

## CONDITIONS OF APPROVAL

As modified by the City Planning Commission May 23, 2018

Pursuant to LAMC Sections 12.22.A.25, 13.08.E, and 16.05, the following conditions are hereby imposed upon the use of the subject property:

### **Density Bonus and Site Plan Review Conditions**

1. **Final Plans.** Prior to the submittal of final plans to the Department of Building and Safety, the applicant shall submit final plans for approval to Valley Project Planning which correct internal inconsistencies in the Exhibit "A" plan set, show the depth of the pool, and all landscape planters (in substantial conformance with the site plan, landscape plans, and renderings of Exhibit "A"), and provide a unit layout plan sheet.
2. **Affordable Units.** A minimum of ten (10) units, that is seven (7) percent of the base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2), affordable to Very Low Income Households. As identified in the Determination made by the HCIDLA for replacement units, zero (0) replacement units are required.
3. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25.
4. **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 ten (10) units available to Very Low Income Households for 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 any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
5. **Guest/Public Parking.** All residential parking spaces in excess of Code required parking shall be made available as guest/public parking spaces. All guest/public parking spaces shall be single stalls and pooled; no tandem guest/public parking spaces shall be allowed within the subterranean levels. A revised plan depicting compliance with this condition shall be provided to the satisfaction of the Department of City Planning, prior to the issuance of any building permit for the proposed project.
6. **Commercial Public Parking.** All commercial parking spaces in excess of Code required parking shall be made available as public parking spaces.
7. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Very Low Income households), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.

8. **Separation of Parking.** Commercial parking shall be separated from residential parking. Wayfinding signs shall be posted to direct and distinguish the commercial parking from the residential parking, and the guest/public parking from the residential and commercial parking. A parking plan shall be provided prior to final sign-off.
9. **Parking Management.** A parking attendant/valet shall be provided for all tandem commercial parking spaces, as required by the LAMC. A parking attendant shall service all commercial parking spaces provided in excess of Code requirements on a 24 hours a day, 7 days a week basis. The commercial parking spaces provided in excess of code requirements shall remain free of charge and available for use by the public 24 hours a day 7 days a week within the garage, and shall be clearly identified with Wayfinding signs. A security gate staffed with an attendant 24 hours a day 7 days a week shall be provided to manage access to the commercial parking area.

The residential parking spaces in excess of Code required parking shall be made available as guest/public parking spaces, and shall remain free of charge and available for use 24 hours a day 7 days a week within the garage. A parking attendant shall service all residential parking spaces provided in excess of Code requirements on a 24 hours a day, 7 days a week basis. A security gate staffed with an attendant 24 hours a day 7 days a week shall be provided to manage access to the residential parking area. Guest/public parking spaces provided behind security gates shall be clearly identified with Wayfinding signs, and managed as follows:

- a. A remote electronic gate opening system shall be installed so that the security gate can be opened from each residential unit served by the secured guest parking;
- b. An electronic intercommunications system shall be installed. The system shall be readily accessible to the drivers of the guest vehicles and to the units served by the secured guest parking;
- c. The security gate shall be set back from the public right-of-way, as required by the City of Los Angeles Department of Transportation, so as to provide a queuing area for vehicles and to prohibit blockage or interference with the public right-of-way by waiting vehicles.

A parking management plan shall be prepared which addresses provisions to assure the orderly usage of all residential and commercial guest/public parking spaces, including but not limited to attendant staffing levels, as necessary to assure the safe and secure operation of the guest/public parking areas.

10. **Greywater.** 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 DWP in consultation with DCP.
11. **Sign Program.** A Sign Program shall be prepared which demonstrates compliance with the Van Nuys CBD CDO Q Conditions, and Guidelines and Standards, incorporated herein.
12. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
13. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. Any other equipment, such as a transformer, shall also be screened from view.

**14. Electric Vehicle Parking.** Electric Vehicle Parking. The project will include at least 20 percent (20%) of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans will 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 will be based upon Level 2 or greater EVSE at its maximum operating ampacity. Five percent (5%) of the total code required parking spaces will 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 5 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" will be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

Any parking spaces provided above LAMC requirements shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas.

**15. Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

**16. Solar-ready Buildings.** 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.

**17. Solar Panels.** Solar panels shall be installed on the roof of the building's lofts to the maximum extent feasible, and shall be provided as a part of an operational photovoltaic system to be maintained for the life of the project. 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.

