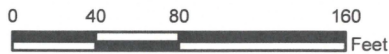
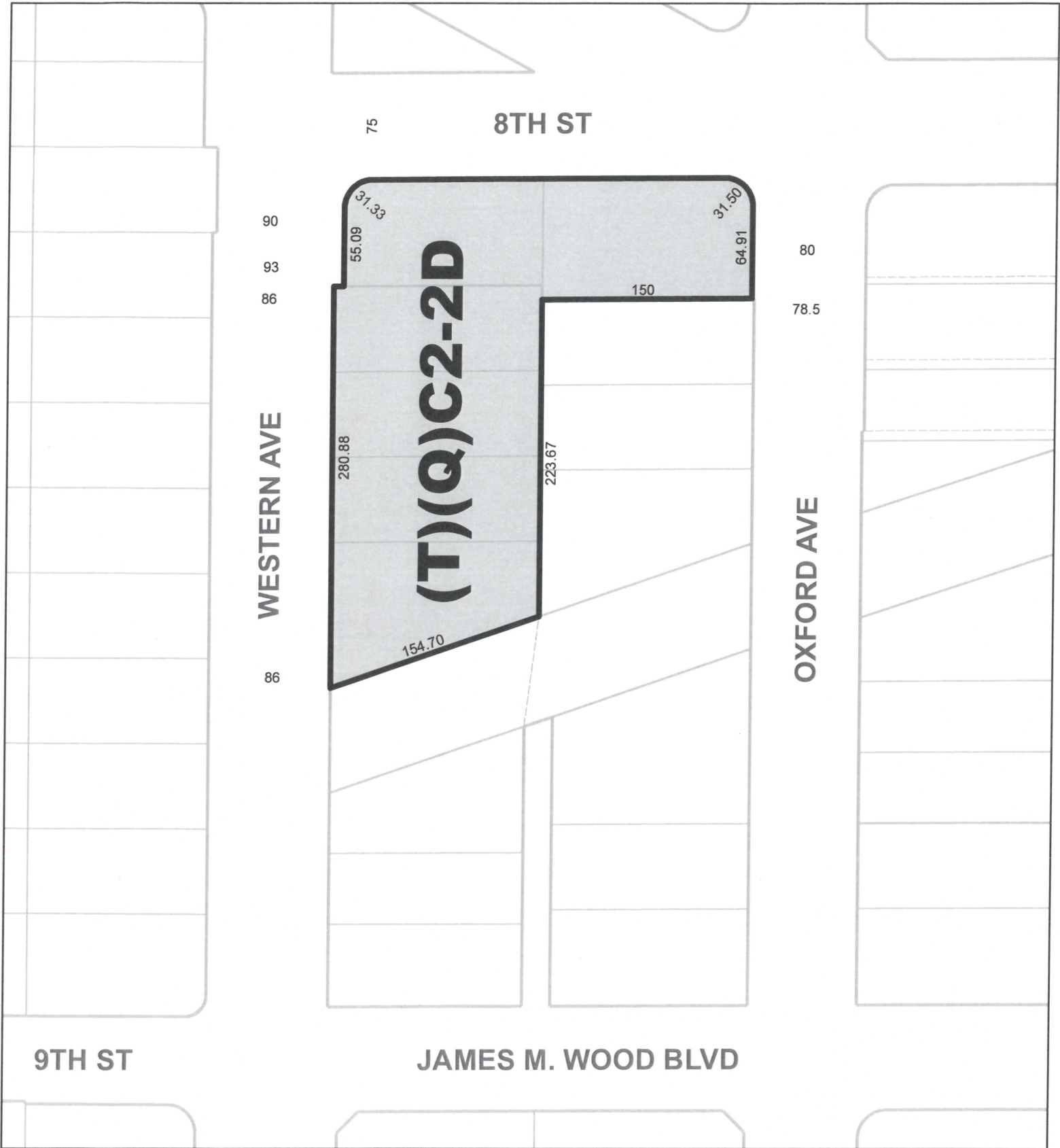


ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



CPC-2016-3608-GPA-ZC-HD-DB-MCUP-CU-SPR

MY/cf

021418

City of Los Angeles



(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

A. Entitlement Conditions

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked **Exhibit A**, dated **December 4, 2017** and as revised herein, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the Department of City Planning Department for review.
2. **Use.** Use of the subject property shall be limited to the use and area provisions of the C2 Zone; residential and commercial uses shall be permitted.
3. **Commercial Use.**
 - a. Residential only development shall be prohibited.
 - b. Residential uses shall be prohibited on the ground floor except for lobby, office, recreational and other common area uses, and parking.
4. **Residential Density.** Not more than 96 residential apartment units may be constructed on the property.
5. **Limited Service Hotel.** Not more than 148 guestrooms may be constructed on the property.
6. **Driveway.** The site design shall be limited to four driveways including one along Oxford Avenue, one along 8th Street and two along Western Avenue.
7. **Parking.** Commercial parking spaces and parking for hotel uses shall be provided as required by the LAMC.
8. **Parking Screen.** Any parking uses on the ground floor and above the ground floor shall be screened through architectural treatments, commercial square footage or residential units.
9. **Increased Noise Levels (Parking Structure Ramps)**
 - a. Concrete, not metal, shall be used for construction of parking ramps.
 - b. The interior ramps shall be textured to prevent tire squeal at turning areas.
 - c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
10. **Unbundled Parking for Dwelling Unit.** Parking for residential uses shall be unbundled and leased separately excluding the dwelling units set aside for Very Low Income Households.

11. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Department of City Planning.
12. **Landscaping.**
 - a. **Tree Wells.**
 - i. The minimum depth of tree wells on the rooftop shall be as follows:
 1. Minimum depth for trees shall be 42 inches
 2. Minimum depth for shrubs shall be 30 inches.
 3. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
 4. Minimum depth for an extensive green roof shall be 3 inches.
 - ii. 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).
13. **Window Transparency.** A note shall be added to the Project Elevations to indicate that all ground floor windows shall be comprised of non-reflective, transparent glass. Any at-grade parking uses shall not be visible from the exterior of the building. Architectural treatments, or other design features shall be used to ensure the parking is not visible from the exterior of the building and as shown in Exhibit A.
14. **Pedestrian Walkways.** Clearly marked pedestrian access-ways shall be integrated into the site design and connect to the commercial area. The entryway shall incorporate enhanced paving treatment to create a safety buffer between the driveway area and the pedestrian entrance to the building.
15. **Driveways.** The project shall maintain 3 separate driveways on-site including the southerly driveway along Western Avenue, the northerly driveway along 8th Street, and the easterly driveway along Oxford Avenue. The curb and driveway for vehicular access into the IB Plaza Building (northerly driveway along Western Avenue) shall be discontinued.
16. **Building Materials.** A note shall be added to the Project Elevations to indicate that metal materials incorporated into the design shall be of a non-reflective material.
17. **Ground Level Pedestrian Access.** The doors for pedestrian access throughout the project site shall remain open during business hours.
18. **Decorative Wall.** A decorative wall system ranging between 30 feet and 34 feet in height comprised of metal screening will be constructed between the proposed new building and the south adjacent existing structure on Oxford Avenue in order to serve as a buffer. The wall shall feature a green screen of live plantings which will be replaced by artificial shrubbery in the event the live shrubbery proves to not be viable. A maintenance plan of the wall shall be submitted for review by the Director of Planning.
19. **Fencing.** All fencing/walls surrounding the subject site shall feature decorative architectural elements or landscaping.

20. A minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard. No such wall shall be required to the portion of the property line abutting the IB Plaza Building.
21. **Refuse/recycling area.** Details shall be provided on the method of enclosure for the refuse/recycling areas at the time of final plan sign off. The refuse/recycling area shall be secured with an enclosure that fully screens the view of the refuse/recycling area. It shall be constructed in a style similar to that of the main building.
22. **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 "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
23. **Affordable Units.** A minimum of 10 percent (8 units) shall be reserved for residents earning Very-Low Incomes, in accordance with LAMC 12.22 A.25.
24. **Affordable Housing Requirements.** Prior to the issuance of a building permit for any dwelling unit on the subject property, the applicant shall execute and record a rental covenant or purchase covenant agreement running with the land, to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA). The covenant shall bind the applicant and/or any subsequent property owner to reserve the units for occupancy by Very Low Income households. These units will be restricted as affordable for-sale or rental dwelling units.
25. **Pedestrian Entrances.** Pedestrian entrances shall be accessible directly from 8th Street and Western Avenue.
26. **No Blank Wall.** A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site.
27. **Short-term Bicycle Parking.** The required short-term bicycle parking spaces shall be provided along Western Avenue and Oxford Avenue.
28. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of abutting properties built at an equal or lower elevation.
29. **Signage.** Signage shall comply with all applicable state and local regulations.
30. **Flood Hazard.** The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172,081 (effective 7/3/98).
31. **Solid Waste.** The developer shall institute a recycling program to the satisfaction of the Department of City Planning to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.

