

CONDITIONS OF APPROVAL

As modified by the City Planning Commission February 8, 2018

Pursuant to L.A.M.C. Sections 12.24-U,14, 12.24-W,27, 12.28-A and 16.05, the following conditions are hereby imposed upon the use of the subject property:

Conditional Use - Major Development Project Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Permitted Uses.** The project shall be limited to the following uses, as defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual: Warehousing (ITE 150), Manufacturing (ITE 140), High-Cube Warehouse/Distribution Center (ITE 152), and High-Cube Transload & Short-Term Storage Warehouse (ITE 154). Permitted uses are further limited pursuant to Condition No. 26 (Project Design Feature – Restricted Uses). Additional permitted uses may be authorized upon approval from the Department of City Planning through the Plan Approval process (L.A.M.C. Section 12.24-M), under the authority of the City Planning Commission, in conjunction with appropriate environmental review and CEQA compliance.
3. **Floor Area.** The project shall be limited to a maximum floor area of 341,402 square feet, including a 25,000 square-foot mezzanine.
4. **Docks.** The project shall be limited to not more than 36 dock high truck loading positions.
5. **Passenger Vehicle Parking.** Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
6. **Passenger Electric Vehicle Parking.** The project shall include at least 20 percent of the total number of passenger vehicle 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. Of the twenty percent EV Ready parking, five percent of the total number of passenger vehicle 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 "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
7. **Truck Trailers Parking.** The project shall be maintain a minimum of 71 parking stalls for truck trailers.
8. **Trailer Truck Electric Vehicle Parking.** The project shall include at least 20 percent of the

total number of trailer truck 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. Of the twenty percent EV Ready parking, five percent of the total number of trailer truck 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 "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

9. **Bicycle Parking.** Bicycle parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the bicycle parking requirements has been requested or granted herein.

10. **Pedestrian Amenities.**

- a. Provide outdoor seating areas, including tables for eating, along and around the pedestrian pathways throughout the site and within the landscaped area at the northwest portion of the site.
- b. A pedestrian pathway shall be provided along the southern portion of the proposed building, adjacent to automobile parking spaces to provide safe pedestrian access across the project site.

11. **Plan Approval.** The property owner/operator shall file an Approval of Plan application, pursuant to L.A.M.C. Section 12.24-M within five (5) years of issuance of the Certificate of Occupancy to allow the City Planning Commission to assess compliance with the conditions. Notice of the public hearing shall be provided within a 500-foot radius and applicable fees shall be paid. At the hearing, the City Planning Commission will require the applicant to provide evidence of compliance by way of permits, certificates of occupancy, any supporting documents and photographs, etc. Failure to submit a completed plan approval application within the above time period constitutes a violation of the subject conditions and could result in the initiation of permit revocation proceedings. The City Planning Commission shall reserve the right to delegate its authority to the Director of City Planning for this matter.

12. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Director of City Planning will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

13. The property owner/operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:

- posted at the entry, and the cashier or customer service desk,
 - provided to the immediate neighbors, schools and the Neighborhood Council, and
 - responded to within 24-hours of any complaints/inquiries received on this hot line.
14. The property owner/operator shall document and maintain a log of complaints received, the date and time received and the disposition of the response.
15. The property owner/operator shall not permit any loitering on the premises or on property adjacent to the premises.
16. The property owner/operator 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.

Conditional Use - Commercial Corner Conditions

17. **Hours of Operation.** The project shall be permitted 24-hour operations, daily, subject to additional environmental Project Design Features and Mitigation Measures found herein.
18. **Transparency.** The project shall provide a minimum of 10% transparent windows on the east, south and west elevations.
19. **Standards & Operations.** Except as granted herein, the project shall comply with all Commercial Corner Standards and Operations pursuant to L.A.M.C. Section 12.22-A,23.

Zoning Administrator's Adjustment Conditions

20. **Building Height.** The project shall be permitted a maximum building height of 54 feet. This maximum building height shall also provide relief from the maximum permitted height pursuant to L.A.M.C. Section 12.22-A,23(a)(1) (Commercial Corner - Height).

Site Plan Review Conditions

21. Landscaping.

- a. The project shall provide a minimum of 69,000 square feet of native landscaping, including 166 trees.
- b. The project shall provide landscape planting strips with a minimum dimension of 4 feet wide by 15 feet long (4'x15') between every five (5) parking stalls. The landscape planting strip shall include groundcover and at least one (1) tree.
- c. The applicant shall work with the Bureau of Engineering and the Bureau of Street Services to install the maximum number of street trees within the newly constructed sidewalks along all street frontages abutting the subject property. The applicant shall be responsible for the maintenance of all street trees, including the replacement of any tree

that does not survive the initial transplant, or that dies or is severely damaged during the life of the tree.