**18. Solar Power.** The project shall provide the maximum feasible amount of solar power, in kilowatts, as based on the required installation of solar panels identified by Condition No. 17 above. Solar panels may be installed on all rooftop areas all structures and/or surface parking lots with the exception of areas occupied by rooftop mechanical equipment.

**19. Lighting.** All outdoor lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes). Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.

**20. Utility Connections.** New utility connections shall be undergrounded to the best extent possible.

**21. Driveway Access and Circulation.** Final DOT approval is required prior to the issuance of any associated building permits. Approval is given when DOT receives an acceptable site and access plan and payment of all applicable application fees. Plans should be submitted to DOT Valley Development Review, 6262 Van Nuys Blvd., Suite 320, Van Nuys 91401, prior to plan check submission to the Department of Building and Safety. In order to minimize and prevent last minute building design changes, the applicant should contact DOT 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. Both driveways being proposed along Kittridge Street should have a width of  $W=30'$

exclusive of side slopes or to the satisfaction of DOT. A minimum 20-foot reservoir space between the new property line and the first parking stall or gate shall be provided. All truck loading and unloading should take place on site with no vehicles having to back into the project via any of the project driveways.

22. **Fire Safety.** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans for Fire Department approval and review prior to issuance of final building permits.

- a. Access for Fire Department apparatus and personnel to and into all structures shall be required;
- b. One or more Knox Boxes shall be required to be installed for LAFD access to the project. The location and number shall be determined by LAFD Field Inspector (Refer to FPB Req #75);
- c. 505.1 Address Identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property;
- d. The entrance to a residence lobby must be within 50 feet of the desired street address curb face;
- e. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units;
- f. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane;
- g. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane;
- h. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height;
- i. 2014 City of Los Angeles Fire Code, Section 503.1.4 (Exception)
  - o When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire land to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel;
  - o It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
  - o This policy does not apply to single-family dwellings or to non-residential buildings.
- j. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; but in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street or fire lane. This stairwell shall extend onto the roof;
- k. Entrance to the main lobby shall be located off the address side of the building;
- l. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 feet visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department;
- m. When rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department;

- n. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan;
- o. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access;
- p. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

NOTE: The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call (818) 374-4351. You should advise any consultant representing you of this requirement as well.

23. **Commercial Amenities.** The project shall provide benches/seating, trash receptacles, landscaped planters, and stamped or colored concrete at the ground floor adjacent to commercial business entrances. Plans shall be updated to reflect the types and locations of these amenities.

#### **Van Nuys CBD CDO Conditions**

24. **Façade Treatment- Standards 5 and 6:** Building facades shall be extended and continue beyond the ground floor; successive floors shall be offset by recessed windows, balconies, offset planes, awnings or other architectural details; a minimum of sixty percent (60%) of the first floor building façade shall be dedicated to windows and doors, and a minimum of twenty percent (20%) shall be articulated with wall treatments including two (2) or more of the following: recessed entryways, planters, murals, mosaic tile, or public art and/or other means of creating visual interest.

Incorporate the upper floor building façade treatment elements and design into the treatment of ground floor building walls along the southern side of the structure, which shall be made as architecturally integrated as possible, by incorporating elements to break up blank expanses including reveals, offset planes, decorative split face concrete block, murals, mosaic tile, public art, and/or other decorative material consistent with the overall architecture, materials, and design of the building.

The use of exterior building finish materials and colors shall be applied consistently on all sides of the project, so as to ensure all building facades are treated with equal architectural design and rigor. Specifically, the proportion of the building façade which is covered in blue aluminum panels shall be roughly proportional across all sides of the structure.

To ensure free flow pedestrian access between commercial establishments without the need to use the public right-of-way, and to create defensible space at ground floor level consistent with Design Out Crime principles of required mitigation measures, no perpendicular wall shall extend at the ground floor level from the building wall to the building columns located on the property line along N. Van Nuys Boulevard and W. Kittridge Street.

Ground floor building columns along the N. Van Nuys Boulevard and W. Kittridge Street frontages shall be set back 18 inches from the property line. Building columns shall be proportional in length and width to the sign band element, and shall have consistent color

and material with the sign band element, providing architecturally integrated façade treatment, consistent with Guideline 6.