32. **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.
33. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
34. **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.
35. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.
36. **Electric Vehicle Parking.** Electric Vehicle Parking. At least 20 percent of the total code-required parking spaces provided shall be Electric Vehicle (EV) ready to immediately accommodate electric vehicles within the parking areas. 5 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 the required percentage results in a fractional space, round up to the next whole number.
37. **Solar Panels.** Solar panels shall be installed on a minimum of 35 percent of the roof top area of the project site.

Project Design Features

38. **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.
39. **Public Services (Police).** 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.

40. **Transportation Demand Management Program.** A preliminary TDM program shall be prepared and provided for DOT review prior to the issuance of the first building permit for this project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project. The TDM program should include, but not be limited to, the following strategies:
- a. An on-site Transportation Information Center;
 - b. Preferential rideshare loading/unloading or parking location;
 - c. Convenient parking and facilities for bicycle riders;
 - d. Guaranteed ride home programs for employees;
 - e. Allowance for flexible and alternative work schedules;
 - f. Administrative support for the formation of carpools/vanpools;
 - g. Promotion of transit, walk, or bike to work events;
 - h. Project design elements to ensure a bicycle, transit, and pedestrian friendly environment;
 - i. Unbundled parking from housing cost;
 - j. Parking cash-out programs for Project and uses as appropriate;
 - k. A Covenant and Agreement to ensure that the TDM program will be maintained.
 - l. Contribute a one-time fixed fee contribution of \$50,000 to be deposited into the City's Bicycle Plan Trust fund to implement bicycle improvements in the vicinity of the project.

The following improvements proposed by the project as part its transit and mobility improvement program should be part of the TDM program:

- a. Improved site amenities such as new sidewalks and street trees along the perimeter, improved street and pedestrian lighting, and pedestrian walkways through the site including an open-air courtyard
- b. Unbundling parking from housing cost
- c. Providing a transit pass discount program for residents or employees
- d. Providing bicycle amenities such as long term and short term bicycle parking, bicycle showers and lockers for employees, self-service bike repair area, and bike share program
- e. Allow for car share programs within its proposed parking facilities

- f. Upgrade transit amenities at nearby bus-stops
41. A Construction Traffic Management Plan will be developed by the Project Applicant for approval by the City of Los Angeles to alleviate construction period impacts. The Construction Traffic Management Plan may include but is not limited to the following measures:
- a. Provide off-site truck staging in a legal area furnished by the construction truck contractor. Anticipated truck access to the project site will be off Western Avenue, 8th Street, and Oxford Avenue.
 - b. Schedule deliveries and pick-ups of construction materials during non-peak travel periods to the extent possible and coordinate to reduce the potential of trucks waiting to load or unload for protracted periods.
 - c. As parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.
 - d. Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses and residences.
 - e. Ensure that access will remain unobstructed for land uses in proximity to the project site during project construction.
 - f. Coordinate with the City and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.
 - g. A Construction Worker Parking Plan will also be developed by the Project Applicant for approval by the City of Los Angeles to identify and enforce parking location requirements for construction workers. The Construction Worker Parking Plan could include but is not limited to the following measures:
 - h. During construction activities when construction worker parking cannot be accommodated on the project site, the plan shall identify alternate parking location(s) for construction workers and the method of transportation to and from the project site (if beyond walking distance) for approval by the City 30 days prior to commencement of construction.
 - i. Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park, and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on residential streets.
 - j. The Construction Traffic Management Plan and the Construction Worker Parking Plan will need to be approved by LADOT prior to the issuance of building permits. LADOT will be the responsible agency for monitoring and enforcement of the plans.
42. **Tribal Cultural Resources Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling,

quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the Project Permittee (Project Applicant, or successor that receives permits to carry out the Project) shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The Project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The Project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The Project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Project Permittee shall pay any costs associated with the mediation.
- f. The Project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

43. **Wastewater Service.** 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 are required, the Project applicant shall coordinate with LADOT on a traffic control plan and have flagmen to facilitate traffic flow and safety.
44. **Water Service.** 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 are required, the Project applicant shall coordinate with LADOT on a traffic control plan.
45. **Construction Noise.** All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices. All diesel-powered construction vehicles shall be equipped with exhaust mufflers or other suitable noise reduction devices capable of achieving a sound attenuation of at least 3 dBA.
- a. Temporary noise control barriers such as, but not limited to, plywood structures or flexible sound control curtains shall be erected along the perimeter of the construction site and/or stationary equipment to minimize the amount of noise during construction on noise-sensitive uses.
 - b. 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 and national holidays.
 - c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - d. Noise and groundborne vibration construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.
 - e. The power contractor shall use either plug-in electric or solar powered on-site generators to the extent feasible.
46. **Increased Noise Levels (Demolition, Grading, and Construction Activities)**
- a. The Project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the

emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

- b. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- c. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, must be turned off when not in use for more than 30 minutes.
- d. Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- e. Stationary construction equipment, such as pumps, generators, or compressors, must be placed as far away from sensitive uses as feasible during all phases of project construction.
- f. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.

