

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission on June 27, 2019)

Pursuant to Section 12.32 of the Los Angeles Municipal Code (“LAMC”), the following conditions are hereby imposed upon the use of the subject property:

### Entitlement Conditions

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked **Exhibit "A"**, **stamp dated October 2, 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.
2. **Use.** The use of the subject property shall be limited to those uses permitted in the RA Zone as defined in Section 12.07 of the LAMC, and as otherwise permitted by LAMC Section 12.24. However, sports courts shall be prohibited as they are inconsistent with the rural/agricultural character of the area.
3. **Density.** Density shall be limited to 18 new dwelling units and one (1) existing dwelling (the historic Wilson House). This condition does not prohibit Accessory Dwelling Units (ADUs) which comply with state regulations and standards.
4. **Height.** The proposed buildings shall be limited to 27 feet in height, as shown in “Exhibit A”.
5. **Vesting Tentative Tract Map No. 74478.** Development of the project is subject to the approval of Vesting Tentative Tract Map No. 74478, and, if approved, the project shall be in full compliance with all conditions imposed therein.
6. **Prohibited Use of Anticoagulant Rodenticides.** During construction activities and upon project occupancy, the use of anticoagulant rodenticides which has the potential to significantly degrade biological resources, shall be prohibited throughout the tract. The HOA in common areas and individual property owners on their properties, shall use nonpoisonous methods to control rodent pests, include sealing entrances to buildings, sanitizing property, removing rodent habitats, such as ivy or wood piles, setting traps, and erecting raptor poles or owl boxes. The above prohibition shall be clearly described and distributed to home buyers through their home purchase contracts and CC&Rs.

### Architectural Design

7. **Wilson House Restoration.** The applicant shall retain the services of a qualified Historic Architect or Architectural Historian and shall work with the Office of Historic Resources to develop a restoration plan in keeping with the Secretary of the Interior’s Standards for Rehabilitation and the CA State Historic Building Code, prior to Condition Clearance and permit issuance. The structure shall be fully restored and issued appropriate Certificates of Occupancy prior to the issuance of the first Certificates of Occupancy associated with the other 18 dwelling units associated with the tract.

8. **Wilson House Visibility and Wall Limitations.** As the historic Wilson House is oriented towards Old Santa Susana Pass Road, a break in the solid wall shall be provided along the Old Santa Susana Pass Road frontage, such that the historic front façade (east elevation) and front yard remain open to the street. Walls may be constructed out from the corners of the Wilson House, but shall not obscure views of the historic structure's front elevation.
9. **Colors/Materials.** As shown in "Exhibit A," the following materials shall be used:
  - The **Spanish Revival** designs shall utilize detailed brickwork, shutters, hipped or gabled roofs with roof tiles, exposed roof beams or rafters (viagas), textured stucco, decorative treatments on tower-like chimneys, wood balconies with decorative wood or cast iron railings, door and window frames with prominent head details, decorative tile 'attic vents' or other decorative elements, and garage doors which mimic the appearance of wooden carriage style doors. Paint colors for the Spanish Revival shall be light neutral colors with dark contrasting details which complement the roof tiles. Light fixtures shall be dark metal or wrought iron and shielded. These details shall be utilized on all four sides of the structures, including an accessory dwellings or structures.
  - The **Contemporary Ranch** designs shall utilize board and batten siding, decorative beams or braces under gables, balconies with wooden railings, shutters or barn-door shutters, door and window frames with prominent head and sill details, garage doors which mimic the appearance of wooden carriage style doors, and stone detailing. These details shall be utilized on all four sides of the structures, including an accessory dwellings or structures.
  - The **custom home** (Lot 18) shall comply with the floor plans and height identified in "Exhibit A".
10. **Private Gates.** No security gates (vehicular gates or pedestrian gates) shall be permitted within the private streets or along the Old Santa Susana Pass Road frontage.
11. **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, driveways, 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 may be installed on the buildings to provide illumination to pedestrians and motorists. Uplighting shall be prohibited anywhere on the site.
12. **Lighting.** All outdoor lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes). Walkways and parking areas 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, employees, and emergency response personnel.
13. **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.