22. **Lighting.** 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.

23. **Transportation.**

- a. **Construction.** The applicant shall submit a construction work site traffic control plan to DOT's Citywide Temporary Traffic Control Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties.
- b. **Highway Dedication and Physical Street Improvements.** All unimproved sidewalk area adjacent to the project site shall be improved by the project. The applicant should check with the Bureau of Engineering's (BOE) Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project. These requirements must be guaranteed before issuance of any building permit through the B-permit process of the Bureau of Engineering, Department of Public Works. They must be constructed prior to issuance of any certificate of occupancy to the satisfaction of DOT and the Bureau of Engineering.
- c. **Site Access and Internal Circulation.** The applicant shall consult with DOT for driveway locations and specifications prior to the commencement of any architectural plans, as they may affect building design. Final DOT approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting detailed site/driveway plans, at a scale of at least 1" = 40', separately to DOT's WLA/Coastal Development Review Section at 7166 West Manchester Avenue, Los Angeles 90045 as soon as possible but prior to submittal of building plans for plan check to the Department of Building and Safety. In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design effort, for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans. New driveways should be dimension per the Department of Public Works Case 2 design standard with respective 30-foot and 16-foot widths for two-way and one-way operations.
- d. **Transportation Demand Management.**
 - i. An on-site Transportation Information Center;
 - ii. Preferential rideshare loading/unloading or parking location;
 - iii. Subsidized/discounted transit passes for eligible project employees and tenants; Convenient parking and facilities for bicycle riders;
 - iv. Allowance for flexible and alternative work schedules;
 - v. Administrative support for the formation of carpools/vanpools;
 - vi. Promotion of transit, walk, or bike to work events;
 - vii. Project design elements to ensure a bicycle, transit, and pedestrian friendly environment;
 - viii. A Covenant and Agreement to ensure that the TDM program will be maintained;

- ix. Provide an on-site TDM manager to assist in matching rideshare partners, determining transit routes and promoting the TDM program;
- x. Provide assistance with Transit Access Pass (TAP) and EZ Transit Pass purchases, or similar transit pass, for employees;
- xi. Provide bicycle spaces/bicycle sharing services for employees to encourage cycling, and
- xii. Provide car sharing service for employees to use as alternative modes of travel.

e. Truck Routes and Parking.

- i. No trucks which service the proposed project shall be permitted to park on any adjacent street or within any nearby residential neighborhood, nor shall any truck which services the proposed project be permitted to travel through any nearby residential neighborhood.
 - ii. Truck routes shall be clearly marked with trailblazer signs, so that trucks will not enter residential areas.
 - iii. Signs shall be placed within the nearby residential neighborhood which inform truck drivers of the prohibition to park within the residential neighborhood.
 - iv. Develop, adopt, and enforce truck routes in and out of facilities.
 - v. Limit the daily number of trucks allowed at the facility to levels analyzed in the Final MND (338 daily diesel truck trips per day as analyzed in the MND). If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to reevaluating the project through CEQA prior to allowing this land use or higher activity level.
- f. Clean Truck Program.** The project shall maintain consistency with the San Pedro Bay Ports Clean Air Action Plan (CAAP) Clean Truck Program, including the California Air Resources Board phase-in of the use of 2010 trucks or newer by 2023.
- g. Truck Repair.** The applicant shall submit a revised Site Plan show a designated area(s) on site where all truck repairs shall occur. The designated area(s) shall be located out of view from the public right-of-way and a minimum of 300 feet away from the nearest residence.

24. Trash and Recycling.

- a. All trash collection and storage areas shall be located on-site and shall not be visible from the public right-of-way.
- b. Trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof, at all times.

25. Mechanical and Rooftop Equipment Screening. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way.

26. Rooftop Skylights. A minimum of 2.75% of the total rooftop shall be covered with skylights for natural daylighting of the interior space.

