

CONDITIONS OF APPROVAL

As modified by the City Planning Commission on September 14, 2017

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 plans submitted with the application and marked Exhibit "A", dated August 30, 2017, except as may be revised as a result of this action.
2. **Residential Density.** The project shall be limited to a maximum density of 452 residential dwelling units, including 19 live/work units and 11 percent of the total units set-aside for Very Low Income Households.
 - a. **Live/Work Units.** All live/work units shall be built in conformance with Section 419 of the California Building Code, subject to verification by the Los Angeles Department of Building and Safety.
 - b. **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 11 percent of the total dwelling units available to Very 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.
 - c. **Affordable Units.** All live/work units within the building may be made available to Very Low Income Households. For the remainder set-aside units, the size, location, and type of units reserved for Very Low Income Households shall be determined by HCIDLA.
3. **Floor Area Ratio.** The total floor area ratio (FAR) shall not exceed 5.97 to 1 (approximately 437,886 square feet), as shown on Exhibit "A", dated August 30, 2017.
4. **Height.** The building shall not exceed a height of 370 feet, excluding roof structures and equipment, as defined by LAMC Section 12.21.1.
5. **Automobile Parking.** Automobile parking shall be provided in compliance with LAMC Sections 12.21-A,4 and 12.21-A,16.
 - a. **Electric Vehicle Parking.** Of the total parking provided, five percent of spaces shall be dedicated for electric vehicles and provide charging stations. In addition, twenty percent of spaces shall be pre-wired for the future installation of electric charging stations. When the application of the five or twenty percent results in a fractional space, round up to the next whole number.
 - b. **Above Grade Parking.** Above-grade parking levels shall have an external screen integrated into the building design utilizing extensive glazing so that it is free of blank walls and open screening, minimizes light pollution, and meets code requirements for ventilation, to the satisfaction of the Director of Planning. Above-grade parking shall be screened so that garage lights and headlights shall not be seen from the street.

6. **Bicycle Parking.** Bicycle parking shall be provided in compliance with LAMC Sections 12.21-A,4 and 12.21-A,16.
7. **Solar Ready Buildings.**
 - a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 95.05.211, to the satisfaction of the Department of Building and Safety.
 - b. A minimum of 800 square feet of the roof area, as shown on Exhibit A, shall be reserved for the installation of solar panels. The solar panels shall be installed prior to the issuance of a certificate of occupancy. The lowest point of the solar panel may not be more than five feet above the roof line.
8. **Ground Floor Plaza and Paseo.**
 - a. The project shall provide a publicly accessible ground floor plaza and paseo in substantial conformance with Exhibit A. All ground floor public open space shall be open to the public and unlocked during business operating hours, at minimum, inclusive of where it connects to the Santee Village complex and existing court to the south.
 - b. Non-deciduous vines shall be planted at the base of the building along the western façade to provide additional landscaping and visual interest at the pedestrian level.
 - c. Permanent and/or temporary seating shall be provided within the paseo, especially along the path abutting the western property line, to activate the area and encourage passive recreation.
9. **Façade Treatment.** The industrially inspired window grid aesthetic shall be maintained in substantial conformance with Exhibit A and not removed from the proposed design.
10. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
11. **Downtown Design Guidelines.** The project as depicted in Exhibit A shall comply with the following Downtown Design Standards:
 - a. Sidewalks and Setbacks. Provide a minimum six-foot continuous path of travel along all sidewalks, excluding parkway and areas reserved for outdoor plaza activity.
 - b. Ground Floor Treatment. Wall openings shall comprise at least 50 percent of the street level façade at the ground floor.
 - c. Parking and Access. Parking for market-rate units shall be sold or rented separately from residential units and commercial spaces (“unbundled”) in perpetuity. Parking that is required for residential use but is unused or not rented with a unit and all commercial parking shall be made available as public parking during daytime and evenings.
 - d. Massing and Street Wall. The portion of a tower above 150 feet shall be spaced at least 80 feet from all existing or possible future towers, both on the same block and across the street, except where 1) the towers are offset (staggered), 2) the largest

windows in primary rooms are not facing one another, or 3) the towers are curved or angled.

e. On-Site Open Space.