14. **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.
15. **Utility Connections.** New and existing utility line connections shall be undergrounded to the best extent possible.

### **Equinekeeping Conditions**

16. **Equine Keeping.** A minimum 2,000 square foot contiguous area at least 24 feet in width at all points shall be permanently set aside in addition to the useable pad for each residential lot excluding side yards. It shall remain free and clear of all residences and permanent structures, shall be graded to permit quick and adequate drainage and shall be in conformance with the provisions of Section 13.05 (or 12.21.C5(a)) of the Los Angeles Municipal Code (LAMC).

Only landscaping, open and roofed unenclosed (except for structural supports) patio uses and a swimming pool shall be permitted to encroach into this area, and only if an area 12 by 24 feet is retained as an equine stable area or horse corral, and if an area 12 by 12 feet is also retained for storage, preferably covered.

Both the 2,000 square foot level area and the 12 by 24 feet equine stable area shall be a minimum of 35 feet from any habitable room on this and neighboring property in the "K" district (75 feet in a non-"K" district).

A 10-foot unobstructed vehicular access path to the corral shall be reserved to be located on the same side as the driveway and a curb cut shall be provided for the vehicular access path or the vehicular access path shall share a curb cut with the driveway, with enough room to maneuver a trailer from the street to the side yard path, in order to allow trailer access to the property. Trees and shrubs shall not be located within this vehicular access path area.

17. **Accessory Dwelling Units.** Accessory Dwelling Units (ADUs) shall not be located within the area reserved for equine keeping uses. Additionally, ADUs must be located at least 35 feet from the reserved areas for equine keeping uses and adjacent properties, to ensure horsekeeping facilities can be constructed on adjacent properties.
18. **Common Area Maintenance.** A Homeowners Association shall be established and charged with the management and maintenance of all common areas, equestrian trails, including enclosure rails and fence, within the tract and on the front of the project along any City or private street. **The HOA shall be prohibited from constructing any gates within the public trail easement to limit access.** This requirement shall be included in the CC&R's, a copy of which shall be provided to the case file. Each owner shall automatically become a member of the association and each dwelling unit shall automatically be subject to a charge for a proportionate share of the cost of maintenance of the common property.
19. **Covenants, conditions and restrictions (CC&R's)** for all lots shall include a notice to all buyers and future buyers that no habitable room may be built in a "K" district within 35 feet (75 feet from neighbors in a non-"K" district) of the equine keeping structure (where horse is provided food and water). Further, that the provisions of Ordinance No. 157,144, which became effective on November 22, 1982, regulates the keeping of horses both in and out of "K" equine keeping districts. The ordinance imposes certain requirements on the location

of new structures and gives owners of horses being kept on adjacent lots other rights. The application of this ordinance to specific projects should be verified with the Department of Building and Safety prior to applying for building permits. The keeping of animals, including horses, shall not be prohibited by the covenants, conditions and restrictions.

### **Landscaping**

20. **Landscape Plan.** 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 "B"** (stamp dated January 10, 2019), 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.

The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site. Palm trees, Italian Cypress, Crape Myrtle, and Bronze Loquat shall not be considered appropriate in meeting this requirement.

All replacement trees and at least 50% of the landscaping materials shall incorporate species which are appropriate to this biome – consisting of Coastal Sage Scrub or Riversidian-Sage Scrub plant species, Oak woodland or Riparian Woodland species, and native perennial grasses and annual wildflowers.

At least one tree shall be located within each front yard and rear yard. Efforts shall be made to located additional trees along southern elevations, to maximize passive cooling of the residences. Trees shall not be located within the vehicular access paths identified on the Tract Map – as these locations must stay clear of obstructions to provide access to rear horsekeeping facilities.

