; and 6,000 square feet of commercial floor area within Subarea B.
 - a. **Commercial Use Restrictions.** Commercial uses within Subarea B shall be limited to uses permitted in a C1.5 Zone pursuant to LAMC Section 12.13.5. Live entertainment uses or live entertainment in conjunction with a commercial use shall be prohibited unless a Specific Plan Exception is approved. Commercial uses shall not be permitted within Subarea A.
14. **Commercial Floor Area.** The commercial Floor Area Ratio (FAR) of the Project shall be limited to 6,000 square feet of building area.
15. **Automobile Parking.**

- a. **Residential Uses.** In no event shall the automobile parking spaces exceed a maximum of 70 residential spaces within Subarea A and 95 residential spaces within Subarea B, of which 11 spaces within Subarea A and 22 spaces within Subarea B shall be designated for residential guest parking, and for which 22 spaces within Subarea B shall be shared between residential guest parking and commercial uses.
 - b. **Commercial Uses.** Automobile parking for commercial uses shall be limited to two (2) parking spaces for every 1,000 square feet of non-residential floor area. Based on the commercial floor area proposed, 12 commercial parking spaces shall be provided on-site. Commercial parking shall be located within the boundaries of Subarea B only.
- 16. **Bicycle Parking.** Bicycle parking shall be provided at a ratio of one-half parking space per dwelling unit. Commercial bicycle parking shall be provided at a ratio of one (1) parking space for every 1,000 square feet of non-residential floor area for the first 10,000 square feet of floor area, and one (1) bicycle parking space for every additional increments of 10,000 square feet of floor area. Based on the number of dwelling units proposed, a minimum of 43 residential bicycle parking spaces shall be provided on-site. Based on the commercial floor area proposed, a minimum of six (6) commercial bicycle-parking spaces shall be provided on-site.
- 17. **Open Space.** The project shall provide open space as follows:
 - a. A minimum of 9,100 square feet of total usable open space, where 50 percent or 4,550 square feet shall be located on the ground or first habitable room level.
 - b. Common open space areas shall be open to the sky, have a minimum dimension of 20 feet and a minimum area of 600 feet.
 - c. Private open space shall have a minimum dimension of less than six (6) feet for balconies and 10 feet for patios.
- 18. **Landscape Plan.** Prior to the issuance of a building permit, a landscape plan shall be submitted that shows:
 - a. An irrigation plan showing all landscaped areas are irrigated with an automated watering system including the public right-of-way. Landscaping shall be maintained in good health for the life of the project.
 - b. Portland cement concrete, pervious cement, grass-crete or another porous surface for the first 25 feet in length of driveways.
- 19. **Street Trees.** Street trees shall be installed and maintained prior to issuance of the building permit or suitably guaranteed through a bond and all improvements must be completed prior to the issuance of a certificate of occupancy.
 - a. Four (4), 24-inch box shade trees shall be provided in the public right-of-way along the portion of Franklin Avenue project frontage located within Subarea A, subject to the Department of Street Services, Urban Forestry Division requirements.
 - b. Three (3), 36-inch box shade trees shall be provided in the public right-of-way along the portion of Franklin Avenue project frontage located within Subarea B, subject to the Department of Street Services, Urban Forestry Division requirements.

- c. Six (6), 36-inch box shade trees shall be provided in the public right-of-way along Western Avenue project frontage, subject to the Department of Street Services, Urban Forestry Division requirements.
- d. A tree well cover or decomposed granite shall be provided for every new and existing street tree immediately adjacent to the project frontage subject to review by the Department of Public Works.
- e. An automatic irrigation system shall be provided.
- f. Tree removal and replacement shall be conducted consistent with the Department of Street Services, Urban Forestry Division requirements.
- g. The Applicant shall be responsible for new street tree planting and pay fees for clerical, inspection, and maintenance per the Los Angeles Municipal Code Section 62.176 for each tree.

Note: Contact the Urban Forestry Division, Subdivision staff, at (213) 847-3088 for site inspection prior to any street tree work.

