

## CONDITIONS OF APPROVAL

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

### A. Entitlement Conditions

1. **Uses.** 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. Uses. Total site development shall not exceed 462,078 square feet, including project addition of a) 5,000 square feet of restaurant use; and b) 115,000 square feet of office use. Uses allowed in the C2 Zone are allowed on the project site.
  - i) The retail, restaurant, dog park, and pocket park areas shall be publicly accessible.
  - ii) Planters shall provide a minimum soil depth of 24 inches for woody shrubs and 30 inches for small trees. Tray systems for roof-top planters using succulents and small ornamental grasses shall have a minimum soil depth of 12 inches.
  - iii) Dog waste stations and trash receptacles shall be provided around the perimeter of the project and publicly accessible outdoor areas.
  - iv) The plant material palette shall consist of a combination of low-water use plant grouped together based on their similar water use requirements. Landscape irrigation shall be implemented through a combination of highly efficient subsurface drip irrigation systems, rotary steam spray systems, and LID design which will implement biofiltration planters as appropriate and as needed, and which will provide stormwater runoff treatment as well as the use of subsurface water harvesting tray systems.
  - v) Use of weather-based irrigation controller with automatic rain shutoff, matched precipitation (flow) rates for sprinkler heads, and rotating sprinkler nozzles or comparable technology such as drip/microspray/subsurface irrigation where appropriate.
  - vi) Installation of a separate water meter (or submeter), flow sensor, and master valve shutoff for irrigated landscape areas totaling 5,000 square feet and greater.
  - vii) Use of high-efficiency toilets (maximum 1.28 gallons per flush), including dual-flush water closets, and Ultra low flow 0.5 gpf urinals in all restrooms as appropriate.
  - viii) Use of restroom faucets with a maximum flow rate of 0.5 gallon per minute and employee kitchen faucets (except restaurant kitchens) with a maximum flow rate of 1.5 gallons per minute. Use of restaurant kitchen faucets with pre-rinse self-closing spray heads with a maximum flow rate of 1.6 gallons per minute.
  - ix) Use of non-residential restroom faucets of a self-closing design (i.e., that would automatically turn off when not in use).
  - x) Use of employee kitchen faucets with a maximum flow rate of 1.5 gallons per minute. No more than one showerhead per shower stall, with a flow rate no greater than 2 gallons per minute.
  - xi) Use of high-efficiency Energy Star-rated dishwashers where appropriate.

- xii) Use of proper hydro-zoning and turf minimization, as feasible.
2. **Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", stamp dated September 12, 2018, except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
  3. **Development Agreement.** Prior to the issuance of a building permit, the Department of Building and Safety shall confirm that the public benefits, as identified in Case No. CPC-2016-3880-DA (if adopted), have been satisfied.
  4. **Bicycle Parking.** The project shall provide bicycle parking spaces pursuant to LAMC Section 12.21 A16.
  5. **Tree Selection/Maintenance.** All newly planted trees must be appropriately sized, staked, and tied and shall be properly watered and maintained. Trees planted in the ground (and not a planter) shall be planted with a water moat.
  6. **Landscape Plan.** Prior to the issuance of a building permit, the project proponent shall submit a detailed landscape plan prepared by a licensed landscape architect for all landscaped areas of the project site. The landscape plan shall include specific plant types and maintenance information. The landscape plan shall be submitted to the Major Projects staff for signature and inclusion in the case file.
  7. **West LA TIMP.** Prior to the issuance of a building permit, the applicant shall record and execute a Covenant and Agreement to comply with the West Los Angeles Transportation Improvement and Mitigation Specific Plan.
  8. **Stormwater and Irrigation.** Stormwater runoff shall be collected within the plaza through the use of Bio-filtration planters and/or basins to the greatest extent feasible and to the satisfaction of the Director of Planning.
  9. **Graffiti Removal.** 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.
  10. **Aesthetics.** The structure, or portions thereof shall be maintained in a safe and sanitary condition and good repair and free of graffiti, trash, overgrown vegetation, or similar material, pursuant to Municipal Code Section 91,8104. 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 decision maker.
  11. **Tribal Cultural Resource 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 (including the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, auguring, 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 and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

## **B. Administrative Conditions**

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary. Covered areas that are not enclosed on at least three sides are not counted as floor area and will be required to remain open for circulation.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning Development Services Center 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.

4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **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 and Safety.
7. **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 proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
8. **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, Fire Department, or other City 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 per Condition No. Q-1 prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board. Said modifications may not alter the maximum density or other limitations included in these conditions.
9. **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.