

## CONDITIONS OF APPROVAL

As modified by the City Planning Commission July 26, 2018

### Density Bonus Conditions

1. **Affordable Units.** A minimum of four (4) units of the multi-family apartment building (7% of the apartment building base dwelling units) shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2), affordable to Very Low Income households. As identified in the Determination made by the HCIDLA for replacement units, two (2) replacement units are required. The final plans shall indicate that a minimum of 4 units (7% set aside) of the multi-family apartment building shall be reserved for Very Low Income Households.
2. **Height.** For the multi-family apartment building, height shall be increased for a total of 52 feet in lieu of the 45 feet otherwise allowed in the R3-1 Zone and within 50 feet of an R1 Zoned lot for an increase in 7 feet.
3. **Front Yard Setback.** For the multi-family residential apartment building, a front yard setback of 5 feet is approved in lieu of the otherwise required 15 feet.
4. **Rear Yard Setback.** For the multi-family residential apartment building, a rear yard setback of 10 feet is permitted in lieu of the 15 feet otherwise allowed.
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 4 units available to Very Low Income Households, consistent with Condition No. 1 of this approval, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of HCIDLA, and in consideration of the project's AB 2222 Determination. 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 the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.

### Site Plan Review Conditions

6. **Signage.** No signage, other than that permitted by the LAMC sign regulations, shall be installed on the property. There shall be no off-site commercial signage on construction fencing during construction.
7. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
8. **Storage of Materials.** No open portions of the property around the buildings shall be used for storage of equipment, products or waste products.
9. **Landscape Plan.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project



as regulated by LAMC Section 12.22 A.25(f)(1), which requires the number of landscape points to be equivalent to 10% more than otherwise required by LAMC Section 12.40 and Landscape Ordinance Guidelines "O." All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, **Exhibit "A,"** and shall incorporate any modifications required as a result of this grant. Any modifications to the landscape plan subsequent to the effectuation of this grant shall be to the satisfaction of the Director of Planning.

10. **Trees in the Public Right-of-Way.** 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.
11. **Maintenance.** The property shall be maintained in a neat and attractive condition at all times. The property shall be maintained free of weeds and debris.
12. **Parking Garage Design for the Multi-Family Apartment Building**
  - a. The grade level parking garage shall be located behind the leasing office and bicycle parking area and shall be fully screened from view on all sides to minimize the visual impact on the public realm;
  - b. Parking access shall be a minimum of 25 feet from the primary building entrance;
  - c. All entrances shall be easily accessible and highlighted architecturally; and
  - d. The parking garage shall be designed to be utilized and easily repurposed to other uses. The conversion of floor area from parking into new uses may be subject to additional discretionary actions. The height of the above ground parking garage shall have sufficient clearance to be adaptable to non-parking uses. If and when converted, the building shall permit a minimum floor to ceiling height of 9 feet for commercial uses and 8 feet for residential uses.
13. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
14. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
15. **Lighting Fixtures.** Lighting fixtures shall be installed on the project site so as to illuminate the 21 foot strip of land between the multi-family building and the small lot homes in the following manner:



- a. These lighting fixtures shall be shielded and down-cast in a manner that prevents the illumination of adjacent properties and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes);
  - b. Lighting fixtures shall accent and complement architectural details; and
  - c. Lighting fixtures for the purpose of illumination shall not be taller than 15 feet above grade.
16. **Green Wall.** To complement the 6 foot solid decorative masonry wall adjacent to residential zones and uses as conditioned under ENV-2016-2384-MND, a green wall/screen shall be provided along the wall with live plantings, where appropriate. Final plans illustrating the green wall/screen and a maintenance plan of the wall and green screen ensuring replacement of the green screen as needed in the event of plant death shall be submitted for review and approval by the Director of Planning prior to building permit sign-off.
17. **Greywater.** The project, including both the multi-family apartment building and the small lot development, shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by DWP in consultation with the Department of City Planning.
18. **Vehicular Access.** Vehicular driveway access to the project site shall be provided from Lankershim Boulevard. Emergency vehicular access shall be provided from Irvine Avenue and, additionally, towards the southwestern corner of the project site at the terminus of the private road within the proposed small lot home community, immediately north of Lot 55 of VTT-74107-SL.
19. **Permeable Paving.** The Project shall incorporate techniques throughout the Project site including permeable paving and landscaping to avoid excessive runoff into the Los Angeles Flood Control Basin. LID requirements shall be met by providing an underground BMP filtration basin on the southeast portion of the project site.
20. **Trash Enclosures.** All trash and recycling enclosure areas shall be screened from public view. Prior to final building permit sign-off, plans shall be revised to show the location of all trash and recycling bins on the project site.
21. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
22. **Solar Panels.** Solar panels shall be installed on the roof of all buildings to the maximum extent feasible, and shall be provided as a part of an operational photovoltaic system to be maintained for the life of the project. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
23. **Solar Power.** The project shall provide the maximum feasible amount of solar power, in kilowatts, as based on the required installation of solar panels as identified by Condition No. 22 above. Solar panels may be installed on all rooftop areas of all structures and/or



