

CONDITIONS OF APPROVAL

As modified by the City Planning Commission at its meeting on November 29, 2018

Pursuant to Section 11.5.11(e) and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions

1. **Site Development.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A" dated November 19, 2018. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Central Project Planning Bureau of the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Use.**
 - a. Residential uses shall be limited to a 100 percent affordable housing building, exclusive of the manager's unit, as defined by the Los Angeles Municipal Code (LAMC) Section 11.5.11(a)(3).
 - b. A maximum of 2,250 square feet of commercial uses permitted in the C2 Zone may be permitted.
 - c. A maximum of 25,498 square feet of residential floor area may also be utilized for supportive services, consistent with the definition of Philanthropic Institutional uses as defined by LAMC Section 12.03, subject to the following:
 - i. Supportive services or Philanthropic Institutional uses shall be ancillary to a 100 percent affordable housing building and shall be limited to clients of the owner/operator.
 - ii. Queuing for supportive services or Philanthropic Institutional uses shall occur on-site and shall not block the public right-of-way adjacent to the site.
3. **Affordable Units.**
 - a. A minimum of 378 units shall be designated as Restricted Affordable Units and reserved for Very-Low Income households, as defined by LAMC Section 11.5.11(j).
 - b. Changes in Restricted Units. Deviations that change the composition of units shall be consistent with LAMC Section 11.5.11(a)(3).
 - c. 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 378 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. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City

Planning Commission and with any monitoring requirements established by the HCIDLA.

4. Developer's Incentives.

a. Open Space.

- i. The total required open space required pursuant to LAMC Section 12.21 G may be reduced by a maximum of 33 percent and the total number of trees required pursuant to LAMC Section 12.21 G may be reduced by a maximum of 50 percent, provided that:

(1) The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O"; and

(2) Except as modified herein, the landscape plan shall comply with the applicable regulations of LAMC Section 12.21 G.

- ii. A maximum of 76 percent of the total required open space may be provided as indoor common open space or covered outdoor common open space, provided that no more than 47 percent is provided as indoor common open space.

- b. Parking. No parking space shall be required for dwelling units dedicated to or set-aside for households that earn less than 50% of the Area Median Income as determined by the Housing and Community Investment Department.

5. Paseos. The following setbacks shall be provided for Tower 1A and 1B to provide paseos for pedestrian and limited vehicular access:

- a. A minimum 10-foot setback shall be provided along the northern property line;

- b. A minimum variable setback of 10 feet to 12 feet 6 inches shall be provided along the southern property line.

6. Landscaping.

a. Tree Wells.

- i. The minimum depth of tree wells on the rooftop shall be as follows:

(1) Minimum depth for trees shall be 42 inches.

(2) Minimum depth for shrubs shall be 30 inches.

(3) Minimum depth for herbaceous plantings and ground cover shall be 18 inches.

(4) Minimum depth for an extensive green roof shall be 3 inches.

- ii. The minimum amount of soil volume for tree wells on the rooftop shall be based on the size of the tree at maturity:

- (1) 600 cubic feet for a small tree (less than 25 feet tall at maturity).
 - (2) 900 cubic feet for a medium tree (25-40 feet tall at maturity).
 - (3) 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).
- b. Green walls shall be planted along the north and south elevations of the buildings along the paseos at the ground floor level in conformance with the stamped Exhibit A dated November 19, 2018.

7. Parking.

- a. Residential vehicular parking for dwelling units dedicated or set-aside for households that earn more than 50 percent of the Area Median Income as determined by the Housing and Community Investment Department and Commercial vehicular parking shall be provided pursuant to LAMC Section 12.21 A.4.
- b. The project shall provide unbundled parking leases for market rate residential units (managers' units). Residential tenants shall have the option to lease parking spaces separately from the residential dwelling units or commercial tenant space, or to opt out of leasing parking spaces.
- c. Electric Vehicle Parking. The project shall include at least 20 percent of the total provided 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. The project shall include at least five (5) percent of the total provided parking spaces to further be 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.

8. Sustainability.

- a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
- b. Prior to the issuance of the Certificate of Occupancy for each building, the applicant shall install a minimum of 3,500 square feet of solar panels on Tower 1A and 1,000 square feet on Tower 1B. The solar panels may be located directly on the rooftop or on canopies. The allocation of solar panels may be re-distributed between the two buildings provided that a minimum of 4,500 square feet of solar panels shall be provided overall. The amount of solar panels to be provided for the entire project shall be indicated on the plans for both buildings.

9. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.

10. Construction.

- a. 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.
- b. Notwithstanding the provisions of LAMC Section 14.4.17, no signs shall be permitted on construction fencing except for those signs required by the Department of Building and Safety or other Department, Bureau, or Agency.

