

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on September 30, 2021)

### Development Conditions

1. **Site Plan.** 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, Central 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 Los Angeles Municipal Code or the project conditions. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Residential Density.** The project shall be limited to a maximum density of 200 dwelling units including Density Bonus Units.
3. **Affordable Units.** A minimum of 40 units shall be designated as Restricted Affordable Units for a period of 55 years as follows: 40 units shall be reserved for Very Low-Income Households as determined by the California Department of Housing and Community Development (HCD) at a rent level established by the Los Angeles Housing and Community Investment Department (HCIDLA).
4. **Changes in Restricted Units.** Deviations that change the composition of units shall be consistent with LAMC Section 12.22 A.25 (9a-d) and State Density Bonus Law (Government Code Section 65915).
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute and record a covenant and agreement running with the land to the satisfaction of HCIDLA. The covenant shall bind the owner to reserve 40 units available to Very Low-Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. 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 SB 330 Determination, dated September 29, 2020. 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 the case file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and any monitoring requirements established by the HCIDLA.
6. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from HCIDLA regarding replacement of affordable units, provision of RSO units, and qualification for the Exemption from the RSO with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all new units to be exempt from the RSO, the applicant will need to either replace all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by HCIDLA shall be provided.
7. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 6.0:1.

8. **Building Height.** The project shall be limited to a maximum building height of 200 feet as measured from Grade to the highest point of the roof parapet pursuant to LAMC Section 12.03.
9. **Automobile Parking for Residential Uses.** Based upon 126 one-bedroom units and 74 two-bedroom units proposed, a minimum of 237 automobile parking spaces shall be provided for the residential uses of the project, pursuant to Assembly Bill 2345.
  - a. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
10. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
11. **Usable Open Space, Above Grade (Off-Menu Incentive).** The project shall provide 22,897 square feet of usable open space. 100-percent of the common or private open space may be located above the grade level or first habitable room level in lieu of the up to 75-percent required pursuant to SNAP Section 9.D.
12. **Pedestrian Throughway (Off-Menu Incentive).** The project shall provide a 1,707 square foot publicly accessible plaza in lieu of a 5,000 square foot public plaza as otherwise required by SNAP Section 9.G.
13. **Transparent Building Elements (Off-Menu Incentive).** At least 600 square feet of the ground level elevation along Hollywood Boulevard façade, 573 square feet of the ground level elevation along Carlton Way façade, and 1,140 square feet of the ground level elevation along St. Andrews Place façade shall be constructed with transparent building materials for the project located within the SNAP Subarea C, consistent with Exhibit "A."
14. **Glass Walls/Windows – Bird Protection.** The project shall use "bird protection glass", such as non-reflective darker tinted glass, specifically designed to help prevent bird strike deaths.
15. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to **10 percent more than otherwise required** by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
16. **Landscape Maintenance.** All landscaped areas, trees, shrubs and ground cover shall be maintained as healthy and vigorous at all times; irrigation systems shall be continuously maintained pursuant to LAMC Section 12.41 B.5.
17. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los

Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.

18. **Greywater.** The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by DWP in consultation with DCP.
19. **Electric Vehicle Parking.** Electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.
  - a. Any parking spaces provided above LAMC requirements shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas.
20. **Trees.** There shall be a minimum of ninety-one (91) 24-inch box trees, or larger, pursuant to LAMC Section 12.21 G.2 on site and/or in the public right-of-way.
21. **Maintenance.** The project site (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
22. **Solar Ready.** 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.
23. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible. Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators shall be used during construction.
24. **No Blank Walls.** The project shall incorporate to the satisfaction of the Department of City Planning, Central Project Planning Division decorative façades that includes uniform color, material, texture, and/or vegetative walls that complement the other facades of the structure.
25. **Signs.** There shall be no off-site commercial signs on construction fencing during construction.
26. **Art Mural.** The project shall provide an art mural on the ground floor façade of the north elevation, as shown on Sheets A 501 and A503 of Exhibit "A." Prior to the issuance of building permits, the project shall receive approval from the Department of Cultural Affairs for the proposed art mural. Any art mural installed on the building façade shall be in compliance with all applicable City regulations, pursuant to LAMC Section 14.4.20 and 22.119 of the Los Angeles Administrative Code, subject to the approval from the Department of Cultural Affairs.