surface parking lots with the exception of areas occupied by rooftop mechanical equipment.

24. **Rooftop Mechanical Equipment.** All rooftop mechanical equipment shall be screened from view.
25. **Electric Vehicle Parking.** The project shall include at least 20 percent (20%) of the total code-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. Five percent (5%) of the total code required parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or 5 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

Any parking spaces provided above LAMC requirements shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas.
26. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
27. **Utility Connections.** New utility connections shall be undergrounded to the best extent possible.
28. **Open Space.** For the multi-family apartment building, final plans will be revised to show landscaping and seating in the courtyard podium. For the small lot development, final plans shall be revised to show a park with seating and barbeques and a play area/tot lot with play equipment and/or a community garden.
29. **Ventilation.** Exhaust from the multi-family apartment parking garage shall be located to be away from the direction of the single-family development. Ventilation for the multi-family residential building and the small lot development shall meet all LAMC requirements.
30. **Common Access Walkway.** Prior to final building permit sign-off, plans shall be revised to show a minimum 3 foot common access walkway easement, which shall remain unobstructed and open to the sky and connect the Lankershim Boulevard and Irvine Avenue bicycle/pedestrian entrance to each of the small lot homes and the multi-family apartment building. Differential paving to clearly identify pedestrian access areas shall be used along the building faces and areas for pedestrian crossing.
31. **Pedestrian/Bicycle Access.** Prior to final building permit sign-off, plans shall be revised to show open and ungated pedestrian and bicycle connections at Lankershim Boulevard and Irvine Avenue.



32. **Colors/Materials.** Prior to final building permit sign-off, plans shall be revised to the satisfaction of the Director of Planning to clearly list materials and colors to be used on the north, south, east, and west elevations. Textures, colors, materials, and distinctive architectural treatments shall be alternated.
33. **Design Articulation.** Prior to final building permit sign-off, plans shall be revised to the satisfaction of the Director of Planning to show greater articulation and fenestration in the building design as follows:
- a. Multi-family residential building tower to show more articulation;
  - b. Multi-family residential building south, north, east, and west elevations to show equal level of architectural detail and landscaping, including green walls and climbing vines, to avoid blank walls and screen parking lot from view;
  - c. The multi-family residential building south elevation along the entry driveway shall incorporate decorative treatments such as wrought iron and/or landscaping at ventilated garage openings shown on Sheet A1.4; and
  - d. For the small lot homes, show private porches and landscaped paseos from north, south, east, and west elevations; and
  - e. Utilities shall be screened from view and out of the line-of-sight from crosswalks or sidewalks.
34. **Multi-Family Apartment Building Setback.** The applicant will taper the building frontage along Lankershim Boulevard to set back the northwest and southwest corners of the apartment building and provide additional pockets of landscaped open space.
35. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.

#### **Environmental Conditions (ENV-2016-2384-MND)**

36. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
37. **Tree Removal (Non-Protected Trees)**
- 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 site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree.
  - c. A Landscape Plan shall be prepared, indicating the location of all replacement trees, to the satisfaction of the decision-maker. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
  - d. 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 the Department of Public Works, Bureau of Street Services.



