

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission 8-24-17)

Pursuant to Sections 12.28, 16.05, and 13.08 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. 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.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated August 14, 2017 (hereafter "Exhibit A"), except as may be revised as a result of this action.
3. 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.
4. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalks bordering the site.
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 three (3) units available to Moderate Income Households and three (3) units available to Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. 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 and to the Council Office.
6. **Parking.** All automobile parking shall be provided in conformance with LAMC Section 12.21-A,4. A minimum of 20-percent of the total provided parking spaces shall be capable of supporting future electric vehicle supply equipment (EVSE). EVSE, infrastructure, and all devices related to EV charging shall be installed in accordance with California Electrical Code and to the satisfaction of the Department of Building and Safety. A minimum of five-percent of spaces shall provide EV charging stations that are immediately capable of providing a charge.
  - a. **Unbundled Parking.** Required parking spaces for the market rate residential units shall be sold or rented separately from the dwelling units, so that buyers and tenants have the option of purchasing or renting a unit without a parking space.
  - b. Designated affordable units shall have bundled parking.
7. **Bicycle Parking.** Bicycle parking shall be provided in conformance with LAMC Section 12.21-A,4.
8. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.
9. **Open Space.** A minimum of 6,467 square feet of open space shall be provided.

10. **Solar Panels.** The project shall dedicate a minimum of 2,265 square feet of rooftop space for the installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A" dated August 14, 2017.
11. **Architectural Review.** The project shall provide architectural details to enhance scale and create visual interest along the eastern and western facades of the building, to the satisfaction of the Director of Planning. Architectural details may include, but are not limited to the following: breaking the facade up into distinct planes that are offset from the main building façade, adding porches or stoops to help orient units towards the street (western facade), climbing vines and other design features that enhance the overall design of the project.

### **Site Plan Review**

12. All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
13. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from the ground level view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
14. **Vehicular Access.** Vehicular access to the subterranean parking levels shall occur from the alley. The project shall comply with all requirements and conditions of the Department of Transportation's traffic assessment letter (Case No. SFV16-104809) dated December 7, 2016, and all subsequent revisions.

### **Environmental Conditions**

15. **Tribal Cultural Resources.** During the course of any ground disturbance activities, the applicant, or their agent, shall retain a professional Native American monitor(s). Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity. Monitoring of the project site during ground disturbance activities shall comply with the following:
  - a. The applicant, or their agent, shall obtain a professional Native American monitor, or monitors, by contacting the Gabrieleno Band of Mission Indians. Prior to the issuance of a grading permit, evidence shall be provided to the Department of City Planning that monitor(s) have been obtained;
  - b. A monitor shall be secured for each grading unit. In the event that there are simultaneous grading units operating at the same time, there shall be one monitor per grading unit;
  - c. In the event that subsurface archaeological resources, human remains, or other tribal cultural resources are encountered during the course of ground disturbance activities, all such activities shall temporarily cease on the project site until the archaeological or other tribal cultural resources are assessed and subsequent recommendations are determined by a qualified archaeologist. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, including the required notification to the County Coroner and the Native American Heritage Commission;

- d. In the event that subsurface resources are encountered during the course of ground disturbance activities, the qualified archaeologist on site shall specify a radius around where resources were encountered to protect such resources until the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 have been fulfilled. Project activities may continue outside of the designated radius area.
- e. 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).

**16. Noise (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. On-site power generators shall either be plug-in electric or solar powered.

**17. Inadequate Emergency Access.** The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code required emergency access.

**18. Transportation/Traffic.**

- a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- b. Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- d. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

**Administrative Conditions of Approval**

**19. 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.

20. **Code Compliance.** Area, height and use regulations of the (T)(Q)RAS4-1VL zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
21. **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 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.
22. **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.
23. **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.
24. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
25. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
26. **Indemnification and Reimbursement of Litigation Costs.**

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, 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.
- b. 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.
- 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 (b).

- 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 (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, 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.