

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission on March 28, 2019)

Pursuant to Sections 12.22-A,25 and 12.37-I,3 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### A. Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, dated February 12, 2019, and landscape plan, dated October 5, 2018, submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file.
2. **Revised Plans.** The applicant shall submit revised plans including further articulation and other characteristics to meet the walkability guidelines of the City. The revised plans shall receive final sign off from the Director of Planning.
3. **Residential Density.** The project shall be limited to a maximum density of 50 dwelling units.
4. **Affordable Units.**
  - a. A minimum of five (5) dwelling units, that is 10 percent of the base dwelling units permitted in the C2-1VL-O Zone, shall be reserved as Very Low Income units, as defined by the State Density Bonus Law 65915 (C)(2).
  - b. **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.
5. **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 10 percent of the site's base density units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,25, to the satisfaction of HCIDLA, and in consideration of the project's AB 2556 Determination, dated May 16, 2018. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant shall present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.
6. **Off-Menu Incentives/Waivers of Development Standards.**
  - a. **Floor Area Ratio (FAR).** A maximum Floor Area Ratio (FAR) of 3.1 to 1 may be permitted in lieu of the 1.5 to 1 otherwise permitted by the C2-1VL-O Zone.
  - b. **Height and Stories.** The project may have a maximum height of 61 feet and five stories in lieu of the 45 feet and three stories otherwise permitted by the C2-1VL-O Zone. The measured height of the building may exclude roof structures and

equipment, pursuant to LAMC Section 12.21.1, and to the satisfaction of the Los Angeles Department of Building and Safety.

- c. **Rear Yard.** The project may be permitted to observe a zero-foot rear yard above the ground floor along the western property line in lieu of the rear yard requirements pursuant to LAMC Sections 12.11-C,3 and 12.14-C,2.

## 7. **Parking.**

- a. Minimum residential automobile parking requirements shall be provided consistent with LAMC Section 12.22-A,25(d) and California Government Code Section 65915(p). The project may utilize a combination of Parking Option 1 (LAMC Section 12.22-A,25(d)(1) and California Government Code Section 65915(p)(1)) to provide one on-site parking space for each studio and one-bedroom unit and two on-site parking spaces for each two-bedroom unit, and parking reductions authorized under California Government Code Section 65915(p)(2) to provide residential parking at a ratio of 0.5 parking spaces per bedroom..<sup>1</sup>
- b. Tenants of the market rate residential dwelling units shall have the option to lease parking spaces separately from the residential dwelling units. Parking spaces for Restricted Affordable Units shall be sold or rented consistent with LAMC Section 12.22-A,25(d).
- c. **Adjustment of Parking.** In the event that the composition of residential units changes (i.e. the number of bedrooms), 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 pursuant to LAMC Section 12.22-A,25.
- d. Commercial parking shall be provided consistent with LAMC Section 12.21-A,4(c)
- e. Bicycle parking shall be provided consistent with LAMC Section 12.21-A,16.

## **B. Environmental Conditions – Project Design Features (PDF)**

- 8. **AES-PDF-1.** Outdoor lighting used during construction and operation of the Project shall be shielded and directed onto building surfaces such that the light source cannot be seen from adjacent residential properties, the public right-of-way, or from the above. Outdoor lighting would also have low reflectivity to minimize glare and limit light spillover onto adjacent properties. However, construction lighting will not be so limited as to compromise the safety of construction workers.

**Enforcement Agency:** Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

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<sup>1</sup> Pursuant to a December 17, 2014 memorandum from the Director of Planning, Assembly Bill 744 requires local jurisdictions to approve alternative parking ratios for mixed-income developments consisting of the maximum number of very low- or low-income units provided for in density bonus law, which is 11 percent and 20 percent respectively (calculated prior to any units added through a density bonus). To utilize the parking reductions set forth in California Government Code Section 65915(p)(2), the project shall comply with the above-mentioned set-aside requirements.

