

## CONDITIONS OF APPROVAL

### Entitlement Conditions

1. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit two final building permit construction plans for final review and approval by the Department of City Planning. A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
2. **Height.** The building shall be a maximum of 77 feet 4 inches.
3. **Floor Area Ratio.** The floor area ratio of the project shall not exceed 4.27:1.
4. **Transitional Height Adjacent to Residential.** As depicted in "Exhibit A" the building shall step back adjacent to the residentially zoned property along the southern property line of Lot 9.
5. **Parking Lot Landscaping.** A minimum 5 foot landscape buffer shall be located along the southern property line of Lot 85, as depicted in "Exhibit A", and include a minimum of 6 shade trees dispersed throughout the parking at a ratio of 1 tree for every 4 parking spaces.
6. **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).
7. **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.
8. **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.
9. Parking at grade shall be designed to minimize vehicle headlight and parking structure interior lighting impacts ("spillover") on adjacent streets and properties.

10. **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 required by LAMC 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.
11. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
  - a. Minimum depth for trees shall be 42 inches.
  - b. Minimum depth for shrubs shall be 30 inches.
  - c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches
12. 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.
13. The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
14. **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.
15. **Solar-ready Buildings.** 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.

#### Environmental Conditions

16. **Air Quality.** A fugitive dust control plan shall be developed for the project prior to construction to reduce emissions of PM10 and PM2.5 on the project site during project construction and operation. The fugitive dust control plan shall address how the contractor will manage erosion and sediment, the general site and materials, and inspection and maintenance. Below are examples of the measures that will be incorporated into project construction and operation to reduce fugitive dust emissions, as recommended by the SCAQMD (SCAQMD 2018, Countess Environmental 2006):
  - a. Apply water every 4 hours to the area within 100 feet of a structure being demolished, to reduce vehicle trackout.
  - b. Apply dust suppressants (e.g., polymer emulsion) to disturbed areas upon completion of demolition.
  - c. Apply water to disturbed soils after demolition is completed or at the end of each day of cleanup.

- d. Prohibit demolition activities when wind speeds exceed 25 mph.
  - e. Limit on-site vehicle speeds (on unpaved roads) to 15 mph by radar enforcement.
  - f. All trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches.
  - g. Implement street sweeping program with Rule 1186 compliant PM<sub>10</sub> efficient vacuum units (14-day frequency)
  - h. Pave unpaved roads and unpaved parking areas.
17. **Noise.** Construction equipment, including vehicles, generators, and compressors, shall be maintained in proper operating condition and will be equipped with manufacturers' standard noise control devices or better (mufflers, acoustical lagging, and/or engine enclosures).
18. Electrical power shall be supplied from commercial power supply, wherever feasible, in order to avoid or minimize the use of engine-driven generators.
19. Prior to approval of the final grading plans, the plans shall demonstrate to the satisfaction of the City Engineer that the staging and heavy equipment repair areas have been located as far as practicable from the closest residences.
20. During construction, heavy equipment operations within 50 feet of any off-site residence shall be restricted to less than a full hour of consecutive operation, or a temporary barrier shall be constructed that interrupts the direct line of sight between the source and receiver. Additionally, during construction, heavy equipment operations will comply with the Los Angeles Municipal Code (LAMC) and shall not cause an hourly average sound level greater than 75 A-weighted decibels (dBA) on property zoned or used for residential purposes.
- 21. 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.
22. Heating, ventilation, and air conditioning (HVAC) mechanical equipment on the finished project shall be screened or have the required industry standard noise mufflers to reduce noise levels to conform to the City's noise standards identified in the LAMC.
23. Prior to issuance of a building permit, the project applicant shall submit plans demonstrating that HVAC units shall not be placed on the roof of buildings, but instead would be located below surface of ground level if feasible, behind the placement of a retaining wall.
24. During operation of the project, delivery of supplies, equipment, or other materials shall not occur before 7:00 a.m. or after 10:00 p.m.
25. Pile driving activities during construction shall actively monitor vibration levels when heavy-duty construction equipment (e.g., excavator, large bulldozer, pile-driver, or caisson drill) is located within 10 feet of the residential structures to the south. Activity shall be modified if

monitored vibration levels exceed 0.3 inches per second. Activity modification may include, but is not limited to, changing equipment or relocating the vibration-generating activity. Alternative pile types that are quieter to install, such as Nicholson Pin Piles, Tubex grout units, or GeoJet foundation units, shall be utilized where feasible in place of traditional driven piles to reduce noise and vibration generation.

#### Administrative Conditions

26. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
27. **Approval, Verification and Submittals.** Copies of any approval, 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.
28. **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.
29. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
30. **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 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.