

## CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on February 23, 2023)

Pursuant to Sections 12.24 U.24 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, landscape plan, renderings, and materials submitted by the applicant, stamped "Exhibit A", and attached to the subject case file.
2. **Use.** The use of the property shall be limited to a school, for Grades TK (Transitional Kindergarten) through 4, with a maximum enrollment of 552 students. Any increase beyond the maximum enrollment, up to a maximum increase of 20 percent, shall require an application for a Conditional Use Plan Approval which may be delegated to the Director of Planning for initial decision. Any such application to increase enrollment beyond 552 students shall provide evidence of compliance with the conditions of this grant, that increased enrollment will not adversely impact traffic and parking in the surrounding neighborhood and include appropriate environmental clearance.
3. **Floor Area.** The total maximum floor area of all development proposed on the subject property shall be limited to 36,157 square feet.
4. **Building Height.** The project shall be permitted a maximum building height of 26 feet and six (6) inches.
5. **Setbacks.** Yards shall comply with all applicable provisions of the LAMC.
6. **Design:**
  - a. All building facades shall utilize a minimum of two different materials. Windows, doors, balcony railings, and decorative features (such as light fixtures, planters, etc.) are excluded from meeting this requirement.
  - b. All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard, shall be screened with landscaping on all exposed sides (those not adjacent to a building wall).
7. **Parking:**
  - a. **Vehicle Parking.** The project shall provide at least the minimum required amount of vehicle parking consistent with the provisions of Section 12.21-A,4 of the LAMC.
  - b. **Bicycle Parking.** The project shall provide a minimum amount of bicycle parking consistent with the provisions of Section 12.21-A,16 of the LAMC. A greater number may be provided at the applicant's discretion.
  - c. Parking provided on-site shall not be utilized for events or uses occurring at off-site locations unless the property owner files a shared parking application pursuant to Section 12.27-1,15 of the LAMC and such request is granted.
8. **Landscaping:**

- a. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
  - b. Prior to the issuance of a certificate of occupancy, a minimum 8-foot high wall made of slumpstone, decorative masonry, or other similar screening material shall be constructed along the eastern, and western property lines, as depicted in the plans in Exhibit "A", if no such wall already exists.
  - c. The project shall provide a minimum of six (6) landscaped "finger island" planters within the surface parking lot, as depicted on the plans in Exhibit "A".
  - d. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted on-site for every four surface parking spaces.
  - e. Trees shall be located in such a manner and be of such a size that the trees are capable of producing an overhead canopy that will shade at least 50 percent of the westernmost row of vehicle parking stalls (consisting of 25 stalls) after 10 years of growth.
  - f. Planting of required trees within the public right-of-way shall obtain approval from the Urban Forestry Division prior to obtaining clearance from the Department of City Planning. In the event that a required tree cannot be planted within the public right-of-way, those trees shall be planted on-site.
9. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
10. **Signage.** On-site signs shall comply with the Municipal Code. Signage rights are not part of this approval.
11. **Sustainability:**
- a. **Solar.** A minimum of 15 percent of the total roof area shall be reserved for the installation of solar panels. The solar panels shall be installed prior to the issuance of a certificate of occupancy. The lowest point of any solar panel may not be more than five feet above the roof line.
  - b. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Section 99.05.106 of Article 9, Chapter IX of the LAMC.

### **Operational Conditions**

12. All school administrators, faculty, and school board members shall be provided a copy of the subject determination.
13. Filming for commercial purposes shall be prohibited on the property. Student filming and filming for school promotional purposes shall be permitted, provided that such filming is not done outdoors after dark where the use of artificial light is employed.