- i. Site landscaping and residential open space shall be provided as required by LAMC Section 12.21-G, except as follows:
- ii. At least 50 percent of the required trees shall be canopy trees that shade open spaces, sidewalks, and buildings.

f. Architectural Detail.

- i. Provide well-marked entrances to cue access and use. Enhance all public entrances to a building or use through compatible architectural or graphic treatment. Main building entrances should read differently from retail storefronts, restaurants, and commercial entrances.
- ii. Ground-floor window and door glazing shall be transparent and non-reflective.

12. **Landscaping.** The project shall comply with the Landscape Plan in Exhibit A as follows:

- a. Amenity decks on the sixth floor and roof level shall include attractively landscaped passive outdoor areas in substantial conformance with Exhibit A.
- b. All planters containing trees shall be constructed at a minimum depth of 48 inches.
- c. All rooftop equipment and appurtenances shall be screened from public view using landscaping or shall be architecturally integrated into the design of the building.

13. **Trash/Storage.** All trash collecting and storage areas shall be located on-site and not visible from the public right-of-way.

- a. Trash receptacles shall be enclosed and/or covered at all times.
- b. Trash/recycling containers shall be locked when not in use.

14. **Transportation Demand Management Program.** A preliminary Transportation Demand Management (TDM) Program shall be prepared and provided for review by the Los Angeles Department of Transportation (LADOT) prior to the issuance of the first building permit. The final TDM approved by LADOT is required prior to the issuance of the first certificate of occupancy. The TDM Program may include, but not be limited to, the following strategies, subject to LADOT's recommendations:

- An on-site Transportation Information Center;
- Preferential rideshare loading/unloading or parking location;
- Subsidized/discounted transit passes for eligible project employees and tenants;
- Convenient parking and facilities for bicycle riders;
- Allowance for flexible and alternative work schedules;
- Administrative support for the formation of carpools/vanpools;
- Promotion of transit, walk, or bike to work events;
- Project design elements to ensure a bicycle, transit, and pedestrian friendly environment;

- Unbundled parking from housing cost;
- A Covenant and Agreement to ensure that the TDM program will be maintained.
- Contribute a one-time fixed fee contribution of \$50,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project;
- Provide an on-site TDM manager to assist in matching rideshare partners, determining transit routes and promoting the TDM program;
- Provide assistance with Transit Access Pass (TAP) and EZ Transit Pass purchases for residents and employees;
- Provide bicycle spaces/bicycle sharing services for residents and/or commercial employees to encourage cycling;
- Provide car sharing service for residents and/or commercial employees to use as alternative modes of travel; and
- Provide some commercial components that are neighborhood serving and easily accessible and visible to encourage walking.

Environmental Conditions – Project Design Features (PDF)

15. **PDF-AES-1.** The Applicant will erect temporary construction fencing along the periphery of the active construction areas to screen construction activity from view at the street level and to keep unpermitted persons from entering the construction area. The Project Applicant will ensure through appropriate postings and daily visual inspections that no unauthorized materials (i.e., graffiti removal) are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Ongoing during project construction

Action Indicating Compliance: Compliance certification report by Project contractor; Field inspection sign-off

16. **PDF-AES-2.** All open areas not used for building, driveways, parking areas, recreational facilities or walks will 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.

Enforcement Agency: Los Angeles Department of City Planning

Monitoring Agency: Los Angeles Department of City Planning

Monitoring Phase: Prior to occupancy; Post-occupancy

Monitoring Frequency: Once, at plan check; Ongoing during project operation

Action Indicating Compliance: Field inspection sign-off

17. **PDF-AES-3.** The Project building, structure, or portion thereof, will be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to LAMC Section 91.8104.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Prior to occupancy; Post-occupancy
Monitoring Frequency: Ongoing, during project operation
Action Indicating Compliance: Field inspection sign-off

18. **PDF-AES-4.** The exterior of all buildings and fences will be maintained to be free from graffiti when such graffiti is visible from a public street or alley, pursuant to LAMC Section 91.8104.15.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Prior to occupancy; Post-occupancy
Monitoring Frequency: Ongoing, during project operation
Action Indicating Compliance: Field inspection sign-off