Environmental Conditions

47. Air Quality. All off-road construction equipment greater than 50 hp shall meet USEPA Tier 3 emission standards, to reduce NO_x, PM₁₀, and PM_{2.5} emissions at the Project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.

48. Tree Removal.

- a. 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.
- b. 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.
- c. 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.

49. Rehabilitation Plan and Construction Monitoring. To protect and preserve the integrity of the IB Plaza Building as a historical resource and reduce potential adverse impacts, a

Rehabilitation Plan shall be prepared by a qualified preservation consultant (“Preservation Consultant”) retained by the applicant to inform the design and oversee implementation of the Project so that upon completion the Project conforms with the Secretary of the Interior’s Standards for Rehabilitation to the extent feasible. The Preservation Consultant shall meet the Secretary of the Interior’s professional qualification standards in history, architectural history or historic architecture, with at least 10 years of experience conducting similar projects. The Preservation Consultant shall prepare a Rehabilitation Plan for the proposed adaptive reuse of the IB Plaza Building which is consistent with the analysis, identified impacts and findings of the Historical Resources Assessment Report and Environmental Impact Analysis, prepared by ESA PCR in November 2016. The Rehabilitation Plan shall identify features to be retained and preserved as identified and documented in the Historic Assessment and include appropriate recommendations for the treatment of these features. The Preservation Consultant shall review the design and construction plans to verify the Project’s conformance with the Standards and the Rehabilitation Plan, and prepare draft and final plan review letters for submittal to the City Planning Department, Office of Historic Resources. If any character-defining features or materials would be removed by the Project, the Preservation Consultant shall specify and document a storage location and appropriate storage methods so that they can be reinstalled or salvaged in the future. Once design and construction plans have been prepared, and prior to issuance of a building permit, the Preservation Consultant shall review the Project for conformance to the Standards and consistency with the Rehabilitation Plan, and provide a final plan review letter summarizing the review findings to the City Planning Department, Office of Historic Resources. Once the Project has been approved by the City, the Preservation Consultant shall visually inspect construction associated with the IB Plaza Building at regular intervals to address any unanticipated discoveries that may require preservation treatment, ensure Project conformance with the Standards and Rehabilitation Plan, and minimize potential damage to historic fabric. The Preservation Consultant shall document the construction monitoring process in digital photography as well as monitoring logs, and prepare a final monitoring report to be submitted to the City Planning Department, Office of Historic Resources.

50. **HABS Level II Report.** The existing conditions of the IB Plaza Building shall be recorded in a Historic American Buildings Survey Level II (“HABS Level II”) report which would serve as a base line reference for the Project and any other future work that may be undertaken for the building. The HABS would record character- defining architecture, spaces, elements and features of the Project Site, photographically in professional archival large format 4” x 5” black-and-white photographs, provide a detailed architectural description of the IB Plaza Building along with a narrative history of construction, alterations, and statement of significance. The HABS Level II report would include supplementary color 35mm photographs of architectural details, materials and features to record color, materials and texture not apparent in black-and-white photographs. Supplementary materials shall also include archivally reproduced historic photographs, historic illustrations and advertisements, and historic architectural plans depicting the historic appearance of the property during the period of significance. The HABS Level II report would document existing conditions including those portions of the IB Plaza Building to be demolished as well as the portions of the building to be retained. The HABS Level II report shall be archivally produced and deposited in a publically accessible library or museum archive such as the Library of Congress, State Archives, Los Angeles Public Library, and the City of Los Angeles Office of Historic Resources.
51. **Interpretive Exhibit.** A permanent interpretive exhibit shall be installed in the IB Plaza Building in an area accessible to the public to commemorate the significant historical, architectural and structural associations of the subject property. The interpretive exhibit shall document and interpret the architectural design and purpose of the IB Plaza Building,

a parking structure designed by master architects Morgan, Walls, and Clements in the Art Deco style and connected to the automobile-related commercial development of Los Angeles during the early twentieth-century. The permanent exhibit shall be designed in consultation with a qualified historian, architectural historian, or art historian who shall assess the content and presentation to ensure that the important cultural history and associations that contribute to the significance of the IB Plaza Building are incorporated, to ensure that the significant cultural importance of the subject property is appropriately commemorated.