- 20. **Streetscape Elements.** Streetscape elements shall be installed and maintained prior to issuance of the building permit or suitably guaranteed through a bond and all improvements must be completed prior to the issuance of a certificate of occupancy.
 - a. Two (2) bike racks shall be provided in the public right-of-way along the Franklin Avenue project frontage, subject to the Department of Public Works.
 - b. Three (3) bike racks shall be provided in the public right-of-way along the Western Avenue project frontage, subject to the Department of Public Works.
 - c. One (1) trash receptacle shall be provided in the public right-of-way along the Franklin Avenue project frontage, subject to the Department of Public Works.
 - d. One (1) trash receptacle shall be provided in the public right-of-way along the Western Avenue project frontage subject, to the Department of Public Works.
- 21. **Curb Cuts.** The Project is permitted one (1) curb cut each along Franklin and Western Avenues, with a maximum width of 30 feet unless otherwise required by the Departments of Public Works, Transportation or Building and Safety.
- 22. **Transparent Building Elements.** The Applicant shall submit revised Elevations demonstrating that at least 50 percent of the ground floor façade on the southerly side elevation shall be occupied by transparent building elements such as windows and doors.
- 23. **Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made by the Applicant for future underground service.
- 24. **Perimeter Wall.** The Applicant shall submit a revised Site Plan showing the exact location of the proposed fence along the southerly elevation, and that it is set back from Western Avenue.

25. **Building Design.** Building materials, colors, fenestration, and landscape materials shall be provided as shown in Exhibit A.
26. **Surface Mechanical Equipment.** All surface or ground mounted mechanical equipment shall be screened from public view and treated to match the materials and colors of the building which they serve.
27. **Rooftop Appurtenances.** All rooftop equipment and building appurtenances shall be screened from any street, public right-of-way, or adjacent property with enclosures or parapet walls constructed of materials complimentary to the materials and design of the main structure.
28. **On-Site Lighting.** Prior to issuance of a Certificate of Occupancy, the Applicant shall install onsite lighting along all vehicular and pedestrian access ways. Installed lighting shall provide $\frac{3}{4}$ foot candle of flood lighting intensity as measured from the ground. Lighting must also be shielded from projecting light higher than 15 feet above ground level, shall be away from adjacent property windows and the light source shall not be visible from above. The maximum height of any installed lighting fixture shall not exceed 14 feet in height.
29. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The project owner shall be required to acquire approval from the Director of Planning, via a Building Permit clearance sign off, for the installation of any security devices on the exterior or the structure.
30. **Hours of Operation.** All parking lot cleaning activities, deliveries and other similar maintenance activities shall take place between the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday and Sunday.
31. **Noise Control.** Any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley shall be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition.
32. **Signs.** All future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western Station Neighborhood Area Plan signage guidelines and regulations. Filing for a Project Permit shall not be necessary unless a Project Permit Adjustment or Exception is required. Any pole, roof or off-site sign, and any sign containing flashing, mechanical or strobe lights are prohibited. Canned signs should not be used.

Site Plan Review Conditions

33. Landscaping.

a. Tree Wells.

- a. The minimum depth of tree wells on the rooftop shall be as follows:
 1. 42 inches for trees
 2. 30 inches for shrubs.
 3. 18 inches for herbaceous plantings and ground cover.
 4. 3 inches for an extensive green roof.

- b. The minimum amount of soil volume for tree wells on the rooftop shall be based on the size of the tree at maturity:
 - 1. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
 - 2. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
 - 3. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).
 - b. Any trees that are required pursuant to LAMC Section 12.21 G and are planted on any podium or deck shall be planted in a minimum three (3) foot planter.
 - c. New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.
- 34. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for residential units that are set aside for Very Low Income households.
- 35. **Electric Vehicle Parking.**
 - a. The project shall include at least 20 percent of the total required 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. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
 - b. Five (5) percent of the total required parking spaces shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas.
 - c. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number.
 - d. Any parking spaces provided in excess of that which is required pursuant to AB 744 or any other parking option allowed per LAMC Section 12.21A.25 or the Vermont/Western SNAP Specific Plan, shall be further provided with EV chargers to immediately accommodate charging of electric vehicles within the parking areas.
- 36. **Solar-ready Buildings.** Solar panels shall be installed on the Project's rooftop space and/or equipment, in substantial conformance with the Site Plan labeled as Exhibit A.
- 37. **Solar and Electric Generator.** Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

Master Conditional Use Permit for Alcohol Conditions

- 38. 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.
- 39. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit A, except as may be revised as a result of this action.