19. **PDF-AES-5.** All signage will be in compliance with LAMC Article 4.4.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Prior to occupancy; Post-occupancy
Monitoring Frequency: Ongoing, during project operation
Action Indicating Compliance: Field inspection sign-off

20. **PDF-AES-6.** All lighting related to construction activities will be shielded or directed to restrict any direct illumination onto property located outside of the Project Site boundaries that is improved with light-sensitive uses or the above night skies.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Ongoing, during construction
Action Indicating Compliance: Field inspection sign-off; Compliance certification report by Project contractor

21. **PDF-AES-7.** Outdoor lighting will be designed and directed toward the area of the Project Site requiring lighting, to limit spillover onto adjacent residential uses and the above night skies.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Pre-construction; Construction
Action Indicating Compliance: Field inspection sign-off; Compliance certification report by Project contractor

22. **PDF-AES-8.** The above-grade parking levels will be designed with either solid or louvered infill panels below 36 inches above the parking surface to block or deflect car lights.

Enforcement Agency: Los Angeles Department of Building and Safety and Los Angeles Department of City Planning
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Pre-construction
Monitoring Frequency: Once, at plan check; Once, at field inspection prior to Certificate of Occupancy
Action Indicating Compliance: Approval of Lighting Plans prior to issuance of applicable building permit (Pre-construction)

23. **PDF-AES-9.** Exterior screening shall be installed to minimize the spill light from luminaires within open structure buildings from reaching beyond the Project Site. The screening shall also be installed so as to minimize the views and potential glare of headlights of motor vehicles within the garage from beyond the Project Site boundary. Screening measures may include, but are not limited to, shielding attached to the luminaire, building, or site structures.

Enforcement Agency: Los Angeles Department of Building and Safety and Los Angeles Department of City Planning
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Pre-construction
Monitoring Frequency: Once, at plan check; Once, at field inspection prior to Certificate of Occupancy
Action Indicating Compliance: Approval of Lighting Plans prior to issuance of applicable building permit (Pre-construction)

24. **PDF-AES-10.** The exterior of the proposed building shall be constructed of materials such as, but not limited to, high-performance and/or low-reflective glass (no mirror-like tints or films) and pre-cast concrete, perforated metal, or fabricated wall surfaces to minimize glare and reflected heat.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Once, at plan check; during project construction
Action Indicating Compliance: Approval of Building Permit; Written Compliance certification prior to issuance of Certificate of Occupancy

25. **PDF-NOISE-1.** Amplified music from speakers located on the podium deck and roof terrace would not exceed 75 dBA during the daytime or 64 dBA during the nighttime as measured at the point closest to adjacent residential uses. Measurements shall be taken using a calibrated handheld or in-place noise monitor that meets the American National Standard Institute (ANSI) S1.4 specification for sound level meters or equivalent. Sound system or speaker volume settings should be tested prior to the installation of permanent speakers or prior to the beginning of an event for temporary speakers. The maximum allowed sound system or speaker volume settings, based on the results of the measurements, shall be labeled on the settings controls and on-site personnel shall be required to comply with the maximum allowed volume settings. Speakers shall not be directed towards any adjacent residential uses and shall be directed towards the interior of the Project Site.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Ongoing during operation
Action Indicating Compliance: None – ongoing operational compliance required

26. **PDF-NOISE-2.** The Applicant will use electric or solar generators as power supply sources as feasible.

Enforcement Agency: Los Angeles Department of Building and Safety, Los Angeles Department of City Planning
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Operation
Monitoring Frequency: Ongoing during operations
Action Indicating Compliance: None – ongoing operational compliance required

27. **PDF-NOISE-3.** The Project construction contractor will use on-site electrical sources or solar generators to power equipment rather than diesel generators where feasible.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Periodic field inspections during construction
Action Indicating Compliance: Field inspection sign-off; Compliance certification report by proposed project contractor

28. **PDF-PUB-1.** The Project shall comply with the design guidelines outlined in the LAPD Design Out Crime Guidelines, which recommend using natural surveillance to maximize visibility, natural access control that restricts or encourages appropriate site and building access, and territorial reinforcement to define ownership and separate public and private space. Specifically, the Project would:

