

## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32-G of the Municipal Code, the (T) Tentative Classification shall be removed by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, the following public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary):

### Responsibilities/Guarantees.

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. Bureau of Engineering. Prior to issuance of sign offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.
  - a. The applicant/developer shall record the final map of Vesting Tentative Tract No. VTT 74572 or shall provide the necessary dedications and public improvements required under VTT-74572.
3. **Fire Department.** Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.
4. **Bureau of Street Lighting.** No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; one (1) on Western Avenue and one (1) on Manhattan Place.

## **CONDITIONS OF APPROVAL**

As modified by the City Planning Commission April 12, 2018

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

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.

### **Side Yards**

2. The project shall be permitted a zero-foot side yards along the southern and northern property lines, as shown on Exhibit A.

### **Open Space**

3. The project shall be permitted a 10% reduction in the amount of usable open space, as required by the Municipal Code.
4. The project shall include a minimum of 11,880 square feet of open space throughout the site, as shown on Exhibit A.

### **Site Plan Review**

5. **Landscaping.** All tree planter wells shall be a minimum of 48 inches deep.
6. **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.
7. **Trash and Recycling.**
  - a. All trash collection and storage areas shall be located on-site and shall not 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.
8. **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.
9. **Vehicular Access.**
  - a. A minimum of 40-foot reservoir space be provided between any security gate(s) and the property line or to the satisfaction of the Department of Transportation.
  - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
  - c. Vehicular access to the project shall be limited to right-turn in and right-turn out only along

Western Avenue. No restrictions shall apply to Manhattan Place.

- d. A parking area and driveway plan 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 201 N. Figueroa Street Suite 550.

## **Environmental Conditions**

### **10. Historic Resources.**

- a. The project sponsor should commission the preparation of Historic American Building Survey (HABS) photographs of the subject property, and an accompanying HABS Historical Report. The contents of the report should include an architectural description, historical context, and statement of significance, per HABS Historical Report Standards. HABS documentation should provide the appropriate level of visual documentation and written narrative based on the importance of the resource (types of visual documentation typically range from producing a sketch plan to developing measured drawings and view camera (4 x 5") black-and-white photographs). The appropriate level of HABS documentation and written narrative should be determined in consultation with staff of the Los Angeles Department of City Planning, Office of Historic Resources, and reviewed by that office for completeness. The documentation should be completed by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards for History and/or Architectural History. The original archival-quality documentation should be offered as donated material to repositories that will make it available for current and future generations, including SCCIC at California State University, Fullerton, Archival copies of the documentation also should be submitted to local research repositories, archives, and libraries. This improvement measure would create a collection of preservation materials that would be available to the public and inform future research. In this way, documentation of the affected properties and presentation of the findings to the community could reduce the impact of the proposed project on the historical resource to Less-than-Significant.
- b. The project sponsor should commission the preparation of Historic American Landscape Survey (HALS) photographs of the courtyard, and an accompanying HALS Historical Report. The contents of the report should include a description of the landscape, historical context, and statement of significance, per HALS Historical Report Standards. HALS documentation should provide the appropriate level of visual documentation and written narrative based on the importance of the resource (types of visual documentation typically range from producing a sketch plan to developing measured drawings and view camera (4 x 5") black-and-white photographs). The appropriate level of HALS documentation and written narrative should be determined in consultation with staff of the Los Angeles Department of City Planning, Office of Historic Resources, and reviewed by that office for completeness. The documentation should be completed by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards for History and/or Architectural History. The original archival-quality documentation should be offered as donated material to repositories that will make it available for current and future generations, including SCCIC at California State University, Fullerton, Archival copies of the documentation also should be submitted to local research repositories, archives, and libraries. This improvement measure would create a collection of preservation materials that would be available to the public and inform future research. In this way, documentation of the affected landscape and presentation of the findings to the community could reduce the impact of the proposed project on the historical resource to Less-than-Significant.

- c. The project sponsor should endeavor to retain and restore the remaining character defining materials and features of the courtyard in order to shore up its historic appearance. These elements include the orthogonally patterned paving; the bracketed seating area, and the remaining elements of the landscape plan. These elements should be restored and refurbished by a landscape and/or materials professional who is familiar with the restoration of historic materials. A plan should be put in place for the upkeep and retention of the remaining mature trees in the courtyard.

#### **11. Noise.**

- 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. Whenever concrete mixing trucks and concrete pumping trucks operate along Manhattan Place, temporary noise barriers capable of attenuating their noises by 5 dBA or greater shall be positioned to obstruct the line-of-sight travel of their noises to Christ Unity Manor Residences and Christ Church.
- f. All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent noise-sensitive land uses.
- g. Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators shall be provided where feasible.

#### **12. 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**

13. **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.
14. **Code Compliance.** Area, height and use regulations of the (T)(Q)C4-2 zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
15. **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.
16. **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.
17. **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.
18. **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.
19. **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.
20. **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.
21. **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 \$25,000. 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.