21. **Landscape Materials.** Invasive, exotic plant species shall be prohibited as part of the landscape plan for the Project. The invasive plants to be prohibited from use in landscaping shall include any of the plant species rated as "High" or "Moderate" in the California Invasive Plant Inventory Database, which is maintained by the California Invasive Plant Council (Cal-IPC). This prohibition will be included in the CC&Rs for future residents (*PDF-Bio-1*).
22. **Landscape Buffer.** The walls along Old Santa Susana Pass Road shall be set back 5 feet in order to provide a landscape buffer which will soften the appearance of the wall. Trees shall be planted within this buffer, at least one (1) tree every 35 linear feet. Shrubbery, climbing plants, vines, green walls, or berms shall also be used to soften the appearance of the wall.
23. **Tree Preservation.** Prior to the issuance of any permits, a Tree Preservation Plan shall be submitted to the Valley Project Planning Bureau for review and approval, which identifies the protection of trees where no structure, driveway, or paved areas are required. At a minimum, the following trees shall be preserved as identified in the Tree Report dated November 6, 2018:

Trees #3-#5 – Coast Live Oak (39", 17.5"-20", and 35" Bases, Fair and Good Condition)  
 Tree #7-#8 – Northern California Walnut (8" and 20" Bases, Fair Condition)  
 Tree #9-#10 – Coast Live Oak (36" and 40" Bases, Fair Condition)  
 Tree #13 – Rubber Fig (9" Base, Fair Condition)  
 Tree #14 – Deodar Cedar (35" Base, Fair Condition)  
 Tree #18 – Ginkgo (12" Base, Good Condition)  
 Tree #21 – English Walnut (48" Base, Fair Condition)  
 Tree #32 – California Pepper (30" Base, Fair Condition)  
 Trees # 61-63 – Monterey Pine (18" Bases, Fair – Poor Condition)  
 Trees #64-65 – Coast Live Oak (6-10" and 15" Bases, Fair - Poor Condition)  
 Tree #67, #69, #70 – Coast Live Oak (10", 6", and 14" Bases, Fair Condition)  
 Tree #68 – California Pepper (22" Base, Fair Condition)  
 Tree #71 & #72 – Coast Live Oak (3"-4" and 70", Fair – Poor Condition)  
 Tree #75 – California Pepper (30" Base, Fair Condition)  
 Tree #77 – Coast Live Oak (16" Base, Fair Condition)  
 Tree #78 – Mexican Elderberry (16"-18" Base, Fair Condition)  
 Trees #80-#82 – California Pepper (16"-36", Fair – Poor Conditions)  
 Trees #84-#91 – California Pepper (8"-30" Bases, Fair – Poor Condition)  
 Trees #92-#101 – California Pepper (8"-20" Bases, Fair – Poor Condition)  
 Trees #102-#103 – Coast Live Oak (7" and 28" Bases, Fair Condition)  
 Tree #104 – Mexican Elderberry (20" Base, Poor Condition)  
 Tree #109 – Coast Live Oak (26" Base, Fair Condition)  
 Tree #110 – California Pepper (14" Base, Fair Condition)  
 Tree #112 – California Pepper (20" Base, Fair Condition)  
 Trees #124-#126 – Coast Live Oak (12-14" Bases, Fair Condition)  
 Tree #140 – California Pepper (15" Base, Fair Condition)  
 Tree #148 – California Pepper (8" Base, Fair Condition)

Trees which are removed shall be replaced with a 1:1 ratio with native tree species, such as the trees listed on the 'Native Plants for Heavy Soils' list from the Theodore Payne Foundation for Wild Flowers and Native Plants (<https://theodorepayne.org/learn/plant-guides/>).

### **Sustainability**

24. **MERV 13 Value Filters.** The applicant, or its successor, shall install MERV 13 value filters for all 18 new single-family homes, to the satisfaction of the Department of Building and Safety.
25. **Solar Power.** The project shall provide photovoltaic solar panels on a minimum of 20% of the total residential dwelling units (4 residential dwelling units). The remainder of the dwelling units shall be solar ready (other than the historic Wilson House). The operational photovoltaic system shall be maintained for the life of the project. Solar panels may be installed on all rooftop structures and/or parking areas with the exception of areas occupied by rooftop mechanical equipment.
26. **Electric Vehicle Parking.** The project shall include at least 20 percent (20%) of the total automobile parking spaces developed on the project site 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. Of the twenty percent EV Ready Parking, five 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 either the required 20 percent or five 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.