- Install security industry standard security lighting at recommended locations including parking structures, pathway options, and curbside queuing areas;
- Install closed-circuit television at select locations including (but not limited to) entry and exit points, loading docks, public plazas and parking areas;
- Provide adequate lighting of parking structures, elevators, and lobbies to reduce areas of concealment;
- Provide lighting of building entries, pedestrian walkways, and public open spaces to provide pedestrian orientation and to clearly identify a secure route between parking areas and points of entry into buildings;
- Design public spaces to be easily patrolled and accessed by safety personnel;
- Design entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites; and

- Limit visually obstructed and infrequently accessed “dead zones.”

Enforcement Agency: Los Angeles Police Department

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Post-occupancy

Monitoring Frequency: Once, at plan check; during project construction; during project operation, on an as needed basis

Action Indicating Compliance: Written approval by the Los Angeles Police Department prior to issuance of building permits

29. **PDF-PUB-2.** The Applicant or its successor shall develop an Emergency Procedures Plan to address emergency concerns and practices. The plan shall be subject to review by LAPD.

Enforcement Agency: Los Angeles Police Department

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction; Post-occupancy

Monitoring Frequency: Once, at plan check; during project construction; during project operation, on an as needed basis

Action Indicating Compliance: Written approval by the Los Angeles Police Department prior to issuance of building permits

30. **PDF-TRAF-1.** LAUSD’s Transportation Branch will be contacted at (213) 580-2950 regarding the potential effect upon existing school bus routes. The Project Manager or designee will notify the LAUSD Transportation Branch of the expected start and ending dates for various portions of the Project that may affect traffic within nearby school areas.

- School buses will have unrestricted access to schools.
- During the construction phase, truck traffic and construction vehicles will not cause traffic delays for LAUSD transported students.
- During and after construction changed traffic patterns, lane adjustment, traffic light patterns, and altered bus stops will not affect school buses’ ontime performance and passenger safety.
- Construction trucks and other vehicles will to stop when encountering school buses using red-flashing-lights must-stop-indicators per the California Vehicle Code.
- Contractors will install and maintain appropriate traffic controls (signs and signals) to ensure vehicular safety.
- Contractors will maintain ongoing communication with LAUSD school administrators, providing sufficient notice to forewarn children and parents when existing vehicle routes to school may be impacted.
- Parents dropping off their children will have access to the passenger loading areas.

Pedestrian Safety

- Contractors will maintain ongoing communication with LAUSD school administrators, providing sufficient notice to forewarn children and parents when existing pedestrian routes to school may be impacted.
- Contractors will maintain safe and convenient pedestrian routes to all nearby schools. The District will provide School Pedestrian Route Maps upon the applicant’s request.

Enforcement Agency: Los Angeles Department of Building and Safety, Los Angeles Unified School District, Los Angeles Department of Transportation

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Ongoing, during construction

Action Indicating Compliance: Issuance of a Certificate of Occupancy

31. **PDF-TRAF-2.** The Applicant will implement the following strategies during construction for additional pedestrian, bicycle, and vehicle safety:

- Install appropriate traffic signs around the site.
- Submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval.
- Plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. The Applicant will 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.
- Temporary pedestrian facilities should be adjacent to the Project Site and provide safe, accessible routes.
- Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- Applicant will keep sidewalk open during construction and close sidewalk 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.

Enforcement Agency: Los Angeles Department of Building and Safety, Los Angeles Department of Transportation

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Ongoing, during construction

Action Indicating Compliance: Issuance of a Certificate of Occupancy

32. **PDF-UTIL-1.** The Project will provide for clearly marked, durable on-site recycling containers to promote the recycling of paper, metal, glass, and other recyclable materials and adequate storage areas for such containers during construction and after the building is occupied.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Prior to occupancy; Post-occupancy

Monitoring Frequency: Ongoing, during project operation

Action Indicating Compliance: Field inspection sign-off

Environmental Conditions – Mitigation Measures (MM)

33. **MM-CULT-1.** The identified historic buildings adjacent to the Project Site (the M.J. Connell Moderne building at 714-724 S. Los Angeles Street, the goldenrod color building internal to the M.J. Connell complex, and the Angelus Shoe Polish Company Building, south of the Project Site at 741 Maple Avenue) shall be photographed prior to any construction work commencing. The photographs shall be focused on the exterior portions of the buildings adjacent to the proposed construction and shall be used by the project team to monitor the existing condition of the historic buildings to ensure they are not damaged by any construction activities for the duration of the construction period.