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once during field inspection

**Action Indicating Compliance:** Field inspection sign-off

9. **NOI-PDF-1.** The following noise control measures shall be included, as part of a Project Noise Control Plan to reduce the Project's construction related noise to the nearby residential uses in the vicinity of the Project Site:

- The Project shall comply with the City of Los Angeles Noise Ordinance No. 144331 and 161574 and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- Construction and demolition shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday, and 8:00 A.M. to 6:00 P.M. on Saturday.
- To the extent practical, 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.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; Construction

**Monitoring Frequency:** Once at plan check; Periodic field inspections

**Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; Quarterly compliance report submitted by the Project contractor

10. **PS-PDF-1.** The Project shall install automatic fire sprinklers in all interior spaces of the proposed building.

**Enforcement Agency:** Los Angeles Fire Department

**Monitoring Agency:** Los Angeles Fire Department

**Monitoring Phase:** Pre-construction; Post-operation

**Monitoring Frequency:** Once, at plan check; Once, during field inspection

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

11. **PS-PDF-2.** The Project shall implement design features to reinforce on-site security. Design features shall include providing sufficient lighting throughout the Project Site, illumination and design of entryways and parking areas to eliminate areas of concealment, secure entry to the Project Site, installation of unit intercoms, and installation of security cameras.

**Enforcement Agency:** Los Angeles Police Department, Los Angeles Department of City Planning

**Monitoring Agency:** Los Angeles Department of City Planning

**Monitoring Phase:** Pre-operation

**Monitoring Frequency:** Once, prior to issuance of the applicable Certificate of Occupancy

**Action Indicating Compliance:** Submittal of compliance documentation; Issuance of applicable Certificate of Occupancy

12. **TR-PDF-1.**

Prior to the start of construction, the Applicant will prepare a construction traffic management plan and submit it to the Los Angeles Department of Transportation for review and approval. The construction traffic management plan will identify the location of any temporary street parking or sidewalk closures, provide for the posting of signs advising pedestrians of temporary sidewalk closures and providing alternative routes, provide for the installation of other construction-related warning signs, and show access to abutting properties. The construction traffic management plan would formalize how construction would be carried out and identify specific actions that would be required to reduce traffic impacts on the surrounding community. The construction traffic management plan would be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site and would include, but not be limited to, the following elements, as appropriate:

- Advance notification of adjacent property owners and occupants, as well as nearby schools, of upcoming construction activities, including durations and daily hours of construction.
- Prohibition of construction worker parking on adjacent residential streets.
- Temporary traffic control during all construction activities adjacent to public rights-of-way to improve traffic flow on public roadways (e.g., flag men).
- Scheduling of construction activities to reduce the effect on traffic flow on surrounding arterial streets.
- Construction-related vehicles shall not park on surrounding public streets.
- Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers as appropriate.
- Coordination with public transit agencies to provide advanced notifications of stop relocations and durations.
- Advanced notification of temporary parking removals and duration of removals.
- Detour plans to address temporary road closures during construction.

**Enforcement Agency:** Los Angeles Department of Transportation

**Monitoring Agency:** Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; Construction

**Monitoring Frequency:** Once, at plan check prior to issuance of grading or building permit; Once, during field inspection

**Action Indicating Compliance:** Approval of Construction Management Plan by LADOT; Field inspection sign-off

C. **Environmental Conditions – Mitigation Measures (MM)**

13. **BIO-MM-1.**

If feasible, the removal of vegetation should occur outside of the nesting season, generally recognized as February 1 to August 31. If vegetation removal must occur during the nesting season, then a qualified biologist shall conduct a nesting bird survey prior to any vegetation removal. If active nests are identified, the biologist shall flag vegetation containing

active nests. The biologist shall establish appropriate buffers around active nests to be avoided until the nests are no longer active and the young have fledged. Buffers shall be based on the species identified, but generally will consist of 50 feet as determined by the Project Biologist. If for some reason, it is not possible to remove all vegetation during the non-nesting season, then vegetation to be removed during the nesting season must be surveyed by a qualified biologist no more than three days prior to removal. If no nesting birds are found, the vegetation can be removed. If nesting birds are detected, then removal must be postponed until the fledglings have vacated the nest or the biologist has determined that the nest has failed. Furthermore, the biologist shall establish an appropriate buffer zone where construction activity may not occur until the fledglings have vacated the nest or the biologist has determined that the nest has failed. Similarly, for vegetation being preserved, if construction is to occur during the nesting season, preserved vegetation shall be surveyed for the presence of nesting birds. If nesting birds are detected, the biologist shall establish an appropriate buffer zone where construction activity may not occur until the fledglings have vacated the nest or the biologist has determined that the nest has failed.