40. 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 Department of City Planning to impose additional corrective Conditions, if, in the Department's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
41. 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.
42. Approved herein is a Master Conditional Use Permit for sale of a full-line of alcoholic beverages for on- and off-site consumption for a maximum of three (3) tenant spaces within 6,000 square feet of ground floor commercial space in the 97,334 square-foot, mixed-use development. These tenant spaces shall be located within the C4-1D Zoned portion of the Project Site. No on- or off-site sale of alcoholic beverages are permitted for the portion of the Project Site located in the R3-1 Zone.
43. The property owner or individual operator shall file a Plan Approval pursuant to Section 12.24 M of the Los Angeles Municipal Code, with the Director of Planning or Zoning Administrator as the decision maker, in order to implement and utilize the Conditional Use Permit authorized for the on- and off-site sales of a full line of alcoholic beverages in a maximum of three (3) tenant spaces within 6,000 square feet of ground floor commercial space in the 101,916 square-foot, mixed-use development. 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 abutting owners, for the Council Office, the Neighborhood Council and for the Los Angeles Police Department. The purpose of the Plan Approval procedure 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 and layout, size, security, the length of a term grant and/or any requirement for a subsequent Plan Approval 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.
44. Prior to the effectuation of the Master Conditional Use Permit, approval shall be obtained from the County Health Department to serve alcoholic beverages in conjunction with the proposed establishment. The Applicant shall provide a copy of the Health Department approved plans to the Development Services Center to be maintained in the Case File.
45. The business operator shall maintain on the premises, and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information, and a valid emergency contact phone number used by the business.
46. Petitioner shall maintain a 24-hour hotline number for the purpose of complaints. Petitioner shall respond to citizen complaints within 24 hours. The hotline phone number shall be posted on the exterior front and rear walls of the establishment. A log containing the time, date, and nature of the complaint, and the resolution of the matter shall be maintained on the premises.
47. A laminated copy of the approved conditions shall be posted at the premises at all times and produced immediately upon request of the Police Department. All employees working

in the restaurant shall be knowledgeable of these conditions and shall sign a document acknowledging receipt of these conditions.

48. Should there be a change in the ownership of the property/the establishment and/or the business operator, the property owner and the business owner/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 including the conditions required herewith has been provided to the prospective owner/operator, shall be submitted to the Development Services Center 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 Development Services Center within 30-days of the beginning day of his/her new operation of the establishment.
49. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Director of Planning or Zoning Administrator shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Director of Planning or Zoning Administrator may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.

Environmental Conditions

50. **Air Quality.** The following mitigation measures call for the use of readily-available construction equipment that uses EPA-certified Tier 4 engines to reduce combustion-related and other pollutant emissions.
 - a. All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 4 emission standards to reduce NO_x, PM₁₀, and PM_{2.5} emissions at the Project Site.
 - b. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export).
51. **Tree Removal (Public Right-of-Way)**
 - a. Removal of trees in the public right-of-way requires approval by the Board of Public Works. 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).
 - b. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation 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.

- c. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

52. **Underground Storage Tanks**

- a. Prior to excavation, the Applicant shall prepare a survey of the Site using ground-penetrating radar or equivalent means to locate USTs, clarifiers, drains or other potentially contaminated equipment.
- b. If any USTs are discovered during the pre-excavation survey, they shall be properly registered and permanently abandoned by removal in accordance with LAFD requirements and SCAQMD Rule 1149, as applicable.

53. **Construction Soil Management Plan**

- a. Prior to excavation or in connection with removal of any USTs, a technician shall perform boring tests in accordance with applicable LAFD requirements of (1) soil near any USTs, clarifiers, drains or other potentially contaminated equipment discovered by pre-excavation survey; and (2) soil in portions of the property where historical conditions indicate potential contamination, including nearby historical dry cleaning operations. If soils impacted with hazardous chemicals and/or petroleum products are encountered during redevelopment or discovered by pre-excavation survey, a licensed Professional Geologist or Professional Engineer shall oversee proper characterization and remediation of identified impacted materials in accordance with applicable LAFD requirements.
- b. In addition, a Construction Soil Management Plan shall be required to guide the redevelopment of the below-grade portions of the property. The Plan shall be prepared by a Professional Geologist or Professional Engineer and address the historical conditions known about the property's history in addition to any potential sources of contamination discovered during the pre-excavation survey, and present the appropriate methods and protocol for management of encountered conditions in compliance with all applicable laws and regulations, including SCAQMD Rule 1166.
- c. As part of the Construction Soil Management Plan, a technician shall be on the Site during demolition, excavation, and grading phases to sample and screen any residual contaminants, should they be encountered. The technician shall use visual identification (such as discolored soils) and/or a screening meter to identify any residual contaminants, should they be encountered. If potential residual contamination is observed based on the visual identification or the screening meter, excavation and grading within such area shall be temporarily halted and redirected around the area, and testing to characterize the material shall occur either onsite in a mobile laboratory or off-site in a remote laboratory consistent with LAFD requirements and/or SCAQMD Rule 1166, as appropriate. Contaminated materials shall be identified, segregated, and tracked as to their extent on the site.
- d. If the above testing to characterize the material identifies any soils containing contaminants at levels of concern based on LAFD requirements, such soils shall be either remediated on-site prior to reuse or removed and disposed of in accordance with all applicable laws and regulations, including those promulgated by the California Department of Toxic Substances Control (DTSC), to the satisfaction of LAFD. All necessary approvals shall be obtained from the lead enforcement agency including, but not limited to, the Los Angeles County Fire Department Health and Hazardous Materials Division.