25. **Building Wall Green Screen – Standard 6.** On the proposed project’s south and west sides, a decorative screen for vining plant material which extends along the ground floor building wall, and which is incorporated into the ground floor building wall design, shall be provided. Evergreen vining plant material shall be provided at the base of the decorative screens and planted with sufficient spacing to ensure coverage of the decorative screen at plant maturity, and shall be irrigated and maintained.
26. **Garage Screen Landscaping – Guideline 6 and 16.** The ground level opening between the two driveways along W. Kittridge Street shall be improved with a green screen or alternative decorative treatment which extends uniformly (i.e. has no breaks in it) along the proposed aluminum grill located between the two driveways. A landscaped planter shall be provided at the base of the screen, and shall be planted with evergreen vining plants spaced to provide coverage of the screen at maturity. Such landscaping shall be irrigated and maintained, designed for pedestrian scale, and located so that it responds to the need for buffering the aluminum grill which vents the parking area, while serving as an integrated element within the building’s architectural design.
27. **Windows- Standards 7a, 7b and 7c:** First and second floor windows shall be recessed a minimum of three (3) inches. Windows shall be designed to provide transparent viewing for pedestrians and passing traffic; no darkened, heavily tinted, or screened windows are permitted on the first floor. Additionally, windows and other openings shall contribute to 40 percent of each successive floor.
28. **Entrances- Standard 8a:** Entrances shall be illuminated.
29. **Roof Line and Forms- Standard 9a:** Roofs shall be flat and shall have parapets that extend above the roof line to screen rooftop mechanical equipment from public view.
30. **Lighting- Guideline 10 and 11:** Design exterior lighting as part of the overall architectural concept; lighting fixtures, standards, and all exposed accessories shall be harmonious with the building design. Projecting lighting elements which detract from the appearance of their setting shall be avoided; illuminate buildings and landscape to indirectly create a strong positive image. Concealing light features within buildings and landscaping can highlight attractive features and avoid intrusion into neighboring properties.
31. **Freestanding Walls- Standard 13a and 13b:** Walls shall incorporate surfaces and textures to discourage graffiti where possible. Masonry walls shall be constructed from decorative brick, stone, split face concrete block, or other decorative material. Masonry block walls shall be finished with a masonry cap. The use of chain link fencing shall be prohibited.
32. **Awnings- Standard 14a and 14b:** The building shall provide a one-color awning-type structure in the form of a sign band, as shown in Exhibit “A”, which extends horizontally from the building’s face at the top of the first floor, and shades the ground level commercial retail entrances. Glossy, vinyl, plastic, metal and horizontal ribbed awning materials shall be prohibited.
33. **Screening- Standard 16a:** Trash storage bins and recycling areas shall be located within the building and fully screened.

34. **Screening- Standard 16b:** Ground mounted equipment or electrical transformers shall be fully screened on all sides from public view by substantial landscaping and/or a decorative wall. Rooftop mounted mechanical equipment shall be screened.
35. **Security Devices- Guideline 17-1, Standard 17-1a and 17-1b:** Exterior security devices, such as rolling shutters, grilles, barbed wire, razor wire, concertina wire, and the like, shall be prohibited. Interior security grills and similar security devices shall remain fully retracted during business hours.
36. **Wireless Antennas- Standard 18a:** Building and roof-mounted antennas and other telecommunications equipment shall be painted and textured to integrate into the architecture of the existing structures to which they are attached or shall be effectively screened by the use of parapets or similar architectural elements.
37. **Wireless Antennas- Standards 18b and 18c:** Accessory equipment (i.e., power supply boxes) shall be effectively screened through placement underground, internally within the building structure, or on rooftop locations behind architectural elements. All new facilities shall be designed to accommodate more than one service provider.
38. **Building Colors- Standard 20b:** Exterior building elements, such as down-spouts, gutters, vents, and other mechanical equipment shall be painted to blend into the background surface whenever possible screening of the equipment is not possible.
39. **Building Materials- Standards 20a and 21:** Colors and materials shall be in conformance with Exhibit "A" except as revised herein by the Conditions.

#### **Environmental Conditions (ENV-2016-2945-MND)**

40. **Biological Resources - Habitat Modification (Nesting Birds, Non-Hillside or Urban Areas):**
  - 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 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.

**41. Tree Removal (Non-Protected Trees):**

- 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.
- b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- c. 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 the Department of Public Works, Bureau of Street Services.

**42. Tree Protection – Construction Fencing:**

- a. Prior to the issuance of any grading permit, and for the duration of proposed construction activities, the applicant shall install orange staked construction fencing around the drip line of the four palm trees (*Washingtonia robusta*) along W. Van Nuys Boulevard which are located immediately adjacent to the subject property. Placement of this required fencing shall be verified a licensed Tree Arborist, and proof of such verification shall be provided (in a letter) to the Department of Building and Safety prior to the issuance of any grading permit.