14. No incidental gaming activity as described in Section 12.21-A,13 of the LAMC shall be permitted on the site.
15. **Hours of Operation:**
  - a. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, for the academic school year.
  - b. Hours for classroom instruction shall be limited to 8:00 a.m. to 3:15 p.m., Monday through Friday, for the academic school year.
  - c. Hours for after-school programs shall be limited between 3:00 p.m. and 6:00 p.m., Monday through Friday, to accommodate a maximum of 50 percent of the student body.
  - d. School "special events" shall be limited to no more than ten (10) events annually. School board meetings and parent/teacher conferences are excluded from the definition of "special events." No more than one special event shall occur on a single day. Special events shall conclude at 8:00 p.m. For any special event where more than 50 vehicles are anticipated, the applicant shall provide off-site parking. A copy of the list of special events for each school year shall be posted online on the schools' website.
  - e. Summer school programming shall be permitted during the entirety of summer. Hours for any summer school programming is limited to 8:00 a.m. to 4:30 p.m., Monday through Friday.
  - f. With the exception of teacher preparations, normal school maintenance, parent conferences with teachers, school board meetings and similar customary school activities, there shall be no use of the subject property beyond the hours specified above.
16. **Loading and Unloading.** Student drop-off/pick-up activities shall be located as indicated on the plans in Exhibit "A". The drop-off/pick-up plan may be modified to the satisfaction of the Los Angeles Department of Transportation (LADOT). Modifications required by the LADOT shall be submitted to the Department of City Planning for the record.
  - a. The school shall inform parents, students, faculty and staff in writing on an annual basis of all rules regulating school traffic and parking. A copy shall be mailed to the City Planning Department at the same time for inclusion in the case file. The school administration shall maintain a list of license plate numbers of all families whose children are enrolled as well as the license plate numbers for each employee who parks on the property.
  - b. Activities outside normal instructional hours, including parent teacher conferences, school meetings, and other customary school activities shall be scheduled so as to adequately provide parking on-site for all staff and visitors. Arrangements shall be made to provide off-street parking for events exceeding the parking capacity on-site.
  - c. The on-site drop-off and pick-up periods for the school shall occur as follows:
    - i. The on-site drop-off period for the school shall be limited to 7:00 a.m. to 8:00 a.m.

- ii. The primary on-site pick-up period for the school shall be limited to 2:45 p.m. to 3:45 p.m., except on Tuesdays which is limited to 1:00 p.m. to 2:00 p.m., and the on-site pick-up period for students involved in after-school programs shall be approximately 4:15 p.m. to 7:00 p.m., where pick-up is naturally staggered in order to accommodate the end times of various after school programs.

d. Carpool Program

- i. The applicant shall distribute information to parents explaining the carpool program, which information shall include family names and phone numbers so that parents can identify potential carpool opportunities.
  - ii. The applicant shall require parents to sign a pledge for carpool plan participation and shall implement a formal policy requiring that students who are driven to and from the subject property each day arrive or depart in vehicles with at least one other student in the following manner: a minimum of 15 percent of students carpooling by the end of the first year of operation; a minimum of 20 percent of students carpooling by the end of the second year of operation; and a minimum of 30 percent of students carpooling by the end of the third year of operation and for each year thereafter.
- e. A minimum of five (5) monitors, consisting of school staff and parent volunteers wearing orange vests or other distinctive attire, shall supervise the pick-up/drop-off of students on the subject property during the prescribed hours and maintain smooth ingress to and egress from the subject property. At least one monitor shall be positioned at the vehicular entrance/exit at Plummer Street to ensure efficient movement of cars entering and exiting the school campus. One of the monitors shall be a "traffic ambassador" who is specially employed and trained by the applicant to prevent parents from the following (i) parking or double-parking on Plummer Street, (ii) queueing their cars on Plummer Street for drop-off or pickup and (iii) picking up and dropping off students on Plummer Street. The other monitors shall assist and support the traffic ambassador to prevent such violations. The traffic ambassador shall have the authority to take reasonable actions to enforce these requirements and require corrective action. The traffic ambassador shall report any such violations to the school administration and provide applicable license plate numbers.
- f. The traffic ambassador shall be the first point of contact with the community to address any traffic and parking concerns and to work directly and cooperatively with the community to resolve them. Contact information for the traffic ambassador shall be distributed to immediate neighbors and be posted on the school's website.
- g. Activities outside normal instructional hours, including parent teacher conferences, school meetings, and other customary school activities, shall be scheduled so as to adequately provide parking on-site for all staff and visitors. Arrangements shall be made to provide off-street parking for events exceeding the parking capacity on-site.
- h. The parking and student drop-off/pick-up operational requirements shall be included in the school policies. These school policies should be communicated to faculty, staff, students, and parents at the beginning of the school year and be reinforced throughout the school year and should include information on parking operations, campus access and circulation, and on-site and off-site student drop-off/pick-up operations. In

addition, contact information including phone number and contact person will be posted on signs on the school building with notice of the appropriate person to contact regarding school related traffic and parking issues.