54. **Vapor Intrusion into Indoor Air Space.** A vapor barrier may be necessary based on the analytical results of soil testing conducted pursuant to Mitigation Measure 8-2 above. If after the USTs are removed and, if necessary, soil is remediated, soil testing indicates that some residual contamination remains at the Site, the potential for vapor intrusion into the indoor air space at the Site shall be evaluated by a Professional Geologist or Professional Engineer using the methodology outlined in the California Department of Toxic Substances Control (DTSC) Vapor Intrusion Guidance for Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (2011) and the US EPA Model for Subsurface Vapor Intrusion into Buildings (EPA 2004; Johnson and Ettinger 1991) and the appropriate default and/or site specific factors. If the evaluation indicates that the predicted indoor air concentrations would exceed human health screening levels, a vapor barrier will be completed. Where required based on the evaluation, all new construction shall install a thicker chemical proof moisture/vapor barrier as directed by the Professional Geologist or Professional Engineer in accordance with applicable guidelines and regulations. These barriers include sheet membranes (usually 40–60 mil high-density polyethylene (HDPE) but can be polyethylene, polyvinylchloride, or EPDM (ethylene propylene diene monomer) rubber-) or fluid-applied membranes (Fluid-applied or cured-in-place membranes are spray-applied to a specific thickness (e.g., 60 mil), according to the EPA's "Indoor Air Vapor Intrusion Mitigation Approaches").
55. **Human Health Hazard (Vector Control).** The property 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.
56. **Emergency Evacuation Plan.** 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.
57. **Noise**
- a. 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.
 - b. 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.
 - c. All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent noise-sensitive land uses.
 - d. Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators shall be provided where feasible.

- e. Temporary sound barriers shall be installed as specified:
 - a. Temporary sound barriers no less than 12 feet in height shall be erected to block line-of-sight noise travel from the Project site to 5432 Franklin Avenue Residences and Russell Avenue Residences. These barriers should be constructed in such a way so as to have a surface weight of four pounds per square foot or greater, and the Project-facing side should be lined with exterior grade acoustical blankets to provide additional sound absorption. This barrier should extend along the eastern and southern boundaries of the Project site that face these receptors in order to prevent on-site construction noise from diffracting around its ends.
 - b. At all other Project boundaries, temporary noise barriers no less than 7 feet in height shall be erected to obstruct line-of-sight noise travel from the Project site to Oxford Avenue Residences and Garfield Place Residences, and to prevent Project construction operations from exceeding LAMC's 75 dBA limit for construction noise within 500 feet of residential zones.

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

- a. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

59. 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.

60. Public Services (Police)

- a. 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 LAPD. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the LAPD prior to the issuance of building permits.
- b. Upon completion of the Project, the Hollywood 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.

61. Public Services (Construction Activity Near Schools)

- a. The developer and contractors shall maintain ongoing contact with administrator of Immaculate Heart High School. The administrative offices 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 the administrators and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

- b. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- c. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
- d. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

62. Public Services (Schools affected by Haul Route)

- a. LADBS shall assign specific haul route hours of operation based upon Immaculate Heart High School's hours of operation.
- b. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

63. Safety Hazards

- a. The developer shall install appropriate construction related traffic signs around the site to ensure pedestrian 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.
- c. 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.
- d. 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.
- e. Covered walkways should be provided where pedestrians are exposed to potential injury from falling objects.
- f. 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.

Administrative Conditions

64. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved." A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
65. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
66. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
67. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
68. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
69. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
70. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
71. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.

72. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) 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.

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the City Planning Commission has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the City Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution. The City Planning Commission has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the City Planning Commission acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the City Planning Commission.

- No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
- No cocktail lounge shall be maintained on the premises separate from the dining area.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The sale of alcohol shall be incidental to the sale of food.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- The quarterly gross sales of alcohol shall not exceed the quarterly gross sales of food. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- Fortified wine (greater than 16 percent alcohol) shall not be sold.
- There shall be no cocktail lounge or separate bar area.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- Alcohol may only be served to patrons who are seated at a table or seated at the bar and only in conjunction with a food order. Patrons shall not be served while standing or while waiting to be seated.
- The single unit sales of malt liquors and/or malt based products shall be prohibited.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.