27. **Greywater.** The project 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 DCP. The historic Wilson House shall be exempt from this requirement.
28. **Low Impact Development.** Best Management Practices (BMPs) shall prioritize in-ground infiltration such as bioswales, as feasible, as opposed to planter boxes and rain gardens. Additionally, the associated LID plan shall be revised to utilize different methods of on-site stormwater water retention on Lots 14 – 18 to ensure that that retention methods do not conflict with equestrian access to the equine keeping areas at the rear of the lot.
29. **Solar Generator.** Construction generators shall be solar-powered generators rather than temporary diesel power generators and/or gasoline power generators.

### **Environmental Conditions**

30. **Mitigation Monitoring Program.** The project shall be in substantial conformance with the mitigation measures in the attached MMP and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact. If the project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Zone Change unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.
31. **Mitigation Monitor.** During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The

documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two business days if the applicant does not correct the non-compliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

32. **Aesthetics.** 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.
32. **Biology – Plant Species.** Invasive, exotic plant species shall be prohibited as part of the landscape plan for the Project. The invasive plants to be prohibited from use in landscaping shall include any of the plant species rated as “High” or “Moderate” in the California Invasive Plant Inventory Database, which is maintained by the California Invasive Plant Council (Cal-IPC). This prohibition will be included in the CC&Rs for future residents
33. **Biology – Channel Protection.** To avoid any incidental construction-related impacts to the potential jurisdictional channel, a solid, temporary barrier (e.g., a silt fence or equivalent) shall be installed and maintained just outside the top of the channel bank prior to the start of construction activities.
34. **Biology – Bird Breeding Season.** When feasible, any proposed clearing and grubbing of vegetation within the project limits and the generation of nuisance noise during construction activities should occur after September 15 and prior to March 15, which would be outside the typical breeding season (i.e., March 15–September 15) for most birds. If avoidance of this breeding season is not feasible, a nesting bird survey should be conducted by a qualified biologist within 2 to 3 days prior to any vegetation clearing activities to ensure that birds are not engaged in active nesting within 100 ft of the work area. If nesting birds are discovered during this survey, the biologist will identify an appropriate setback, or buffer (i.e., up to 500 ft depending on the circumstances and specific bird species) where no construction activities or other disturbances are allowed to occur until after the birds have fledged or otherwise abandoned the nest. The adverse effects of lighting on wildlife can be avoided provided the construction activities associated with the project occur during daylight hours. However, if construction must occur during nighttime hours, the amount of lighting used should be minimized and localized as much as is feasible. This temporary impact is unlikely to result in a significant impact to nocturnal wildlife in the area. If additional lighting is to be installed in the work area, this lighting should be directed downward and should not be directed outward toward any adjacent open space areas.
35. **Biology – Bat Maternity Season.** To avoid potential direct mortality to flightless young bats, tree trimming/removal activities associated with the Project shall be conducted outside the recognized bat maternity season, which occurs from April 1 through August 31 in southern California. This period also coincides with the bird nesting season of February 15 through September 1. If trees must be trimmed or removed during the bat maternity season referred to above, a preconstruction bat survey of those trees shall be conducted within 2 to 3 days prior to the trimming or removal. If any bat roosting is detected, no tree removal or trimming activities shall occur within 100 feet of the roosting location until the bats have completed their roosting activities.

