

CONDITIONS OF APPROVAL

Conditional Use Conditions:

1. **Hours of Operation.** Hours of operation shall be restricted to 7 a.m. to 8 p.m. daily.
2. **Setbacks.** As shown on “**Exhibit A**,” permitted herein are a 4 foot setback at the corner of Foothill Boulevard and Terra Bella Street (facing Foothill Boulevard), a 0 to 2 foot 1 inch setback at the northeast corner of the site, and a 3 foot 8 inch setback at the northwest corner of the site. Any deviation from “**Exhibit A**” that further reduces landscape setbacks must be approved in writing by Valley Project Planning.
3. **Transparent Windows.** As shown on “**Exhibit A**,” less than 50% transparent windows are permitted herein. The west elevation shows 46% transparency, and the south elevation shows 20% transparency. Any deviation from “**Exhibit A**” that further reduces window transparency must be approved by Valley Project Planning.
4. **Bay Doors/Openings.** As shown on “**Exhibit A**,” the bay doors/door openings/vehicle entrance of the automatic car wash are located within 42 feet of a residential zone. Any deviation from “**Exhibit A**” that further reduces the distance from a residential zone or use must be approved by Valley Project Planning.
5. **Deliveries.** No deliveries, loading, or unloading shall occur before 7 a.m. or after 8 p.m. daily. All deliveries shall occur entirely on site and shall not be visible from the adjacent residential development.
6. **Automotive Use.** No other deviations from LAMC Section 12.22 A.28 are permitted except as specifically allowed herein.
7. **Security.** The entryway kiosk will be staffed at all times when the car wash is in operation. Additionally, security will be provided by comprehensive video camera surveillance system installed to a monitor to the interior and exterior of the premises. Security footage will be maintained for at least 60 days and shared with LAPD upon request.
8. **Design.** Prior to issuance of a building permit, additional articulation shall be provided along the east façade of the car wash building to the satisfaction of Valley Project Planning. For example, the applicant shall provide additional fenestration and/or complementary colors and materials.

Clean Up Green Up (CUGU) Exception:

9. **Distancing Requirement.** The Distancing requirement of LAMC Section 13.18 shall be waived to allow an automatic car wash use within 500 feet of a residential zone. No other deviations from the requirements of LAMC Section 13.18 are permitted.
9. **Parking Design.** All onsite parking and loading areas (including service bays) shall be at the rear or side of the building.
10. **Green Wall/Screen.** To complement the 6 foot solid decorative masonry wall adjacent to the residential zones and uses as conditioned under ENV-2016-1676-MND, a green wall/screen shall be provided along the wall with live plantings, where appropriate. Final

plans illustrating the green wall/screen and a maintenance plan of the wall and green screen ensuring replacement of the green screen as needed in the event of plant death shall be submitted for review and approval by the Director of Planning prior to building permit sign-off.

11. **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 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 the Department of City Planning.
12. **Permeable Paving/Landscaping.** The project shall incorporate techniques throughout the project site including permeable paving and landscaping to avoid excessive runoff.
13. **Solar Panels.** Solar panels shall be installed on the roof of all buildings 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.
14. **Electric Vehicle Parking.** The project shall include at least 20 percent (20%) 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. 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" shall 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.

Environmental Conditions (ENV-2016-4806-MND):

15. **Aesthetics (Landscape Plan).** All side and back yard setbacks abutting a residential use shall be landscaped to provide a buffer.
16. **Aesthetics (Landscape Plan).** A Landscape Practitioner shall select trees or hedges that are between 6 and 8 feet high, low in water use, low in biogenic emissions, high in carbon and particulate matter filtration qualities, and retain foliage for most months of the year. Trees shall be limited to selections from the Department of Public Works Bureau of Street Services, Street Tree Selection Guide, except non-drought tolerant trees and Palms shall be prohibited. A minimum of one tree shall be planted and maintained every 10 linear feet within the setback. A list of preferred trees is also provided in the CUGU application packet

available at the Planning Department's Development Services Counter. Landscape Plans shall be submitted to the Department of City Planning for approval.