Enforcement Agency: Los Angeles Department of City Planning, Office of Historic Resources

Monitoring Agency: Los Angeles Department of City Planning, Office of Historic Resources; Los Angeles Department of Building and Safety

Monitoring Phase: Pre-construction

Monitoring Frequency: Prior to issuance of building permit

Action Indicating Compliance: Compliance report by qualified archaeological monitor

34. **MM-GEO-1.** The Project shall be designed and constructed in accordance with the requirements provided in the Geotechnical Investigations to reduce the potential for settlement, which shall be approved by the Department of Building and Safety prior to issuance of building and grading permits. These requirements include the following:

- Excavations to proposed grades for the subterranean levels are expected to remove existing fills and some of the compressible native soils. Remedial grading is not anticipated at this time but must be confirmed after design level explorations are completed.
- Excavations to proposed finish grade will require shoring as the excavation will remove lateral support from the public right of way and adjacent properties.
- The proposed building will probably require deep foundations for support to control settlements. If the differential settlements can be reduced by structural separation from the tower, spread footings for support of the parking structure element of the project may be feasible. A detailed design investigation will be required to develop foundation design parameters.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Post-construction; construction

Monitoring Frequency: Ongoing during construction

Action Indicating Compliance: Issuance of grading permits; Field inspection sign-off; Geotechnical engineers site visit reports as needed

35. **MM-GEO-2.** The Project shall be designed and constructed in accordance with the recommendations provided in the Geotechnical Investigations to reduce the potential for expansive soils, which shall be approved by the Department of Building and Safety prior to issuance of building and grading permits.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Post-construction; construction
Monitoring Frequency: Ongoing during construction
Action Indicating Compliance: Issuance of grading permits; Field inspection sign-off; Geotechnical engineers site visit reports as needed

36. **MM-NOISE-1.** Concrete, not metal shall be used for construction of parking ramps. Interior ramps and turning areas shall be textured to prevent tire squeal.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Once, during project construction; during project operation, if needed at some future time
Action Indicating Compliance: Field inspection sign-off within compliance report

37. **MM-NOISE-2.** Two weeks prior to the commencement of demolition, grading, or construction at the Project Site, notification shall be provided to all property owners and tenants within a radius of 200 feet from the Project Site disclosing the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period. This notification shall also provide a contact name and phone number for occupants to call for construction noise related complaints. The contact's name and phone number shall be prominently displayed at the Project Site two weeks prior to the commencement of demolition and for the duration of all construction phases. All reasonable concerns shall be rectified within 24 hours of receipt.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Ongoing during project construction
Action Indicating Compliance: Field inspection sign-off within compliance report

38. **MM-NOISE-3.** Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. The construction contractors shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.

Enforcement Agency: Los Angeles Department of Building and Safety
Monitoring Agency: Los Angeles Department of Building and Safety
Monitoring Phase: Construction
Monitoring Frequency: Ongoing during project construction
Action Indicating Compliance: Field inspection sign-off within compliance report

39. **MM-NOISE-4.** Construction activities whose specific location on the Project Site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest residential land uses and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen such activities from these land uses to the maximum extent possible.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Ongoing during project construction

Action Indicating Compliance: Field inspection sign-off within compliance report

40. **MM-NOISE-5.** Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. Examples include the use of drills and jackhammers.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Ongoing during project construction

Action Indicating Compliance: Field inspection sign-off within compliance report

41. **MM-NOISE-6.** The Project developer shall install temporary and continuous sound curtains with a height of 15 feet along the western perimeters of the Project Site adjacent to the existing residential properties. The sound curtains shall be in place until the western side panels for the Project parking structure are in place.