- i. The traffic ambassador shall oversee this program, which shall include appointment of parent coordinators, distribution of literature explaining the program, and the coordination and distribution of family names and phone numbers so that parents can identify potential carpool opportunities.
  - j. **Department of Transportation**. All new school projects must contact LADOT for an assessment of the school's proposed drop-off/pick-up process and to determine if any traffic controls, school warning and speed limit signs, school crosswalk and pavement markings, passenger loading zones and school bus loading zones are needed. The site plan indicating the driveway access and circulation shall be submitted, reviewed, and approved by LADOT and should be coordinated with LADOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, (213) 482-7024).
17. **School Calendar/Special Events, Parking, and Neighborhood Outreach and Notice.** The number of special events shall be limited to no more than ten (10) events annually. School administrative board meetings and parent/teacher meetings are excluded from the definition of "Special Events".
- a. **School Calendar/Special Events.** A copy of the Calendar and List of Special Events shall be posted online on the school's website, and prominently at the school visible from the public right of way, 10 days prior to the beginning of each school year for public reference.
  - b. **Parking.** For all events, the use of local streets for parking shall be discouraged. The school shall coordinate and provide information for off-site parking area(s) as needed.
  - c. A Community Relations representative shall be designated, and contact information of that person shall be posted online on the school's website, and prominently at the school, at least 10 days prior to the beginning of each school year.
  - d. The school shall provide the public with a 24-hour "hot line" telephone number that shall be attended by a live person during regular hours of operation and all school special events outside of regular hours. If a live person is not available to answer the telephone call, a voicemail system shall be established for members of the public to report any problems associated with the operation of the school. A live person shall respond to all voicemail messages within 24 hours of the call being placed. An email address to submit concerns shall also be established and made available to the public. A complaint log shall be kept aggregating all live person calls, voicemails, and emails, and shall include the complainant's name, date and time of complaint, phone number and/or email address, the nature of the complaint, the date and time of response to the complaint, and a description of how the issue was responded to or resolved. To the extent feasible, the school shall also keep a record of all voicemails and emails concerning issues with the school's operations. Record of all complaints must be maintained on the premises. Information on how the public can report concerns or complaints shall be posted online on the school's website, and prominently at the school visible from the public right-of-way, for public reference at least 10 days prior to the beginning of each school year. Such records shall be maintained for the period between Planning actions, including between the approval of the case herein and the next subsequent Plan Approval application and between each Plan Approval application. Notwithstanding anything to the contrary in this Condition, with respect to

any complaint relating to traffic or parking issues, such complaint shall be promptly referred to the traffic ambassador, who shall respond within 24 hours after the applicable telephone call or voicemail message.

18. **Noise.**

- a. No outdoor public address system or bell system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located.
- b. No exterior bells are permitted. Musical instruments used by members of the school band or orchestra shall be confined to within school buildings.
- c. No amplified music or loud non-amplified music is permitted outside.
- d. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed or otherwise attenuated such that potential noise sources are oriented away from neighboring properties. All equipment shall be in compliance with the requirements of the LAMC.
- e. Motorized cleaning and landscaping (taking place outside) shall not be permitted before 8:00 a.m. or after 6:00 p.m.

19. **Deliveries.** The applicant shall instruct companies who make substantial deliveries to the subject property to do so between 6:00 a.m. and 5:00 p.m., but not during the stated hours of student drop-off/pick-up.

20. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.

- a. Trash/recycling containers shall be locked when not in use.
- b. Trash storage bins shall be located within a gated, covered enclosure.
- c. Trash/recycling containers shall not be placed in or block access to required parking.

21. **Maintenance:**

- a. The subject property, including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines, as well as the sidewalk in front of the subject property, shall be maintained in an attractive condition and shall be kept free of trash and debris.
- b. 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.

