

CONDITIONS OF APPROVAL

As modified by the City Planning Commission August 23, 2018

Pursuant to Sections 12.24 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. **Use.** All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. **Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated July 12, 2018, except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
4. 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.
5. **Authorization.** Approved herein is the construction, maintenance, and use of a self-storage facility consisting of a consisting of a three-story, 45-foot tall, 92,700 square-foot main building (including 1,650 square-feet of office space and 1,000 square-feet of living quarters) and a one-story 7,300 square foot building, subject to the following restriction and limitation;

A minimum 20 percent window transparency shall be provided on the elevation of the main building facing Paxton Street.
6. **Signage.** On-site signs shall be limited to the maximum allowable under the Municipal Code.
7. **Hours of Operation.** Hours of public access to the property shall be from 9:00 a.m. to 8:00 p.m., daily.
8. **Parking.** Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21-A,4(g) and 12.26-E,1(b). No variance from the parking requirements has been granted herein.
 - a. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total code-required 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 code required 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. None of the required EV Ready parking shall apply to parking spaces used for dealership vehicle storage.

- b. Bicycle Parking. Bicycle parking shall be provided consistent with LAMC 12.21-A, 16.

9. Vehicular Access

- a. A minimum Two-way driveway apron width of $W=30$ feet is required.
- b. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.
- c. That the condition clearance fee be paid to the Department of Transportation as required per Ordinance No. 183270 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

10. On-site Landscaping and Parking Pavement. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.

- a. Except as additionally conditioned herein, a submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." Proposed trees shall have a minimum trunk diameter of two inches and a height of eight feet at the time of planting. Palm trees shall not be considered in meeting this requirement. An automatic irrigation plan, shall be prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
- b. Trees shall be located in such a manner and be of such a size that the trees are capable of producing an overhead canopy that will shade at least 50 percent of the parking stall area after 10 years growth.
- c. A minimum of eleven 24-inch box trees (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted within the project's parking lot. Such trees shall have the potential to grow to a mature size of 40 feet tall with a 30- to 50-foot crown.
- d. The project's parking area shall be constructed with materials that provide a Solar Reflectance Index (SRI) value of at least 0.35 as determined in accordance with the American Society for Testing and Materials (ASTM) Standards.

11. Walls/Fencing. In lieu of a solid masonry wall, a wrought-iron fence or other fencing may be erected along the subject lot where the lot abuts the public street.

12. 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.

13. 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.
- c. Trash/recycling containers shall be locked when not in use.

14. 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. All screening shall be setback at least five feet from the edge of the building.

15. Solar Panels. The project shall provide a minimum of fifteen percent (15%) solar space on the roof and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

16. Grey Water. The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by the Department of Water and Power in consultation with the Department of City Planning.

Environmental Conditions**17. Aesthetics.**

- a. All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect in accordance with LAMC Sections 12.40 and 12.41. The final landscape plan shall be reviewed and approved by the City of Los Angeles Department of City Planning during the building permit process.
- b. The pylon sign will be between 30- to 45-feet in height and landscaped with native plants and two (2) 36-inch boxed trees. The sign will be placed at the northernmost corner of the project site as permitted by State of California and City of Los Angeles regulations.
- c. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.
- d. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. An automatic irrigation plan shall be approved by the Department of City Planning. Palm trees shall not be considered in meeting this requirement.
- e. The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No. 170,978), Guidelines K - Vehicular Use Areas.

- f. 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.
- g. The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

18. Habitat Modification

- a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
- b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
 - i. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
 - ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
 - iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
 - iv. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

19. Tree Removal

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.
- b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by

the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).

- c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.
- d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

20. Human Health Hazard

- a. The property shall be maintained in a neat, attractive, and safe condition at all times.
- b. On-site activities shall be conducted so as not to create noise, dust, odor, or other nuisances to surrounding properties.
- c. Trash and garbage bins shall be maintained with a lid in working condition; such lid shall be kept closed at all times.
- d. Trash and garbage collection bins shall be maintained in good condition and repair such that there are no holes or points of entry through which a rodent could enter.
- e. Trash and garbage collection containers shall be emptied a minimum of once per week.
- f. Trash and garbage bin collection areas shall be maintained free from trash, litter, garbage, and debris.

21. 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.

22. Hazardous Substances

- a. Prior to the issuance of a use of land or building permit, or a change in the existing occupancy/use permit, the applicant shall provide a letter from the Fire Department stating that it has permitted the facility's use, storage, and creation of hazardous substances.

23. Increase Noise Levels

- 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. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the project site during all project construction (i.e., to the center).
- f. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment or to the satisfaction of the Los Angeles Department of Building and Safety and the Department of Transportation.
- g. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment or to the satisfaction of the Los Angeles Department of Building and Safety, Department of Transportation, and Bureau of Street Services.
- h. A 6-foot-high solid decorative masonry wall, measured from the lowest adjacent grade, adjacent to residential use and/or zones shall be constructed if no such wall exists.

24. Transportation

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- b. The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
- c. There shall be no staging of hauling trucks on any streets adjacent to the project, unless specifically approved as a condition of an approved haul route.
- d. No hauling shall be done before 9 a.m. or after 3 p.m.
- e. Trucks shall be spaced so as to discourage a convoy effect.
- f. A minimum of two flag persons are required. One flag person is required at the entrance to the project site and one flag person at the next intersection along the haul route.
- g. Truck crossing signs are required within 300 feet of the exit of the project site in each direction.
- h. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind.
- i. Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material.
- j. Trucks and loads are to be cleaned at the export site to prevent blowing dirt and spilling of loose earth.

- k. No person shall perform grading within areas designated "hillside" unless a copy of the permit is in the possession of a responsible person and available at the site for display upon request.
- l. A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
- m. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.
- n. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (7:00 am to 6:00 pm Monday through Friday, and 8 am to 6 pm on Saturday) or to the satisfaction of the Los Angeles Department of Building and Safety, Department of Transportation, and Bureau of Street Services.

Administrative Conditions of Approval

- 25. **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.
- 26. **Code Compliance.** Area, height and use regulations of the (T)(Q)C2-1L zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 27. **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.
- 28. **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.
- 29. **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.
- 30. **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.
- 31. **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.

32. **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.

33. **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.