**38. Tree Removal (Locally Protected Species)**

- a. All protected tree removals require approval from the Board of Public Works.
- b. A Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for review and approval (213-847-3077), prior to implementation of the Report's recommended measures.
- c. A minimum of two trees (a minimum of 48-inch box in size if available) shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division.
- d. The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.
- e. Bonding (Tree Survival):
  - 1) The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new protected tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's protected tree bond may be exonerated.
  - 2) The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the protected trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

**39. Hazards and Hazardous Materials**

- a. Prior to issuance of grading and construction permits, the Project Applicant shall remove the underground septic tanks with oversight by the Los Angeles Fire Department (LAFD) pursuant to the Los Angeles County Department of Public Works, Underground Storage Tank closure and removal procedures and submit a letter from the LAFD to Los Angeles Planning Department, Los Angeles County Public Health Department, Bureau of District Surveillance and Enforcement indicating that the septic tanks have been removed in accordance to applicable federal, state and local regulations.
- b. Hazardous materials shall be contained, stored, and used in accordance with manufacturer's instructions and handled in compliance with applicable standards and regulations.
- c. Prior to issuance of demolition permits, the light ballasts found on the Project Site shall be removed and disposed according to federal regulations (40 CFR part 761.60).
- d. Prior to issuance of demolition permits, Comprehensive surveys for ACM and LBP shall be completed for all buildings on the Project Site.
- e. If ACM are found to be present in the on-site structures, prior to the issuance of the demolition permit for the buildings, the Applicant shall provide a letter/report to the Department of Building and Safety from a qualified asbestos abatement contractor identifying the location of ACM present in any of the structures. ACM shall be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as



well as all other state and federal rules and regulations (including, but not limited to California Health and Safety Code, Division 20, Chapter 6.5) prior to other demolition activities at the project site.

- f. If LBP is found to be present in the structures, prior to the issuance of the demolition permit for the structures, the Applicant shall provide a letter to the Department of Building and Safety from a qualified lead paint abatement contractor demonstrating that while LBP is present in the structures, it shall be abated in compliance with applicable state and federal rules and regulations governing LBP and LCP abatement prior to other demolition activities of the structures. The qualified lead paint abatement contractor shall comply with Cal-OSHA Construction Safety Orders, California Code of Regulations, Title 8, Section 1532.1 and with the California Health and Safety Code, Division 20, Chapter 6.5 for the evaluation, handling and transport of materials containing LBPs and LCPs.
- g. Prior to the issuance of grading and construction permits and pursuant to California Water Code Section 13304, the Project Applicant shall permit the Los Angeles Regional Water Quality Control Board (or other responsible agency) access to the Project Site's well to perform any cleanup, abatement, or other remedial work that might be necessary.
- h. Prior to issuance of grading and construction permits and after any clean up, abatement or other remedial work necessary and pursuant to Water Code Section 13304, the Project Applicant shall decommission the well in accordance to the Los Angeles Department of Public Health, Environmental Health, Bureau of Environmental Protection Drinking Water Program well decommissioning requirements and procedures.

**40. 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.
- d. A temporary noise control barrier shall be installed on the property line of the construction site abutting residential uses. The noise control barrier shall be engineered to reduce construction-related noise levels at the adjacent residential structures with a goal of a reduction of 10dBA. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all windows have been installed and all activities on the project site are complete.

- 41. Increased Noise Levels (Parking Wall).** A 6-foot-high solid decorative masonry wall, measured from the lowest adjacent grade, adjacent to residential use and/or zones shall be constructed if no such wall exists.

**Administrative Conditions**



42. **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.
43. **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.
44. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
45. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean the agencies, public offices, legislation or their successors, designees or amendment to any legislation.
46. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendment thereto.
47. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the department of City Planning and the Department of Building & Safety.
48. **Corrective Conditions.** 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 City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proved necessary for the protection of persons in the neighborhood or occupants of adjacent property.
49. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning and the City Planning Commission.
50. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status



reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.

- a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during Project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of Project implementation as follows:
  - i. Pre-construction (prior to issuance of a building permit);
  - ii. Construction (prior to certificate of occupancy); and
  - iii. Post-construction / maintenance (post-issuance of certificate of occupancy).

In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of Project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.

- b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.
- c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
- d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

#### **51. Indemnification and Reimbursement of Litigation Costs.**

The applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City, in whole or in part, relating to or arising out of 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 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.