36. **Biology – Roosting Bats.** To avoid potential direct mortality to roosting bats, the attic spaces of the various houses shall be examined for the presence of bats within 2 to 3 days prior to demolition of those structures. These attic spaces are the only sites identified within structures throughout the study area that could potentially support maternity roosting by large numbers of bats. If maternity-roosting bats are found, a humane eviction and exclusion shall be performed outside of the recognized bat maternity season (April 1–August 31 in southern California) to prevent potential direct impacts to roosting bats, including flightless young, and that alternate roosting structures (e.g., “bat houses”) be installed to mitigate for the loss of habitat. However, unless bats are found roosting within the attic spaces of the various residences, no extensive loss of bat day-roosting habitat is anticipated from the removal of structures within the study area.
37. **Biology – Burrowing Owls.** To avoid any potential adverse impacts to burrowing owls that may unexpectedly show up on site, a focused survey of the study area is recommended within 3 days of the start of construction activities. If no burrowing owls are found, construction can proceed immediately. If this species is present, a qualified biologist shall be present during construction activities to monitor the work and flush any birds out of the project area to ensure they are adequately protected.
38. **Biology – Tree Removal.** Non-Protected Significant Trees shall be replaced on a one-to-one (1:1) ratio to the satisfaction of the City of Los Angeles. Protected Significant Trees shall be replaced on a four-to-one 4:1 ratio to the satisfaction of the Urban Forestry Division.
39. **Cultural – Historic Preservation during Construction Activities.** The Wilson House shall be protected by cyclone-fencing, K-rails, plywood window coverings, or other means, to create a buffer from the accidental intrusion of construction equipment onto, or near, the Wilson House property. The exterior character-defining features of the Wilson House shall also be protected during tree trimming and removal activities, and future construction activities on the lot. Any damage that may occur to the Wilson House from construction or maintenance activities, shall be repaired in accordance with The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings (Kay D. Weeks and Anne E. Grimmer, revised 2017) under the supervision of a qualified Historic Architect or Architectural Historian (with experience in preparing repair and rehabilitation plans.)
40. **Cultural – Historic Preservation.** The Wilson House shall not be substantially altered or demolished, and that the resource shall retain its eligibility for listing in the in the National Register, California Register, and as a Monument. The recommended mitigation measures may avoid adverse impacts by not materially altering those physical characteristics and aspects of integrity that convey the buildings historic significance and architecture. If the recommended mitigation measure is adopted, the Project shall not have a significant effect on the historical property. The Wilson House shall be rehabilitated to serve its original use as a single family residence. Project proponents intend to use the Wilson House as a single-family residence and under CEQA they are required to follow The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings (Kay D. Weeks and Anne E. Grimmer, revised 2017.) Project proponents shall retain the services of a qualified Historic Architect or Architectural Historian (with experience in preparing rehabilitation plans) to assist in the future use and function of the building.



41. **Cultural –Archaeology.** Prior to grading, a professional Archaeologist shall be retained to observe excavations on the property for the presence of archaeological materials. Prior to grading, the areas to be monitored will be determined from consultation with the grading contractor during the pre-grade meeting. All artifacts discovered at the development site shall be inventoried and analyzed by the Project Archaeologist. If any artifacts of Native American origin are discovered, the Property Owner/Developer and Project Archaeologist shall notify the City of Los Angeles Planning Department and the appropriate local Native American tribe identified by the Native American Heritage Commission. The significance of Native American resources shall be evaluated in accordance with the provisions of the California Environmental Quality Act (CEQA) and shall consider the religious beliefs, customs, and practices of the tribe. All items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling. Native American artifacts that cannot be avoided or relocated at the Project site shall be prepared in a manner for curation, and the Project Archaeologist shall deliver the materials to an accredited curation facility approved by the City of Los Angeles within a reasonable amount of time. Non-Native American artifacts shall be inventoried, assessed, and analyzed for cultural affiliation, personal affiliation (prior ownership), function, and temporal placement. Subsequent to analysis and reporting, these artifacts shall be subjected to curation or returned to the Property Owner/Developer, as deemed appropriate. Once ground-altering activities have ceased or the Project Archaeologist determines that monitoring activities are no longer necessary, monitoring activities may be discontinued following notification to the City of Los Angeles Planning Department. A report of findings, including an itemized inventory of recovered artifacts, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered artifacts. The report and inventory, when submitted to the City of Los Angeles Planning Department, shall signify completion of the program to mitigate impacts to archaeological and/or cultural resources. A copy of the report shall also be filed with the South Central Coastal Information Center (SCCIC).
42. **Cultural – Paleontological.** If any paleontological resources (e.g., plant or animal fossils) are encountered before or during grading, the Property Owner/Developer shall retain a qualified Paleontologist to evaluate unanticipated discoveries and to take appropriate measures to protect or preserve them for study. The Paleontologist shall submit a report of findings that will also provide specific recommendations regarding further measures (i.e., paleontological monitoring) that may be appropriate. Where monitoring is appropriate, the program must include, but not be limited to, the following measures: Assign a Paleontological Monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full time during earth-disturbing activities. Divert earth-disturbing activities away from the immediate area of the discovery until the Paleontological Monitor has completed salvage. If construction personnel make the discovery, the grading contractor shall immediately divert construction and notify the Paleontological Monitor of the find. Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate repository. Prepare and submit a technical report describing the identification, salvage, evaluation, and treatment of all fossils discovered during grading to the City of Los Angeles. Transfer collected specimens with a copy of the report to the depository.
43. **Noise – Walls.** A noise barrier with a minimum height of 6 ft above ground will be implemented along the perimeter of the outdoor active use areas, such as backyards, associated with the three front-row dwelling units along Topanga Canyon Boulevard/Santa Susana Avenue.