If feasible, building demolition should occur outside of the avian nesting season, generally recognized as February 1 to August 31 because of the potential for many urban-adapted birds to utilize cavities and other openings of the building. If demolition must occur during the nesting season, then a qualified biologist shall conduct a nesting bird survey prior to any demolition. If active nests are identified, the biologist shall flag active nests and establish appropriate buffers around active nests to be avoided until the nests are no longer active and the young have fledged. Buffers shall be based on the species identified, but generally will extend of 50 feet from the nest site.

**Enforcement Agency:** California Department of Fish and Wildlife; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety; Los Angeles Department of City Planning

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, prior to issuance of grading permits; or, if vegetation removal, building demolition, or grading is initiated during the nesting season, as determined by a qualified biologist

**Action Indicating Compliance:** Compliance certification report submitted by the Project contractor; or, if vegetation removal, building demolition or grading is initiated during the nesting season, submittal of a survey report by a qualified biologist

14. **CUL-MM-1.**

A qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the archaeologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of archeological resource encountered. If archeological resources are encountered, the archaeologist shall determine if the archeological resource is a historical, unique, or nonunique archaeological resource. If the archaeological resource is determined to be a historical resource, the archaeologist shall refer to the provision of Section 21084.1 of the Public Resources Code.

With regard to a unique archaeological resource, if it can be determined that construction activities would cause damage to a unique archaeological resource, the Applicant shall make a reasonable effort to preserve the archaeological resource in place or left in an undisturbed state. Examples may include, but not limited to, planning construction to avoid archaeological sites, deeding archaeological site into permanent conservation easements, capping or covering archaeological sites with a layer of soil before building on the sites, or planning parks, greenspace, or other open space to incorporate archaeological sites, among others. To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, the Applicant shall be required to pay one-half the estimated cost of mitigating the significant effects of the Project on a unique archaeological resource. If an archaeological resource is determined to be a nonunique resource, neither a historical resource or unique archaeological resource, the effects of the Project on those resources shall not be considered a significant effect on the environment. Construction work may continue on other parts of the building site while archaeological mitigation takes place.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** To be determined by consultation with archaeologist if resource(s) are discovered

**Action Indicating Compliance:** If unanticipated discoveries are found, submittal of compliance report by a qualified archaeologist

15. **GEO-MM-1.**

The Project shall be designed and constructed in accordance with the requirements provided in the Geotechnical Investigations to reduce the potential for settlement, which shall be approved by the Department of Building and Safety prior to issuance of building and grading permits. These requirements include the following:

- Although remedial grading is not anticipated to be required, such need must be determined after design level explorations are completed.
- Excavations to proposed finish grade will require shoring as the excavation will remove lateral support from the public right of way and adjacent properties.
- The proposed building may require deep foundations for support to control settlements. If the differential settlements can be reduced by structural separation from the tower, spread footings for support of the parking structure element of the project may be feasible. A detailed design investigation shall be required to develop the specific foundation design parameters.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once at plan check

**Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

16. **GEO-MM-2.** A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** To be determined by consultation with paleontologist if resource(s) are discovered

**Action Indicating Compliance:** If unanticipated discoveries are found, submittal of compliance report by a qualified paleontologist