### **SNAP Project Permit Compliance Review Conditions**

27. **Parks First.** For that area within the SNAP Subarea C, prior to the issuance of a Certificate of Occupancy, the applicant shall complete the following:
- a. Make a payment to the Department of Recreation and Parks (RAP) for the required Park Fee pursuant to LAMC Section 17.12. Contact RAP staff by email at [rap.parkfees@lacity.org](mailto:rap.parkfees@lacity.org), by phone at (213) 202-2682 or in person at the public counter at 221 N. Figueroa St., Suite 400 (4<sup>th</sup> Floor), Los Angeles, CA 90012 to arrange for payment.
  - b. Make a payment of \$774,000 to the Parks First Trust Fund for the net increase of 180 residential dwelling units. The calculation of a Parks First Trust Fund Fee to be paid pursuant to the Vermont/Western SNAP shall be off-set by the Park Fee paid pursuant to LAMC Section 17.12 as a result of the project.
  - c. The applicant shall provide proof of payment for the Park Fee to the Department of City Planning (DCP), Central Project Planning Division staff to determine the resulting amount of Parks First Trust Fund Fee to be paid. DCP staff shall sign off on the Certificate of Occupancy in the event there are no resulting Parks First Trust Fund Fee to be paid.
  - d. In the event there are remaining Parks First Trust Fund Fee to be paid, the applicant shall make a payment to the Office of the City Administrative Officer (CAO), Parks First Trust Fund. Contact Justin Lawson of the CAO directly at (213) 473-7543, or [Justin.Lawson@lacity.org](mailto:Justin.Lawson@lacity.org), to arrange for payment. The applicant shall submit proof of payment for the Parks First Trust Fund Fee to DCP staff, who will then sign off on the Certificate of Occupancy.
  - e. All residential units in a project containing units set aside as affordable for Very Low or Low Income Households that are subsidized with public funds and/or Federal or State Tax Credits with affordability covenants of at least 30 years are exempt from the Parks First Trust Fund.
28. **Use.** The proposed residential use shall be permitted on the subject property as shown on the Exhibit "A." The project is allowed R4 uses on the subject property. Any change of use within the project site is required to obtain a Project Permit Compliance Review approval before any permit clearance is given.
29. **Bicycle Parking.** The project shall provide a minimum 100 long term bicycle parking spaces pursuant to SNAP Section 9.E. and 13 short-term bicycle parking consistent with LAMC Section 12.21 A 16.
30. **Yards.** No front, side or rear yards shall be required for the residential project located within Subarea C of the SNAP pursuant to SNAP Section 9.H.
31. **Landscape Plan.** The applicant shall submit a final landscape plan prepared by a licensed landscape architect showing enhanced paving such as stamped concrete, permeable paved surfaces, tile and/or brick within paved areas in front, side and rear yards.
32. **Streetscape Elements.**
- a. **Street Trees.** Street trees must be installed and maintained prior to issuance of the building permit or suitably guaranteed through a bond and all improvements must be completed prior to the issuance of a Certificate of Occupancy.

- i. Four (4) 36-inch box shade tree shall be provided in the public right-of-way along Hollywood Boulevard, eleven (11) 36-inch box shade tree shall be provided in the public right-of-way along St. Andrews Place, and five (5) 36-inch box shade tree shall be provided in the public right-of-way along Carlton Way, subject to the Bureau of Street Services, Urban Forestry Division requirements.
    - ii. A tree well cover shall be provided for each new and reused street tree in the project area located within the SNAP Subarea C.
    - iii. The applicant shall be responsible for new street tree planting and pay fees for clerical, inspection, and maintenance per the Los Angeles Municipal code section 62.176 for each tree.
    - iv. An automatic irrigations system shall be provided.
  - b. **Bike Racks.** Seven (7) bike racks shall be installed in the public right-of-way along Hollywood Boulevard, five (5) bike racks shall be installed in the public right-of-way along St. Andrews Place, and two (2) bike racks shall be installed in the public right-of-way along Carlton Way according to requirements of the Department of Public Works for a project area located within the SNAP Subarea C.
  - c. **Trash Receptacles.** One (1) trash receptacle shall be installed and maintained and emptied by the project owner and placed in the public right-of-way according to requirements of the Department of Public Works along Hollywood Boulevard in the project area located within the SNAP Subarea C.
  - d. **Public Benches.** One (1) public bench shall be installed in the public right-of-way according to requirements of the Department of Public Works along Hollywood Boulevard in the project area located within the SNAP Subarea C.
33. **Design of Entrance.** The applicant shall submit detailed elevations of the ground floor illustrating that all pedestrian entrances, residential lobby area, and the pedestrian plaza, are accented with architectural elements such as columns, overhanging roofs, or awnings. The location of entrances shall be in the center of the façade or symmetrically spaced if there are more than one, or at the corner if in a corner building for the project area located within the SNAP Subarea C.
34. **Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made by the applicant for future underground service.
35. **Building Design.**
- a. **Stepback.** For that portion of the project located within the SNAP Subarea C along Hollywood Boulevard, no portion of the building shall exceed more than 30 feet in height within 15 feet of the front property line, the second floor shall be set back from the first floor frontage at least ten (10) feet.
  - b. **Surface Mechanic Equipment.** The applicant shall submit detailed elevations of the ground floor illustrating that all surface or ground mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air condition condensers, gas meters and electric meter cabinets shall be screened from public view and treated to match the materials and colors of the building which they serve.