44. **Noise – Mechanical Systems.** Mechanical ventilation systems such as air conditioning are required for all proposed residential dwelling units.
45. **Noise – Building Facades.** Building façade upgrades such as double-paned windows with a minimum STC rating of 30 are required for the three front-row dwelling units along Topanga Canyon Boulevard/Santa Susana Avenue.
46. **Noise – Construction Hours of Operation.** The construction contractor shall conduct construction activities outside of the prohibited hours of construction specified in Section 41.40 of the Los Angeles Municipal Code, which prohibits construction activity (including demolition) and repair work where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling, hotel, apartment, or other place of residence between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturday, unless the Board of Police Commissioners has authorized such use. All such activities are also prohibited on Sundays and all federal holidays.
47. **Noise – Construction Barrier.** A minimum temporary construction barrier height of 14-foot (ft) high perimeter wall shall be placed along the northern, southern, and western construction boundary such that the line-of-sight from ground-level construction equipment and sensitive receptors would be blocked and to achieve a sound level reduction of at least 13 dBA. The construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. All noise barrier material types are acoustically effective if they meet this minimum STC rating. This barrier could include heavy-duty materials such as vinyl-coated polyester (VCP).
48. **Noise – Grading Equipment.** During all project site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
49. **Noise – Stationary Equipment.** The project contractor shall place all stationary construction equipment so that emitted noise is directed away from the most sensitive receptors nearest the project site whenever feasible.
50. **Noise – Equipment Staging.** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and most noise-sensitive receptors nearest the project site during all project construction whenever feasible.
51. **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.
52. **Police.** Upon completion of the Project, the Devonshire 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.
53. **Traffic.** A Construction Traffic/Management Plan will be submitted to LADOT for review and approval. The bulk of the work will be conducted on site. However, if temporary lane closures

were needed it would require Street Services approval. Existing access for the site would be maintained for construction access. Deliveries of construction material will be coordinated to non-peak travel periods, to the extent possible.

54. **Tribal Cultural Resources.** Prior to commencing any ground disturbance activities including excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site, the Applicant, or its successor, shall retain and pay for archeological monitors, determined by the City's Office of Historic Resources to be qualified to identify subsurface tribal cultural resources. The archeological monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archeological monitor shall be assigned to each location where the ground disturbance activities are occurring. Prior to the commencement of any ground disturbance activities at the project site, the Applicant, or its successor, shall notify any California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project that ground disturbance activities are about to commence and invite the tribes to observe the ground disturbance activities, if the tribes wish to monitor. In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by the qualified archeologist, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below: 1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, 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, Office of Historic Resources. 2. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. 3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, or its successor, reasonably concludes that the tribe's recommendations are reasonable and feasible. 4. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation. 5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a

substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation. 6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by a qualified archaeologist and determined to be reasonable and appropriate. 7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above. 8. 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 and to the Native American Heritage Commission for inclusion in its Sacred Lands File. 9. Notwithstanding paragraph 8 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, section 6254(r), and shall comply with the City's AB 52 Confidentiality Protocols.

55. **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.
56. **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.

### **Administrative Conditions**

57. **Approval, Verification, and Submittals.** Copies of any approvals, guarantees, or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject case file.

58. **Code Conformance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
59. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
60. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
61. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
62. **Building Plans.** Page one of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
63. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
64. **Indemnification.** Applicant shall do all of the following:
  - a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion,

- based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.