11. Lighting.

- a. 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.
- b. Pedestrian lights shall be installed within the public rights-of-way directly adjacent to the Project Site subject to the review, determination, and approval by the Bureau of Street Lighting that it is feasible to accommodate the pedestrian lights in addition to the required street lights. Pedestrian lights shall not be required if the Bureau of Street Lighting determines that the pedestrian lights would not be in compliance with the minimum distance requirements from other infrastructure located within the public rights-of-way.

B. Environmental Conditions**12. Cultural Resources.**

- a. Prior to Project construction, the prime contractor and any subcontractor(s) shall be advised of the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the Project Sites. In addition, in the event that buried archaeological resources are exposed during Project construction, work within 50 feet of the find shall stop until a professional archaeologist, meeting the standards of the Secretary of the Interior, can identify and evaluate the significance of the discovery and develop recommendations for treatment. Construction activities could continue in other areas of the Project Sites. Recommendations could include preparation of a Treatment Plan, which could require recordation, collection and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. Any Native American remains shall be treated in accordance with state law.
- b. Before ground disturbance, field observations regarding the geo-archaeological setting shall be conducted by a qualified archaeologist to determine the presence of undisturbed sediments capable of preserving archaeological remains, and the depth at which these sediments would no longer be capable of containing archaeological material. An archaeological monitor shall be present during initial excavation activities. The duration and timing of the monitoring shall be determined by the qualified archaeologist in consultation with the Department of City Planning and the Project Applicant. The qualified archaeologist may designate an archaeologist to conduct the monitoring under their direction.

- c. Prior to Project construction, the prime contractor and any subcontractor(s) shall be advised of the legal and/or regulatory implications of knowingly destroying paleontological or unique geologic resources or sites from the Project Sites. In addition, in the event that paleontological resources or sites, or unique geologic features are exposed during Project construction, work within 50 feet of the find shall stop until a qualified paleontologist, can identify and evaluate the significance of the discovery and develop recommendations for treatment. Construction activities could continue in other areas of the Project Sites. Recommendations could include a preparation of a Treatment Plan, which could require recordation, collection, and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. Any paleontological resources or sites, or unique geologic features shall be treated in accordance with state law.
13. **Land Use and Planning.** Where an inconsistency with the adopted general plan is identified at the proposed Project location, determine if the environmental, social, economic, and engineering benefits of the Project warrant a variance from adopted zoning or an amendment to the general plan.
 14. **Hazards and Hazardous Materials.** During excavation of Site 1 for the subterranean parking garage and prior to issuance of a Building Permit, if a UST is encountered, the Project Applicant shall procure a Division 5 Permit from the Los Angeles Fire Department for removal of a UST and shall comply with the requirements of the permit.
 15. **Noise.**
 - a. All diesel-powered construction vehicles shall be equipped with exhaust mufflers or other suitable noise reduction devices capable of achieving a sound attenuation of at least 3 dBA.
 - b. Temporary sound barriers capable of achieving a sound attenuation of at least 10 dBA shall be erected along the Project's boundaries.
 16. **Police.** Prior to issuance of a Certificate of Occupancy, the Project Applicant shall provide the Central Area Commanding Area Officer with diagrams of each portion of the Project Sites. The diagrams shall include access routes and additional information that might facilitate police response.
 17. **Construction Staging and Traffic Management Plan.** Prior to the issuance of a demolition permit, in coordination with LADOT and the Department of Building and Safety, the Project Applicant shall prepare a detailed Construction Staging and Traffic Management Plan (CSTMP), including street closure information, detour plans, haul routes, and staging plans. The CSTMP shall outline how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community. The CSTMP shall be based on the nature and timing of specific construction activities and other projects in the vicinity, and shall include the following elements as appropriate:
 - Coordinate with Metro regarding temporary relocation of the bus stop located on East 6th Street adjacent to Site 2 and other construction activities that could affect Metro service in the vicinity of the Project Sites;

- Provide for temporary traffic control during all construction activities within public rights-of-way to improve traffic flow on public roadways (e.g. flagmen);
- Schedule of construction activities to reduce the effect on traffic flow on surrounding arterial streets;
- Reroute construction trucks to reduce travel on congested streets to the extent feasible;
- Prohibit construction-related vehicles from parking on surrounding public streets;
- Provide safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers in compliance with LAMC Section 62.45;
- Accommodate all equipment on-site; and
- Prepare a haul truck route program for the Project that specifies the routes to and from the Project Sites.

C. Administrative Conditions

18. **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.
19. **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.
20. **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.
21. **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.
22. **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.
23. **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.

24. **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.

25. **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 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 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.