17. **HAZ-MM-1.** To address the potential for soil and groundwater contamination, a Soil Management Plan shall be prepared that incorporates all of the following:
1. The Soil Management Plan shall be prepared by a qualified Environmental Professional.
  2. An Environmental Professional shall be on-site during excavation and grading of the Project Site and removal of UST's to monitor environmental conditions pertaining to soil and groundwater.
  3. The Soil Management Plan shall provide for additional drilling and sampling of borings to the north, northeast, northwest and west of soil boring FD1 in accordance with the RWQCB-approved Work Plan. Groundwater monitoring wells shall also be installed such that the RWQCB can determine that the petroleum hydrocarbon groundwater plume has been sufficiently characterized. In addition, the existing UST's shall be excavated and removed. Additional monitoring and sampling, particularly during excavation activities, shall also be implemented as directed by the Environmental Professional.
  4. Should contaminated soil or groundwater be identified during construction, procedures identified in the Soil Management Plan shall be implemented that include managing, removing, transporting and disposing of any such materials in accordance with applicable State, Federal, and local regulatory requirements, including, but not limited to, SCAQMD Rule 1166, LARWQCB General NPDES Permit No. CAG994004, and DTSC Division 4.5 Title 22 (Environmental Health Standards for the Management of Hazardous Waste).

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; Construction

**Monitoring Frequency:** Once at plan check; Periodic field inspections during construction

**Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; Written compliance report by qualified environmental professional

18. **NOI-MM-1.** Temporary noise barriers shall be used along the northern, eastern, and southern property boundaries to block the line-of-sight between the construction equipment and the adjacent noise sensitive uses. The noise barrier shall provide minimum 16-dBA noise reduction at the residence adjacent to the Project Site to the south (receptor R1), 12-dBA noise reduction to the residence to the southeast (receptor R2), and 5-dBA noise reduction to the residence to the north (receptor R3).

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; Construction

**Monitoring Frequency:** Once, at plan check prior to issuance of building permit; Periodic field inspections

**Action Indicating Compliance:** Plan check approval and issuance of building permit; Field inspection sign-off; Quarterly compliance report by Project contractor

19. **NOI-MM-2.** The Applicant shall complete a structure vibration monitoring program during the Project construction as follows:

- Prior to start of construction, the Applicant shall retain the services of a building inspector or structural engineer to visit the building adjacent to the Project Site to the west to inspect and document (video and/or photographic) the apparent physical condition of the building's readily-visible features.
- The Applicant shall retain the services of a qualified acoustical engineer to develop and implement a vibration monitoring program during the site demolition and grading/excavation capable of documenting the construction-related ground vibration levels at the building adjacent to the Project Site to the west. The vibration monitoring system shall continuously measure (in vertical and horizontal directions) and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.15 inch/second (PPV) and a regulatory level of 0.20 inch/second (PPV). The system shall also provide real-time alert when the vibration levels exceed the two preset levels.
- The vibration monitoring program shall be submitted to the Department of Building and Safety, prior to initiating any construction activities.
- In the event the warning level of 0.15 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.
- In the event the regulatory level of 0.20 inch/second (PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the



building and visually inspect the building for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart.

**Enforcement Agency:** Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of City Planning; Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; Construction

**Monitoring Frequency:** Once, at plan check; Once, during field inspection

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit; Submittal of compliance report from noise consultant

20. **TCR-MM-1.**

Prior to commencing any ground disturbance activities at the Project Site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the Project Site. Any qualified tribal monitor(s) shall be approved by the Gabrieleño Band of Mission Indians—Kizh Nation. Any qualified archaeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources (“OHR”).

The qualified archeological and tribal monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the Project Site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archaeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers shall be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified

archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, 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 OHR.
2. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendations are reasonable and feasible.
4. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate an significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.

7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.
8. 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 and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
9. Notwithstanding paragraph 8 above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.

**Enforcement Agency:** Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Agency:** Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Phase:** Pre-construction; Construction

**Monitoring Frequency:** Once, prior to issuance of grading permit; Periodic field inspections during ground disturbance activities

**Action Indicating Compliance:** Issuance of grading permit; compliance report submitted by Project archaeologist during grading activities. If resources are discovered, completion of report by archaeologist and submittal of report to Office of Historic Resources.

#### **D. Administrative Conditions**

21. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
22. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
23. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
24. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City

Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

25. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
26. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
27. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
28. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
29. **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.
30. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
31. **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.
32. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof 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 (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

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