52. Construction Soil Management Plan

- a. Prior to excavation, a technician shall perform boring tests 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 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.
- 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 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.
- c. 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. Testing to characterize the material shall occur either onsite in a mobile laboratory or off-site in a remote laboratory. Materials shall be identified, segregated, and tracked as to their extent on the site.
- d. Any soils containing contaminants at levels of concern 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). 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.

53. **Public Services (Police).** Upon completion of the Project, the Olympic 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.

54. Transportation Systems Management (TSM) Improvements.

- a. The Project would contribute towards TSM improvements within the Hollywood-Wilshire District that may be considered to better accommodate intersection operations and increase intersection capacity throughout the study area. LADOT's ATSAC Section has identified the need to upgrade the traffic signal CCTV equipment to two intersections: Western Avenue & Wilshire Boulevard, and Western Avenue & 6th Street. The CCTV equipment upgrades will also include the necessary mounting poles, fiber optics, and electrical connections. Collectively,

these TSM improvements provide a system wide benefit by reducing delays experienced by motorists at study intersections.

- b. Additionally, the Project will also contribute to 50% of the costs for updating fiber optic lines along Wilshire Boulevard from Van Ness Avenue to Alexandria Avenue, and on Normandie Avenue from 6th Street to Wilshire Boulevard. The contribution to the update of the fiber optic line will be paid prior to the certificate of occupancy for the project. The remaining 50% of the costs to the update will be shared with the separate development project at 3600 Wilshire Boulevard. In the event that the 3600 Wilshire project is not built, the 800 Western Avenue project would be required to pay the remaining 50% of the balance.
- c. Should the Project be approved, then a final determination on how to implement these CCTV installations will be made by DOT prior to the issuance of the first building permit. These installations will be implemented either by the applicant through the B-Permit process of the Bureau of Engineering (BOE), or through payment of a one-time fixed fee to DOT to fund the cost of the upgrades. If DOT selects the payment option, then the applicant would be required to pay DOT, and DOT shall design and construct the upgrades.
- d. If the installations are implemented by the applicant through the B-Permit process, then these improvements must be guaranteed prior to the issuance of any building permit and completed prior to the issuance of any certificate of occupancy. Temporary certificates of occupancy may be granted in the events of any delay through no fault of the applicant, provided that, in each case, the applicant has demonstrated reasonable efforts and due diligence to the satisfaction of DOT.

55. Safety Hazards.

- a. The Applicant shall install appropriate construction related traffic signs around the site to ensure pedestrian and vehicle safety.
- b. The 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.
- c. 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.
- d. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- e. The Applicant shall keep sidewalks open during construction until only
- f. when it is absolutely required to close or block sidewalk for construction and/or construction staging. Sidewalks shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

56. School Safety.

- a. The LAUSD Transportation Branch at (213) 580-2950 must be contacted regarding the potential impact upon existing school bus routes. School buses must have unrestricted access to schools. During the construction phase, truck traffic and construction vehicles may not cause traffic delays for our transported students. During and after construction changed traffic patterns, lane adjustment, traffic light patterns, and altered bus stops may not affect school buses' on-time performance and passenger safety. Because of provisions in the California Vehicle Code, other trucks and construction vehicles that encounter school buses, using red-flashing-lights must-stop-indicators will have to stop. The Project Manager or designee will have to notify the LAUSD Transportation Branch of the expected start and ending dates for various portions of the project that may affect traffic within nearby school areas.
- b. Contractors must maintain safe and convenient pedestrian routes to all nearby schools. The applicable Pedestrian Route to School map can be found at <http://www.lausd-oehs.org/saferoutestoschools.asp>.
- c. Contractors must maintain ongoing communication with LAUSD school administrators, providing sufficient notice to forewarn children and parents when existing pedestrian and vehicle routes to school may be impacted.
- d. Installation and maintenance of appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.
- e. No staging or parking of construction-related vehicles, including worker-transport vehicles, will occur on or adjacent to a school property.

57. 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:

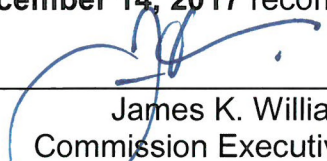
"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"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.

Sec. XX. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Pursuant to Section 558 of the City Charter, the City Planning Commission on **December 14, 2017** recommends this ordinance **BE ADOPTED** by the City Council.

By  _____
James K. Williams
Commission Executive Assistant II

File No. _____

I hereby certify that the foregoing ordinance was passed by a **vote of not less than two-thirds of all its members** by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____