

## CONDITIONS OF APPROVAL

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

### **A. Development Conditions Pursuant to LAMC Section 11.5.11(e)**

1. **Site Development.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A" dated August 28, 2019. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Affordable Units.**
  - a. **Housing Requirements.** Residential uses shall be limited to a 100% affordable housing building, exclusive of the manager's unit. 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 a minimum of four (4) dwelling units available to Extremely Low Income households and 12 dwelling units available to Lower Income Households as defined by the Los Angeles Municipal Code (LAMC) Section 11.5.11(a)(1)(ii). The remainder of the units shall be set aside as Restricted Affordable units for households with incomes at or below 80% of the Area Median Income (AMI). All restricted affordable units shall be available for a minimum period of 55 years. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.
  - b. **Changes in Restricted Units.** Deviations that change the composition of units shall be consistent with LAMC Section 11.5.11(a)(3).
3. **Developer's Incentives.**
  - a. **Height.** The project shall not exceed 56 feet in height, as defined by Section 12.21.1 B.3 of the LAMC, and as shown on the project plans dated August 28, 2019, and labeled "Exhibit A", attached to the subject case file.
  - b. **Open Space.** The project shall provide, at minimum, open space that is equal to 84% of the open space otherwise required pursuant to LAMC Section 12.21 G. Except as modified herein, the landscape plan shall comply with the applicable regulations of LAMC Section 12.21 G.
  - c. **Parking.** The project shall provide a minimum of 0.825 parking space per dwelling unit.

**B. Site Plan Review Conditions Pursuant to LAMC Section 16.05****4. Landscaping.****a. Tree Wells.**

- i. The minimum depth of tree wells on the rooftop or any other location where planters are used shall be as follows:

- (1) Minimum depth for trees shall be 42 inches.
- (2) Minimum depth for shrubs shall be 30 inches.
- (3) Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
- (4) Minimum depth for an extensive green roof shall be 3 inches.

- ii. The minimum amount of soil volume for tree wells on the rooftop or any other location where planters are used shall be based on the size of the tree at maturity:

- (1) 600 cubic feet for a small tree (less than 25 feet tall at maturity).
- (2) 900 cubic feet for a medium tree (25-40 feet tall at maturity).
- (3) 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).

- b. Landscaping shall be provided in substantial conformance with the Landscaped Plan stamped as "Exhibit A." The Plant Pallet shall substantially conform to the Plant Pallet provided on page PL3 of the Landscape Plan stamped as "Exhibit A." Deviations from the Plant Pallet shall be permitted so long as the revised Pallet complies with the landscaping requirements of the RIO overlay zone of LAMC Section 13.7-F.1.

**5. Parking.**

- a. Parking shall be screened from the abutting public right-of-way and the River. However, such screening shall not obstruct the view of a driver entering or leaving the loading area or parking facility, or the view from the street of entrances and exits to a loading area or parking facility, and shall consist of a strip at least 5 feet in width of densely planted shrubs or trees which are at least 2 feet high at the time of planting and are of a type that may be expected to form, within three years after time of planting, a continuous, unbroken, year round visual screen.
- b. Electric Vehicle Parking. The project shall include at least 20% of the total provided parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. The project shall include at least 5% of the total provided parking spaces to further be provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20% or 5% results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE"

shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

**6. Sustainability.**

- a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
- b. Prior to the issuance of the Certificate of Occupancy, the applicant shall install a minimum of 3,300 square feet of solar panels. The solar panels may be located directly on the rooftop or on canopies.

**7. Mechanical Equipment.** Electrical transformers, mechanical equipment, water meters and other equipment shall be screened from public view. The screening may be opaque or perforated, provided that not more than 50% of the face is open. The screen shall be at least 6 inches taller than the equipment and not more than 2 feet taller than the equipment.

**8. Roof Structures.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties.

**9. Trash/Recycling Area.** Details shall be provided on the location of a common trash and recycling area, method of enclosure, and design and material of enclosure at the time of final plan sign off. The trash and recycling areas shall be secured with an enclosure that fully screens the view of the trash and recycling area from public streets or be located on within the on-site parking garage.

**10. Wall.** Prior to issuance of a certificate of occupancy, a minimum 6-foot-high fence or wall made of slumpstone, decorative masonry, or other comparable-quality material shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.

**11. Construction.**

- a. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.
- b. Notwithstanding the provisions of LAMC Section 14.4.17, no signs shall be permitted on construction fencing except for those signs required by the Department of Building and Safety or other Department, Bureau, or Agency.

**12. Lighting.**

- a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.

**C. Environmental Conditions****13. Tribal Cultural Resources.**

- a. In the event that Tribal Cultural Resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall assess the find. The Fernandeño Tataviam Band of Mission Indians (FTBMI) shall be contacted to consult if any such find occurs. The archaeologist shall complete all relevant California State Department of Parks and Recreation (DPR) 523 Series forms to document the find and submit this documentation to the applicant, Lead Agency, and FTBMI. (TCR-1 in the MND)
- b. The Lead Agency and/or applicant shall, in good faith, consult with the Fernandeño Tataviam Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource if encountered during the project grading. (TCR-2 in the MND)

**D. Administrative Conditions**

14. **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.
15. **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.
16. **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.
17. **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.
18. **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.
19. **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.
20. **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.

## 21. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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