36. **Rooftop Appurtenances.** All rooftop equipment and building appurtenances shall be screened from any street, public right-of-way, or adjacent property with enclosures or parapet walls constructed of materials complimentary to the materials and design of the main structure in the project area located within the SNAP Subarea C.
37. **Trash, Service Equipment and Satellite Dishes.** Trash, service equipment and satellite dishes, including transformer areas, shall be located away from streets and enclosed or screened by landscaping, fencing or other architectural means. Any transformer area within the front yard shall be enclosed or screened. All trash storage bins shall be located in a gated, covered enclosure constructed of identical building materials, at a minimum six (6) feet in height, and have a separate area for recyclable materials in the project area located within the SNAP Subarea C.
38. **Freestanding Walls.** All freestanding walls shall contain an architectural element at intervals of no more than 20 feet and be set back from the property line adjacent to a public street with a landscaped buffer. Chain-link, barbed and concertina fences are not permitted.
39. **On-Site Lighting.** The applicant shall install on-site lighting along all vehicular and pedestrian access ways. Installed lighting shall provide  $\frac{3}{4}$ -foot-candle of flood lighting intensity as measured from the ground. Lighting must also be shielded from projecting light higher than 15 feet above ground level and away from adjacent property windows. The maximum height of any installed lighting fixture shall not exceed 14 feet in height. Color corrected (“white”) lamps shall be used for ground level illumination.
40. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The applicant shall be required to acquire approval from the Department of City Planning for the installation of any security devices on the exterior or the structure through a building permit clearance sign off for the project area located within the SNAP Subarea C.
41. **Privacy.** The applicant shall provide a Privacy Diagram that superimposes the neighboring eastern building’s windows onto the proposed project.
42. **Noise.** Any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley shall be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition.
43. **Future Signage.** All future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan and Design Guidelines for the project area located within Subarea C. Filing for a Project Permit shall not be necessary unless a Project Permit Adjustment or Exception is required. Any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights are prohibited. Canned signs should not be used.

#### **Environmental Conditions**

44. **Condition Reporting Program (CRP).** The project shall be in substantial conformance with the Condition Reporting Program measures in the attached CRP and “Exhibit C” and attached

to the subject case file. Pursuant to PRC Section 21155.1(b), the project is required to incorporate applicable Mitigation Measures, a detailed explanation of these Mitigation Measures and their applicability can be found in Attachments F(a) and F(b) of the Sustainable Communities Project Exemption, Case Number ENV-2020-4298-SCPE. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the CRP. If substantial conformance results in effectively deleting or modifying the condition measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the condition measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact. If the Project is not in substantial conformance to the adopted condition measures or CRP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance.

45. **Condition Monitor (Construction).** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant, the election of which is in the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning which approval shall not be reasonably withheld, who shall be responsible for monitoring implementation of project design features and condition measures during construction activities consistent with the monitoring phase and frequency set forth in this CRP. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and condition measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to report to the Enforcement Agency any non-compliance with condition measures and project design features within two (2) businesses days if the Applicant does not correct the non-compliance within a reasonable time of written notification to the Applicant by the monitor or if the noncompliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

#### **Administrative Conditions of Approval**

46. **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.
47. **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.
48. **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.

49. **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.
50. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
51. **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.
52. **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.
53. **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 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.
- (ii) 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.
- (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.