22. **Security:**

- a. An Emergency Procedures Plan shall be established identifying guidelines and procedures to be utilized in the event of fire, medical urgency, earthquake or other emergencies to the satisfaction of the Police Department and Fire Department prior to the issuance of a certificate of occupancy. A copy of such document shall be submitted to the City Planning Department upon its approval.

- b. The property shall be internally secured when not in use.
  - c. A security plan shall be developed in consultation with the Los Angeles Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide to the Mission Community Police Station Commanding Officer a diagram of the site indicating access routes and any additional information to facilitate police response. A copy of such document shall be submitted to the City Planning Department upon its approval.
  - d. The campus shall be closed after the start of the school until student dismissal times. Students may not leave the campus unescorted at any time during the school day, including at lunch time.
23. **Plan Approval.** Within five (5) years from the issuance of a certificate of occupancy or temporary certificate of occupancy for the school, the property owner shall file a Plan Approval application and associated fees together with mailing labels for all property owners and tenants within 500 feet of the subject property. The matter shall be set for public hearing with appropriate notice. The purpose of the Plan Approval shall be to review the effectiveness of, and the level of compliance with, the terms and conditions of this grant, including the effectiveness of the carpool program, the management of traffic and circulation impacts associated with school drop-off and pick-up operations and any documented noise impacts from parking operations and activities on the surrounding residential properties. Upon review of the effectiveness of and compliance with the conditions, the Department of City Planning shall issue a determination. Such determination may delete, modify the terms and conditions and/or add new terms and conditions, as deemed appropriate. The Department of City Planning may also require one or more subsequent Plan Approval applications, if deemed necessary. The application shall include the following minimum information:
- a. The number of students enrolled. Provide a copy of the ledger to verify enrollment numbers for each school year, including any summer sessions.
  - b. Operational changes to the school such as hours of operation and drop-off/pick-up policy. The schools shall annually monitor their student loading/unloading area and related traffic patterns during the drop-off and pickup hours. If there are neighborhood cut-through issues that could be resolved through neighborhood traffic calming measures (like the installation of speed humps, temporary turn restrictions, or changes to the loading zone), then the school shall work with the affected residents, Council Office and LADOT to determine the appropriate course of action. Prior to filing a Plan Approval application within the required five (5)-year period, within ninety (90) days after the end of the fourth (4th) year of operation, the applicant shall submit to the Department of City Planning and the Council Office a report prepared by a traffic consultant or with the assistance of a traffic consultant that (i) summarizes the effectiveness of the pick-up/drop-off system during the prior two school years, (ii) describes any refinements of that system implemented during the prior two school years and that will be implemented during the next school year and (iii) summarizes any substantial concerns, if any, raised by the community during the prior two school years and how the applicant responded to those concerns.
  - c. Physical modifications involving expansion or change of use or location. Provide a copy of the building permit for any physical modifications and certificate of occupancy for any expansions along with a copy of the Building and Safety-approved plans.

- d. The status of participation in efforts to develop a comprehensive and effective schedule for staggering drop-off and pick-up times as to be sensitive to the preferences of their respective parent and student bodies and no less so to the property owners affected by such otherwise uncoordinated, and possibly duplicative, traffic patterns.
24. **AQ-1. Construction Emissions Reduction.** Prior to issuance of grading permits, the City Engineer and the Chief Building Official shall confirm that the grading plan, building plans, and specifications stipulate that the following measures shall be implemented:
- a. All mobile off-road equipment (wheeled or tracked) greater than 50 horsepower used during construction activities shall meet the USEPA Tier 4 final standards Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards.
  - b. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment on-site.
  - c. All unpaved demolition and construction areas shall be wetted at least twice times per day during excavation and construction.
  - d. Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.
  - e. The project shall comply with the CARB Air Toxics Control Measure that limits diesel powered equipment and vehicle idling to no more than five minutes at a location, and the CARB In-Use Off-Road Diesel Vehicle Regulation; compliance with these would minimize emissions of TACs during construction.
25. **BIO-1. Nesting Bird Avoidance.** Project activities (including disturbances to native and non-native vegetation, structures and substrates) shall take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture of kill (Fish and Wildlife Code Section 86). If Project activities cannot feasibly avoid the breeding bird season, beginning 30 days prior to the disturbance of suitable nesting habitat, the Applicant shall:
- a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the Project Site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work.
  - b. If a protected native bird is found, the Applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
  - c. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt

- at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- d. The Applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.
26. **BIO-2a. Avoidance and Minimization Measures for Protected and Non-Protected Significant Trees.** The following avoidance and minimization measures shall be implemented to reduce impacts to non-protected significant trees from Project activities.
- a. **Monitoring.** No person shall impact the roots or canopy of trees without oversight of a certified arborist. The arborist shall be contacted no less than 72 hours prior to anticipated work within or immediately adjacent to the dripline of a tree to ensure availability and shall be present during initial ground disturbance activities that will occur within or immediately adjacent to the tree.
- b. **Fencing.** Minimum 6-foot-tall chain-link fencing shall be placed between the construction area and the dripline. Fencing shall be maintained and in place through the duration of construction activities and until all equipment has been removed from the Site.
- c. **Root Impacts.** Cutting or disturbing a large percentage of a tree's roots increases the likelihood of the tree's failure or death. Tree roots that are more than four inches in diameter shall never be cut, as roots that large are usually structural. Cutting them can destroy the stability of the tree, causing it to fall over. Where grading, cut-and-fill, trenching, or any other ground disturbing activity occurs or is specifically shown on the project plans within the dripline, the activity shall be done slowly to avoid ripping or tearing roots. Ripping or tearing roots can lead to rotting and decay and reduce stability and health in the tree. Hand tools or small hand-held power equipment shall be used instead within the dripline of a tree. Cutting roots two inches in diameter or greater shall be avoided wherever possible.
- i. The amount of allowable root disturbance shall be determined by the monitoring arborist. If the arborist determines that construction may compromise the tree's health or the structural integrity of the tree, work around that tree shall be suspended until measures to minimize the impact can be determined or until a permit is received by the city if the arborist determines that the tree may not survive the impact.
- ii. Roots that are two inches or more in diameter that are encountered shall be avoided until the arborist determines treatment measures. Cuts shall be prescribed by the arborist and should generally be done at right angles to the roots with a clean, sharp blade. New cuts shall be wetted and covered with absorbent tarp or heavy cloth fabric and remain in place until the trench/excavation is backfilled with soil and immediately watered.
- d. **Equipment Staging.** Temporary equipment staging and storage shall be limited to designated areas away from the trees. No washing of equipment or vehicles shall occur within 50 feet of a preserved tree.
- e. **Soil Compaction.** Soil compaction imposes a complex set of physical, chemical, and biological constraints on tree growth. Principal components leading to limited growth

are the loss of aeration and pore space, poor gas exchange with the atmosphere, lack of available water, and mechanical impedance of root growth. Soil compaction is the largest single factor responsible for the decline of trees on construction sites. The following guidelines shall be implemented to protect trees from soil compaction that may occur due to project activities:

- i. No equipment or materials shall be stored under canopies, or within the dripline of trees. On-site staging, storage and washing of construction materials and equipment shall be limited to designated and approved areas. In areas where vehicles or equipment may impact tree roots, steel plates or plywood shall be installed to protect the root zone as needed.
- f. **Mechanical Damage.** Inadvertent damage to limbs and branches (i.e., mechanical damage) from project equipment may occur if work, including staging and access, are within the dripline. If damage occurs to limbs and branches, immediate trimming with clean and sharp pruners shall occur in accordance with the American National Standards Institute (ANSI) standards discussed above. If damage to the bark or trunk occurs, wound dressings are not recommended. Treatment of said damages shall be applied in accordance with the ANSI A300 Management of Trees and Shrubs during Site Planning, Site Development, and Construction (ANSI 2012).
- g. **Pruning.** All pruning/trimming shall be performed consistent with the ANSI A300 Pruning Standard (ANSI 2017) and shall adhere to the most recent edition of ANSI Z133.1. Pruning/trimming of protected trees shall be limited to only what is necessary for construction and conducted under the direct supervision of a certified arborist. Climbing spurs and spikes shall not be used.
  - i. A thorough inspection of the canopy shall be conducted to determine pruning specifications.
  - ii. Within no more than one week prior to excavation, trenching, or other subsurface work that would occur within the root zone, the soil within the dripline of the tree shall be deep irrigated. This can be accomplished using a soaker hose for approximately 2 to 6 hours, depending on the volume of water and soil texture. This will allow water to be absorbed by the roots. This can be performed a few days before the root pruning is to be performed.
  - iii. In areas where grading, cut-and-fill, or trenching will take place, digging shall be by hand shovel for the first 2 to 3 feet where most roots are expected to occur.
  - iv. Any root pruning shall be performed carefully. The roots shall be exposed through hand digging. The roots shall be cut at a 90-degree angle and cut cleanly. No roots shall be torn or jagged, as this can lead to rotting and decay in the root zone and reduce stability and health in the tree. Excessive root pruning is not recommended. If a tree is in any stress or is lacking in health and vigor, the root pruning can contribute to the quick decline of a tree.
  - v. If any root zone is left open for an extended period, the contractor shall lightly apply moisture to keep the roots from drying out. Also, roots shall not sit in a pool of water during construction. This situation can also cause rotting and decay.

- vi. After root pruning is complete, backfill with native soil. Do not overly compact. Water every 1 to 2 feet to reduce air pockets.
- vii. A Certified Arborist shall be on site to observe the root-pruning.

27. **BIO-2b. Measures for Replacement of Protected and Non-Protected Significant Trees.** In accordance with the City's Protected Tree Ordinance, the Board of Public Works may require the following for the removal of a protected tree. The following is assumed to apply to protected and non-protected significant trees:

- a. Replacement with at least four specimens of a protected variety (i.e., 1:4 ratio). Each replacement tree shall be at least a 15-gallon, or larger specimen, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.
- b. Replacement with trees of a lesser size or of a different protected species to be planted as replacement trees, if replacement trees of the size and species otherwise required pursuant to the City's Protected Tree Ordinance are not available. In such event, a greater number of replacement trees may be required.
- c. Relocation of a protected or non-protected significant tree to another location on the property, provided that the environmental conditions of said new location are favorable to the survival of the tree and there is a reasonable probability that the tree will survive. In addition, the City Planning Department policy requires mitigation at a 1:1 ratio for removal of the non-protected significant trees. The Board of Public Works may charge an in-lieu fee for removal of street trees, per LAMC Section 62.171 and 62.177.

28. **CUL-1. Historical Resource Design Review.** Project Applicant shall engage a qualified historical architect or architectural historian that meets the Secretary of the Interior's Professional Qualifications Standards (as codified in 36 CFR Part 61) to be part of the Project design team. The qualified consultant shall have demonstrated experience providing design guidance for projects of a similar scope involving the adaptive reuse of historical resources. The qualified consultant shall perform periodic reviews of the Project as its design progresses and provide input to the design team during the design process to ensure that the Project remains in compliance with the Secretary of the Interior Standards for the Treatment of Historic Properties (SOI Standards). Reviews shall be performed minimally when Project Plans are 50 percent and 80 percent complete. The reviews shall include a review of the Project's compliance with the SOI Standards and provide recommendations aimed at achieving compliance as necessary. Prior to the issuance of grading permits, the qualified consultant shall prepare a SOI Standards project review memorandum to document the Project's compliance with the SOI Standards. The memorandum shall be submitted to the City of Los Angeles for review, comment, and approval. In the event that the City does not concur with the findings of the memorandum, designs shall be modified until compliance with the SOI Standards and concurrence is obtained.

29. **CUL-2. Unanticipated Discovery of Cultural Resources.** In the unlikely event that archaeological resources, including trash pits associated with the existing 1914 single-family residence, are unexpectedly encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archeology (as codified in 36 CFR Part 61) shall be contacted immediately to evaluate the find. If the find is prehistoric, then a

Native American representative shall also be contacted to participate in the evaluation of the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources.