17. **Aesthetics (Landscape Plan).** The north, south, and east perimeters of the surface parking areas shall be screened from view with landscaping that is a combination of trees and shrubs. One tree shall be planted and maintained for every 15 linear feet with a minimum of 5 trees (1 tree for every 4 parking spaces).
18. **Aesthetics (Landscape Plan).** All outdoor lighting systems shall be directed away from the window of any residential uses and shall comply with the non-residential Light Pollution Reduction standards in the Green Building Code of the LAMC.
19. **Aesthetics (Irrigation).** Project applicants shall design and install irrigation systems pursuant to Guidelines BB – Irrigation Specification, promulgated pursuant to LAMC Section 12.41 B.2.
20. **Aesthetics (Light).** All outdoor lighting systems shall be directed away from the window of any residential uses and shall comply with the non-residential Light Pollution Reduction standards in the Green Building Code of the LAMC.
21. **Aesthetics (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.
22. **Aesthetics (Signage).** "No Idling" signage shall be posted onsite at the back of the curb and adjacent to the entrance of any driveway where truck loading, staging, or parking occurs.
23. **Aesthetics (Site Planning).** All trash receptacles shall be located within a gated, covered enclosure at least six feet in height.
24. **Aesthetics (Site Planning).** Chain link, barbed wire, and concertina wire fences are prohibited at the perimeter of the property.
25. **Air Quality.** A use, material or equipment that emits or generates dust, smoke, gas, fumes, cinder or refuse matter shall be completely enclosed with mechanical ventilation for the improved portions of the project to prevent fugitive emission, unless another regulatory agency requires natural ventilation. A stack, vent and flare is exempt from this enclosure requirement.
26. **Increased Noise Levels (Demolition, Grading, and Construction Activities)**
 - 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.
 - Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - The construction contractor shall use on-site electrical sources or solar generators to power equipment rather than diesel generators where feasible.

- Temporary sound barriers at least 8 feet in height shall be placed around noise generating equipment during finishing phase.
 - Construction equipment shall be fitted with appropriate mufflers during at least the demolition, building, and finishing phases such that a 5 db reduction is achieved above normal operation.
 - The contractor shall locate equipment staging areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
 - Idle equipment shall be turned off when not in use.
 - Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.
27. **Increased Noise Levels (Parking Wall).** A 6-foot-high solid concrete or masonry wall shall be constructed for the entire length of the property abutting the residential uses to the northeast and southeast. The wall shall be without openings and shall have a minimum nominal thickness of 6 inches.
28. **Increased Noise Levels.** Compliance with LAMC Section 13.18 F.2(l) shall be demonstrated.
29. **Transportation and Traffic (Safety Hazards)**
- The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycle, and vehicle safety.
 - The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents to the Bureau of Engineering and the Department of Transportation for approval.
30. **Transportation and Traffic (Pedestrian Safety).** Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.
31. **Public Utilities and Service Systems (Ground Water Recharge).** The surface parking lot shall be graded to allow for ground water recharge into a minimum 3-foot by 3-foot unpaved planting area. This unpaved area shall be concave in design to receive runoff per Bureau of Engineering specifications.

Administrative Conditions:

32. **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.
33. **LAMC Requirements.** 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.

34. **Code Compliance.** The area, height and use regulations of the zone classification of the subject property shall be complied with, except where conditions herein are more restrictive.
35. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.
36. **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.
37. **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.
38. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and Department of Building and Safety.
39. **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.
40. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.
41. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during Project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of Project implementation as follows:

- i. Pre-construction (prior to issuance of a building permit);
- ii. Construction (prior to certificate of occupancy); and
- iii. Post-construction / maintenance (post-issuance of certificate of occupancy).

In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of Project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.

42. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.
- a. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
 - b. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

43. Indemnification and Reimbursement of Litigation Costs.

The applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City, in whole or in part, 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.
- ii. 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.
- iii. 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).
- iv. 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).

- v. 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.