**43. Tree Removal (Public Right-of-Way):**

- a. Removal of trees in the public right-of-way requires approval by the Board 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. Mitigation 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.

#### 44. Cultural Resources

- a. **Mural Identification:** Prior to the issuance of demolition permits for the project, the existing north wall of the bank lobby shall be physically examined and tested to determine if the canvas murals placed within the building are still intact. In order to prevent potential damage of the murals, physical testing and removal of drywall shall be carried out by a qualified construction firm with experience in historic preservation and the treatment of mural restoration and removal. All work shall be overseen by a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards (NPS 1983) to assist the construction firm with archival research to pinpoint the location of the murals before physical testing begins. Prior to the issuance of the demolition permits, a summary report of the findings of the physical examination and testing shall be prepared by a qualified architectural historian and approved by the City of Los Angeles Office of Historic Resources.
- b. **Mural Preservation:** If murals are present, and prior to the issuance of demolition permits for the project, a comprehensive plan shall be developed by a qualified architectural historian and approved by the City of Los Angeles Office of Historic Resources, which addresses the careful removal, restoration and preservation of the murals. Removal shall be completed by a qualified construction firm approved by the City of Los Angeles Office of Historic Resources (OHR), having experience in historic preservation. The results of any such removal shall be documented to the satisfaction of the OHR. Prior to the issuance of a certificate of occupancy for the project, or as required by the OHR, restoration of the murals shall be completed by a qualified art conservator who will carefully examine and document the murals to ensure they can be returned to their original condition. The murals shall be relocated either within the new project or to a nearby suitable location.

#### 45. Geology and Soils

- a. **Soils Report Approval Letter:** Prior to the issuance of any grading permit, the applicant shall submit a revised/amended Geotechnical Investigation that addresses the proposed six-story building, and obtain a new Soils Report Approval Letter from the LADBS.
- b. **Erosion/Grading/Short-Term Construction Impacts:** The applicant shall provide a staked signage at the site with a minimum of three-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.

#### 46. Land Use and Planning

- a. **Landscape Plan:** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks 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.

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

#### 47. Noise:

##### a. Increase Noise Levels (Demolition, Grading, and Construction Activities):

- i. Construction and demolition shall be restricted to the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday.
- ii. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- iii. The following equipment shall be retrofitted with an industrial grade muffler or muffler of similar capacity, capable of reducing engine noise by at least 15 dBA: backhoes, caisson drill rigs, compactors (ground), cranes, dozers, excavators, front end loaders, graders, rollers, and trucks.
- iv. The following equipment shall be retrofitted with a residential grade muffler or muffler of similar capacity, capable of reducing engine noise by at least 20 dBA: pavers and scrapers.
- v. Air compressors, auger drill rigs, concrete mixers, concrete pumps, generators, saws, jackhammers, and pneumatic equipment shall be enclosed by materials capable of reducing noise levels by at least 13 dBA.
- vi. Pile drivers shall be prohibited at the project site.
- vii. A temporary noise control barrier/sound curtain shall be installed on the western and northern property lines. The barrier shall be at least 20 feet high on the western boundary and 8 feet high along the northern boundary in order to block the line-of-sight of adjacent land uses to engine noise from equipment operating near the property line. The noise control barrier/sound curtain shall be engineered to reduce construction-related noise by at least 10 dBA for ground-level receptors with no line-of-sight to construction activity. The noise control barrier/sound curtain shall be engineered and erected according to applicable codes, and shall remain in place until all windows have been installed and all activities on the project site are complete.

- viii. Adjacent land uses within 500 feet of the construction activity shall be notified about the estimated duration and hours of construction activity at least 30 days before the start of construction.
- ix. Heavy-duty trucks shall be prohibited from queuing and/or idling on Kittridge Street. Queuing and/or idling shall be limited to Van Nuys Boulevard.
- x. All construction areas for staging and warming up shall be located as far as possible from adjacent residences and sensitive receptors.
- xi. Portable noise sheds shall be provided for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators.

