

CONDITIONS OF APPROVAL

As modified by the West Los Angeles Area Planning Commission on November 6, 2019

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions.
2. All other use, height and area regulations of the LAMC 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.
3. **Demolition.** The demolition of an existing 1,871 square-foot one-story single-family dwelling with an attached two-car garage (620 and 614 North Marquette Street) and existing 2,100 square-foot one-story single-family dwelling with a 400 square-foot detached two-car garage and existing 425 square-foot one-story accessory structure (608, 600, 578, 572, 566, and 560 North Marquette Street).
4. **Lot Line Adjustment.** The proposed lot line adjustments are subject to review and approval under Case Nos. AA-2016-4696-PMEX and AA-2016-4700-PMEX. The project shall comply with the requirements outlined in the approval letter to complete the lot line adjustments.
5. **New Development.**
 - a. **Case No. DIR-2017-264-CDP-MEL – 620 North Marquette Street (Lot 1)**. A lot line adjustment under Case No. AA-2016-4696-PMEX to reconfigure the size and shape of the lot; the construction of a new 5,503-square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and spa; the construction of a 12-foot tall retaining wall extension; and approximately 1,120 cubic yards of grading, 340 cubic yards of which is non-exempt grading per the Baseline Hillside Ordinance ("BHO").
 - i. The development shall be limited to the maximum Residential Floor Area ("RFA") as shown on the Slope Analysis Map and Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total 2,702 square feet, for utilization of the Front Facade Stepback Option pursuant to LAMC Section 12.21-C,10(b)(3)(iii) and as determined by the Department of Building and Safety. The development shall have a RFA of 2,700 square feet, as shown in "Exhibit A."
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in "Exhibit A".
 - b. **Case No. DIR-2017-268-CDP-MEL – 614 North Marquette Street (Lot 2)**. A lot line adjustment under Case No. AA-2016-4696-PMEX to reconfigure the size and shape of the lot; the construction of a new 5,849 square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool; the construction of a 12-foot tall retaining wall extension; and

approximately 1,465 cubic yards of grading, 585 cubic yards of which is non-exempt grading per the BHO.

- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total 3,292 square feet, for utilization of the Front Facade Stepback Option pursuant to LAMC Section 12.21-C,10(b)(3)(ii) and as determined by the Department of Building and Safety. The development shall have a RFA of 3,292 square feet, as shown in "Exhibit A."
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in "Exhibit A."
- c. **Case No. DIR-2017-334-CDP-MEL – 608 North Marquette Street (Lot 3)**. A lot line adjustment under Case No. AA-2016-4696-PMEX to reconfigure the size and shape of the lot; the construction of a new 7,804 square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool; the construction of a 12-foot tall retaining wall extension; and approximately 650 cubic yards of grading, 330 cubic yards of which is non-exempt grading per the BHO.
- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of 4,502 square feet, for utilization of the Proportional Stories Option pursuant to LAMC Section 12.21-C,10(b)(3)(i) and as determined by the Department of Building and Safety. The development shall have a RFA of 4,502 square feet, as shown in "Exhibit A."
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in "Exhibit A."
- d. **Case No. DIR-2017-336-CDP-MEL – 600 North Marquette Street (Lot 4)**. A lot line adjustment under Case No. AA-2016-4700-PMEX to reconfigure the size and shape of the lot; the construction of a new 7,810 square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool and approximately 545 cubic yards of grading, 120 cubic yards of which is non-exempt grading per the BHO.
- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of 4,998 square feet, for utilization of the Proportional Stories Option pursuant to LAMC Section 12.21-C,10(b)(3)(i) and as determined by the Department of Building and Safety. The development shall have a RFA of 4,998 square feet, as shown in "Exhibit A."
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in "Exhibit A."

- e. **Case No. DIR-2017-361-CDP-MEL – 572 North Marquette Street (Lot 6)**. A lot line adjustment under Case No. AA-2016-4700-PMEX to reconfigure the size and shape of the lot; the construction of a new 8,306 square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool and approximately 445 cubic yards of grading, 70 cubic yards of which is non-exempt grading per the BHO.
- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of 5,222 square feet, for utilization of the Proportional Stories Option pursuant to LAMC Section 12.21-C,10(b)(3)(i) and as determined by the Department of Building and Safety. The development shall have a RFA of 5,200 square feet, as shown in “Exhibit A.”
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in “Exhibit A.”
- f. **Case No. DIR-2017-366-CDP-MEL – 578 North Marquette Street (Lot 5)**. A lot line adjustment under Case No. AA-2016-4700-PMEX to reconfigure the size and shape of the lot; the construction of a new 7,837 square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool and approximately 470 cubic yards of grading, 75 cubic yards of which is non-exempt grading per the BHO.
- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of 5,232 square feet, for utilization of the Proportional Stories Option pursuant to LAMC Section 12.21-C,10(b)(3)(i) and as determined by the Department of Building and Safety. The development shall have a RFA of 5,232 square feet, as shown in “Exhibit A.”
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in “Exhibit A.”
- g. **Case No. DIR-2017-445-CDP-MEL – 566 North Marquette Street (Lot 7)**. The construction of a new 7,965 square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool and approximately 475 cubic yards of grading, 50 cubic yards of which is non-exempt grading per the BHO.
- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of 4,931 square feet, for utilization of the Proportional Stories Option pursuant to LAMC Section 12.21-C,10(b)(3)(i) and as determined by the Department of Building and Safety. The development shall have a RFA of 4,925 square feet, as shown in “Exhibit A.”

11. All debris, trash, and waste generated by the construction, including, but not limited to building material remnants, removed weeds, dirt, food or drinks consumed by workers, etc., must be removed from the subject property or kept in a covered trash receptacle on the subject property. Any trash stored on the subject property must be removed at least once per week or whenever the storage receptacle is full, which is sooner.
12. During all phases of construction, all construction vehicle parking and queuing related to the project shall be located on the subject property or adjacent lots belonging to the subject property.
13. During all phases of construction, all materials related to the project shall be stored on the subject property or adjacent lots belonging to the subject property. No materials shall be stored on Marquette Street.
14. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
15. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
16. **Paleontological Resources Inadvertent Discovery.** In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.
17. **Tribal Cultural Resources**
 - a. **Tribal Cultural Resource 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 (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), 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:
 - i. Upon a discovery of a potential tribal cultural resource, the applicant 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 (213) 978-1290.

- ii. 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 applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
 - iii. The applicant shall implement the tribe's recommendation if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
 - iv. The applicant 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 and by a culturally affiliated tribal monitor to be reasonable and feasible. The applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
 - v. If the applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the applicant may request mediation by a mediator agreed to by the applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The applicant shall pay any costs associated with the mediation.
 - vi. The applicant 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 by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
 - vii. 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 the California State University, Fullerton.
18. 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.
19. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Fire Department. Said Department's approval shall be included in the plans submitted to the Development Services Center.
20. Prior to the commencement of site excavation and construction activities, construction scheduled and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the subject

property. The contact information shall include a construction manager and a telephone number and shall be posted on the site in a manner that is readily visible to any interested party.

21. Prior to the issuance of any permits, 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 Zoning Administrator for attachment to the subject case file.

Administrative Conditions

22. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and 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.
23. **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.
24. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
25. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
26. **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.
27. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
28. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to, in whole or in part, 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, in whole or in part, 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.