30. **GEO-1. Geotechnical Engineering Measures.** Final design and construction plans for the Project shall incorporate geotechnical engineering recommendations based on site specific soil investigations, and shall consider collapsible soils, protection from corrosive soils, and other applicable soil conditions. More specifically, final design and plans shall incorporate geotechnical engineering recommendations from the Geotechnical Investigation Report prepared by LK Geotechnical Engineering in February 2022.
31. **GEO-2. Unanticipated Discovery of Paleontological Resources.**
  - a. **Paleontological Worker Environmental Awareness Program.** Prior to the start of construction, a Qualified Professional Paleontologist (as defined by SVP [2010]) or their designee shall conduct a paleontological Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.
  - b. **Unanticipated Discovery of Paleontological Resources.** In the event a fossil is discovered during construction of the project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a Qualified Professional Paleontologist. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant, the applicant shall retain a Qualified Professional Paleontologist to direct all mitigation measures related to paleontological resources. The Qualified Professional Paleontologist shall design and carry out a data recovery plan consistent with the SVP (2010) standards.
32. **HAZ-1. Septic Tank Removal.** If encountered, the septic tank shall be properly removed in accordance with all applicable City of LA regulatory requirements. If evidence of a release of a petroleum product or hazardous materials from the septic tank is observed at the time of removal, the Project Applicant shall stop all removal work and retain a qualified environmental consultant (Professional Geologist [PG] or Professional Engineer [PE]) to prepare a Soil Management Plan and conduct a Subsurface Investigation.
33. **HAZ-2. Asbestos-Containing Materials.** The Project Applicant shall have the asbestos containing materials (ACMs) at the existing on-site structure identified in the Limited Asbestos Survey prepared by NV5 Alta Environmental in February 2022 removed according to proper abatement procedures recommended by an asbestos consultant. All abatement activities shall be in compliance with California and Federal Occupational Safety and Health Administration, and with the South Coast Air Quality Management District (SCAQMD) requirements. Only asbestos trained and certified abatement personnel shall be allowed to perform asbestos abatement activities onsite. All ACMs removed from onsite structure shall be hauled and disposed of by a transportation company certified to handle asbestos and hazardous materials. If additional ACMs are found to be present, a qualified asbestos abatement consultant shall abate ACMs in compliance with the SCAQMD Rule 1403 as well as all other State and federal rules and regulations.

34. **NOI-1. Construction Vibration.** Grading and earthwork activities within 12 feet of adjacent residential structures or within 10 feet of the on-site existing building shall be conducted with off-road equipment that is limited to 100 horsepower or less.
35. **TRAF-1. Alternative Transportation Options.** The Project shall utilize promotional and marketing tools to educate and inform employees about alternative transportation options and the effects of their travel choices. Rather than two-way communication tools or tools that would encourage an individual to consider a different mode of travel at the time the trip is taken (i.e., smartphone application, daily email, etc.), this TDM strategy includes passive educational and promotional materials, such as posters, information boards, or a website with information that employees can choose to read at their own leisure.
36. **TRAF-2. Ride-Share Program.** The Project shall proactively aim to increase employee vehicle occupancy by providing ride-share matching services, designating preferred parking for rideshare participants, designing adequate passenger loading/unloading and waiting areas for rideshare vehicles, and providing a website or message board to connect riders and coordinate rides.
37. **TCR-1. Unanticipated Discovery of Tribal Cultural Resources.** In the event that tribal cultural resources of Native American origin are found during Project-related ground disturbance, excavation and other construction activity in that area shall cease. If the City of Los Angeles, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. The mitigation plan may include but would not be limited to avoidance, capping in place, excavation and removal of the resource, interpretive displays, sensitive area signage, or other mutually agreed upon means.

### **Administrative Conditions**

38. **Grant.** The Conditional Use grant is non-transferable and shall have no expiration date except as provided under Sections 12.24-M, 12.24-P and 12.24-Q of the Los Angeles Municipal Code.
39. **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.
40. **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.
41. **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.
42. **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.

43. **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.
44. **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.
45. **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.
46. **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.
47. **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.
48. **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.
49. **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 (b).
- 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 (b).
- 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.