Environmental Conditions - Project Design Features

27. **Restricted Use.** Prior to issue of Building Permit for a change of use to a dedicated fulfillment center or cold storage warehouse, the applicant shall obtain approval from the Department of City Planning through the Plan Approval process (L.A.M.C. Section 12.24-M), under the authority of the City Planning Commission, in conjunction with appropriate environmental review and CEQA compliance.
28. **On-site Truck Queuing.**
- a. The project shall provide a reservoir at the truck access point from Orchard Avenue that allows for queuing for not less than four (4) trucks on-site.
 - b. The project shall provide a reservoir at the truck access point from Vermont Avenue that allows for queuing for not less than three (3) trucks on-site.
29. **Solar or renewable energy.** The project shall provide a rooftop solar installation or other renewable energy power source sized to offset the expected house meter and office electrical consumption. A renewable energy system shall be installed upon issuance of the first Certificate of Occupancy. Within six (6) months of future tenant occupancy of the building, the owner of the property shall submit to the case file a letter from the Los Angeles Department of Water and Power which indicates that a renewable energy system has been installed and sized to offset the expected house meter and office electrical consumption.
30. **Construction-source noise.** All construction equipment that is required to be equipped with a backup alarm shall utilize a broadband-style back alarm.
31. **Operational-source noise.** To the extent allowed by CAL/OSHA, require no back-up beepers or utilize alternate safety means for exterior operated vehicles between the hours of 10:00 p.m. and 7:00 a.m.
32. **Operational-source noise.** Loading and unloading shall be prohibited within 300 feet of any residential building between the hours of 10:00 p.m. and 7:00 a.m. the following day.
33. **Traffic, operational-source air quality, GHG emissions.** Provide a bus turnout and shelter at the existing bus stop on Vermont Avenue.
34. **Aesthetics, operational-source noise:** The project shall include a minimum 14-foot tall concrete masonry unit (CMU) or concrete wall along the northern property line.
35. **Cultural resources.** If any suspected cultural resources are discovered during ground-disturbing activities, the construction supervisor is obligated to halt work in a 50-foot radius around the find, and a qualified archaeologist meeting Secretary of Interior (SOI) standards shall be hired to assess the find.
36. **Construction-source air quality, GHG emissions.** To the extent commercially feasible, all construction equipment shall be rated Tier 4, or otherwise meet the Tier 4 emission standards.

Environmental Conditions – Mitigation Measures

37. **Air Quality (Construction).** During construction, all architectural coatings for the proposed project are to be limited to 10 grams per liter VOC content for buildings and 100 grams per liter VOC content for striping of the parking lot.

38. **Air Quality (Operation).**

- a. The project applicant shall require recycling programs that reduces waste to landfills by a minimum of 50 percent (up to 75% by 2020 per AB 341).
- b. The project applicant shall require that all building structures meet 2016 Title 24, Part 6 Commercial Standards and meet Green Building Code Standards (which includes utilizing low-flow fixtures that would reduce indoor water demand by 20%).

39. **Hazards and Hazardous Waste (Site Remediation).**

- a. Prior to the issuance of any permit, the applicant shall obtain the original reports and their associated laboratory analytical reports, figures, and other appendices of any environmental reports and investigations dating back at least to 1989.
- b. Prior to the issuance of any permit, the applicant shall submit to the Los Angeles Fire Department and the Los Angeles Regional Water Quality Control Board evidence, to the satisfaction of both the Fire Department and the Water Board, that the site has been adequately remediated and that the project would not constitute a health risk to the environment or the public.

40. **Hazards and Hazardous Waste (Creation of a Health Hazard).**

- a. Prior to the issuance of a use of land or building permit, or issuance of a change of occupancy, the applicant shall obtain approval from the Fire Department and the Department of Public Works, for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s).
- b. Approved plans for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s) shall be submitted to the decision-maker for retention in the case file.

41. **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.
- d. The construction contractor shall use on-site electrical sources or solar generators to

power equipment rather than diesel generators where feasible.

- e. Erect a temporary construction noise barrier 10-feet in height for the duration of construction activities. The barrier may be constructed with 1-inch plywood but shall be solid, without holes or cracks, and shall extend to the ground surface.
- f. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.
- g. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
- h. Equipment shall be shut off and not left to idle when not in use.
- i. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
- j. Jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded and noise shall be directed away from sensitive receptors.
- k. A construction mitigation monitoring program is required in order to document the decrease in noise levels obtained by the above listed construction mitigation measures.

Administrative Conditions of Approval

- 42. **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.
- 43. **Code Compliance.** Area, height and use regulations of the M2-1VL-O Zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 44. **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.
- 45. **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.
- 46. **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.

47. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
48. **Corrective Conditions.** The authorized use shall be conducted at all time with due regards to 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.
49. **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.
50. **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.