**b. Increased Vibration Levels (Demolition, Grading, and Construction Activities):**

- i. Prior to issuance of a grading permit, a qualified structural engineer shall survey the existing foundation and structural integrity of single-family residences adjacent to the western boundary of the project site (including 14538 W. Kittridge Street [APN 2236-011-029], 14537 W. Evan Way [APN 2236-011-030], 14536 W. Evan Way [APN 2236-011-040], and 14540 W. Evan Way [APN 2236-011-039]) subject to the property owner(s) granting access to conduct the survey, and shall submit a pre-construction survey letter establishing baseline conditions at these buildings to the lead agency and to the mitigation monitor. Vibration levels shall be actively monitored when heavy-duty construction equipment (e.g., excavator, large bulldozer, or caisson drill) is located within 10 feet of western single-family residences. Vibration activity shall be modified if monitored vibration levels exceed 100 VdB within 10 feet of western single-family residences. Activity modification may include, but is not limited to, changing equipment or relocating vibration-generating activity. At the conclusion of vibration-causing activities, and prior to the issuance of any temporary or permanent certificate of occupancy for the proposed project building, the qualified structural engineer shall issue a follow-up letter describing damage, if any, to the western single-family residences. The letter shall identify recommendations for any repair, and certify the completion of any repairs as necessary to confirm the integrity of the foundation and structure of the western single-family residences.

**c. Increased Noise Levels (Mixed-Use Development):**

- i. Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.

**48. Public Services:**

- a. **Public Services (Police – Demolition/Construction Sites):** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.
- b. **Public Services (Police):** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be

limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design," published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

- c. **Public Services (Construction Activity Near Schools):** The developer and contractors shall maintain ongoing contact with administrators of Ararat Charter School Kindergarten, Options for Youth High School, Van Nuys Elementary School, Options for Youth High School, CHAMPS Charter High School of the Arts Multi-Media & Performing, Valley Charter Middle School, Sherman Oaks Middle School, and Van Nuys High School. The administrative offices shall be contacted when demolition, grading, and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323-342-1400) and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.

Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

- d. **Public Services (Schools Affected by Haul Route):** The City of Los Angeles Department of Building and Safety shall assign specific haul route hours of operation based upon Ararat Charter School Kindergarten, Options for Youth High School, Van Nuys Elementary School, Options for Youth, CHAMPS Charter High School of the Arts Multi-Media & Performing, Valley Charter Middle School, Sherman Oaks Middle School, and Van Nuys High School hours of operation.

Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the schools during periods when schools are in session especially when students are arriving or departing from the campuses.

#### 49. Transportation and Traffic

- a. **Transportation:** The following shall be implemented to minimize traffic disruption during construction:
- i. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

- ii. The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
  - iii. 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.
  - iv. No hauling shall be done before 9 a.m. or after 3 p.m.
  - v. Trucks shall be spaced so as to discourage a convoy effect.
  - vi. 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.
  - vii. Truck crossing signs are required within 300 feet of the exit of the project site in each direction.
  - viii. 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.
  - ix. Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material.
  - x. Trucks and loads are to be cleaned at the export site to prevent blowing dirt and spilling of loose earth.
  - xi. 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.
  - xii. 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.
- b. Pedestrian Safety:** The following shall be implemented to ensure pedestrian safety duration construction:
- xiii. The 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.
  - xiv. Temporary pedestrian facilities shall 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.
  - xv. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.

- xvi. The applicant shall keep sidewalks open during construction unless closure is 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.

**c. Construction Work Site Traffic Control Plan:** The following shall be implemented to ensure pedestrian safety duration construction:

- i. A construction work site traffic control plan shall be submitted to DOT for review and approval prior to the start of any construction work. The plan shall 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. As identified in Mitigation Measure No. XII-20, Heavy-duty trucks shall be prohibited from queuing and/or idling on Kittridge Street, and queuing and/or idling shall be limited to Van Nuys Boulevard. Further, DOT recommends that all construction related traffic be restricted to off-peak hours.

### **Administrative Conditions**

**50. Inadvertent Discovery:** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities,<sup>1</sup> all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (818) 374-5050.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 30 days, to conduct a site visit and make recommendations to the Project permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.

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<sup>1</sup> Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity

- f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
  - g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
  - h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.
51. **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 Planning Department for placement in the subject file.
52. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
53. **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 Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
54. **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.
55. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
56. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
57. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
58. **Indemnification.** 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 in paragraph (b).
- 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 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.

59. **Project Design Feature:** Because lead and volatile organic compounds were detected in soil samples during preparation of the Phase II Environmental Site Assessment, even though well below screening (significance) levels, a Soil Management Plan will be prepared and submitted to the satisfaction of the Department of Building and Safety, prior to the issuance of any grading permit.