Enforcement Agency: Los Angeles Department of Building and Safety

Monitoring Agency: Los Angeles Department of Building and Safety

Monitoring Phase: Construction

Monitoring Frequency: Ongoing during project construction

Action Indicating Compliance: Field inspection sign-off within compliance report

42. **MM-TRAF-1.** **7th Street and Maple Avenue –**
The Applicant shall re-stripe both northbound and southbound approaches to provide one left-turn and one through-right lanes. As verified during field review, the available roadway width would allow for an additional left-turn lane in the northbound and southbound direction by re-striping without additional physical improvements to the intersection. A striping mitigation exhibit is included in Appendix J.
In addition, a TDM plan with a cumulative target goal of 10% reduction in project traffic is expected to increase the capacity of the intersection by 10%.

The combination of re-striping and TDM plan would lower the volume to capacity at the intersection from 0.707 to 0.585 and would mitigate the impact during the PM peak period to less than significant levels.

Enforcement Agency: Los Angeles Department of Transportation
Monitoring Agency: Los Angeles Department of Transportation
Monitoring Phase: Post-construction; construction
Monitoring Frequency: Ongoing during construction; during project operation, if needed at some future time
Action Indicating Compliance: Field inspection sign-off within compliance report

43. MM-TRAF-2.

8th Street and Maple Avenue –

The significant impact at 8th Street and Maple Avenue can be mitigated by a TDM plan. A TDM plan with a cumulative target goal of 10% reduction in project traffic is expected to increase the capacity of the intersection by 10%. The volume to capacity ratio would decrease from 0.885 to 0.785 and would mitigate the impact during the PM peak period to less than significant levels.

Enforcement Agency: Los Angeles Department of Transportation
Monitoring Agency: Los Angeles Department of Transportation
Monitoring Phase: Post-construction; construction
Monitoring Frequency: Ongoing during construction; during project operation, if needed at some future time
Action Indicating Compliance: Field inspection sign-off within compliance report

44. MM-TRAF-3.

7th Street and Main Street –

The significant impact at 7th Street and Main Street can be mitigated by a TDM plan. A TDM plan with a cumulative target goal of 10% reduction in project traffic is expected to increase the capacity of the intersection by 10%. A TDM plan would lower the volume to capacity from 0.996 to 0.896 during the PM peak period, and would mitigate the impact to less than significant levels.

Enforcement Agency: Los Angeles Department of Transportation
Monitoring Agency: Los Angeles Department of Transportation
Monitoring Phase: Post-construction; construction
Monitoring Frequency: Ongoing during construction; during project operation, if needed at some future time
Action Indicating Compliance: Field inspection sign-off within compliance report

45. MM-TRAF-4.

Transportation Demand Management (TDM) Plan –

The Applicant shall develop a Transportation Demand Management (TDM) Plan to the Satisfaction of LADOT with a goal of obtaining a 10% credit in volume to capacity ratio. At a minimum, the TDM shall include, but not be limited to, the following as part of the TDM plan to achieve the goal of obtaining a 10% credit to volume to capacity ratio as allowed by LADOT:

- Install bicycle parking that is visible and well lit.
- Provide enhanced pedestrian amenities on site, such as benches, lighting, and landscaping.
- Distribute transit information to tenants to ensure that they are aware of the public transit facilities in the area.

- Develop a parking management strategy to encourage efficient use of the available parking. Set parking prices for non-residential users based on congestion and implement higher parking costs for single occupant vehicles.
- Provide unbundled parking for residences.
- Offer flexible and staggered schedules for employees so that there would be fewer trips during the AM and PM peak periods.

The TDM is typically monitored by an independent agency and performance will be measured based on parking counts and trip generation data during peak hours.

Enforcement Agency: Los Angeles Department of Transportation

Monitoring Agency: Los Angeles Department of Transportation

Monitoring Phase: Post-construction; construction

Monitoring Frequency: Ongoing during construction; during project operation, if needed at some future time

Action Indicating Compliance: Field inspection sign-off within compliance report

Administrative Conditions

46. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews 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
47. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
48. **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.
49. **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.
50. **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.
51. **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.

52. **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 pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
53. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
54. **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 (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 include 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.