

CONDITIONS OF APPROVAL

(As Modified by the Planning and Land Use Management Committee
of the City Council on November 7, 2023)

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

Vesting Conditional Use Conditions

1. **Site Development.** The use and development of the Property shall be in substantial conformance with the plans stamped: Revised Exhibit A, dated August 24, 2023 (hereafter referred to as "Revised Exhibit A"). No change to the plans will be made without prior review by the Department of City Planning, Major Projects, 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 Municipal Code or the Project conditions.
2. **Use.** The use of the subject property shall be limited to an athletic and recreational facility for school and public use. In addition, football games would not be permitted on the property, although football practices would be permissible. The authorized use shall be conducted at all times with due regard for the residential character of the surrounding area and the right is reserved to the City Planning Commission to impose additional corrective conditions if, in its opinion, such conditions are necessary for protection of persons using the facilities of residents of the area.
3. **Floor Area.** The Project shall not exceed a maximum Floor Area Ratio (FAR) of 0.15:1, as defined by LAMC Section 12.03 of the LAMC, including limitations on the following buildings:
 - a. Existing Clubhouse and Café: 2,700 square feet of interior space and 900 square feet of outdoor covered area.
 - b. Gymnasium Building: 80,249 square feet
 - c. Pool/Aquatic Center: 3,660 square feet of locker rooms, bathrooms, and mechanical and equipment storage
 - d. Athletic Field A: 6,585 square feet of bathrooms, locker and team rooms, livestream booth, offices, ticket booth, and mechanical and equipment storage
 - e. Athletic Field B: 4,280 square feet of bathrooms, locker and team rooms, ticket booth, and mechanical and equipment storage
 - f. Security Kiosks: 347 square feet
 - g. Other buildings as depicted on Revised Exhibit A
4. **Height.** The height of all proposed new buildings and structures on the Project Site shall be constructed in accordance with Revised Exhibit A, dated August 24, 2023, and designed to comply with the A1-1XL-RIO height requirements and regulations for buildings, with a total maximum building height of 30 feet. Maximum height for lighting and walls and fences shall be limited as identified in Conditions 5 and 7.

5. **Fence Height.** All new walls and fences shall have a maximum height of no more than eight feet, except around the tennis courts and the north and east side of Field A. Fencing around the perimeter of the Project Site shall be installed in accordance with Revised Exhibit A, dated August 24, 2023. The following maximum heights for walls and fences ancillary to the tennis courts and the north and east side area of Field A are permitted, in lieu of the six-foot maximum height limitation for fences and walls within front yards, and the eight-foot maximum height limitation for fences and walls within side yards, in the A1-1XL-RIO Zone:
 - a. A maximum 10-foot-height wall along Whitsett Avenue at Field A; and
 - b. A maximum 10-foot-height wall along Valley Spring Lane at the tennis courts.
6. **Seating.** The maximum number of new seats shall be limited by use as follows:
 - a. Gymnasium Building: Up to 1,056 bleacher seats
 - b. Pool/Aquatic Center: Up to 214 bleacher seats
 - c. Athletic Field A: Up to 542 bleacher seats
 - d. Athletic Field B: Up to 109 bleacher seats
 - e. Eight Tennis Courts: Up to 84 bleacher seats
7. **Lighting.**
 - a. Lighting for the Project shall be installed in accordance with the Lighting and Signage Plan shown in Revised Exhibit A dated August 24, 2023, and designed to comply with the California Code of Regulations, Title 24, the LAMC, and the RIO District requirements and regulations. Outdoor lighting shall be designed with LED technology and include timer controls.
 - b. Outdoor lighting shall be turned off no later than 8:00 p.m. daily, with the exception of the tennis court lighting, which shall be turned off at 9:00 p.m. There shall be no time limitation on low-level lighting for illuminating parking areas, pathways, and landscaping elements.
 - c. The Project is permitted a maximum of 22 new light poles on the Project Site ranging from 40 feet to 80 feet in height, including:
 - i. **Field A:** Four 80-foot-tall light poles, two each on the east and west sidelines.
 - ii. **Field B:** Four 80-foot-tall light poles, two each on the north and south sidelines.
 - iii. **Pool Area/Facility:** Four 55-foot-tall light poles, one each along the northeastern, northwestern, southeastern, and southwestern areas of the pool.
 - iv. **Tennis Courts:** Eight 40-foot-tall light poles, along the north, east, and south edges of the tennis courts, and two in the middle of the tennis court area.
 - v. **Existing Clubhouse:** Six repurposed historic golf ball-shaped light standards within the existing shell of the “golf ball,” with optic control, glare shielding, and

power consumption, shall be located to the south and southwest sides of the clubhouse, and visible from the public right-of-way.

8. Outdoor Scoreboards. Outdoor scoreboards shall be limited to the following size, type, and height as follows:

- a. Field A: One 25-foot by 8-foot LED scoreboard with a maximum height of 21 feet
- b. Field B: One 25-foot by 8-foot LED scoreboard with a maximum height of 21 feet
- c. Swimming Pool: One 18-foot by 10-foot scoreboard with a maximum height of 12 feet
- d. The outdoor scoreboards shall not display live video.

9. Automobile Parking.

- a. Parking shall be provided in accordance with LAMC Section 12.21 A.4. However, in no event can there be more than 403 vehicular parking spaces total onsite.
 - i. There shall be no more than 17 parking spaces located in the surface parking lot.
 - ii. All other parking spaces shall be located within the below-grade parking structure.
- b. Students who drive to the Project Site shall be required to register their vehicles with School administration and shall be required to display parking permits.
- c. Students who carpool (three or more students per car, including the driver) shall be given priority for onsite parking and/or for parking in the parking lots.
- d. All visitors, including the School's students and employees, shall be required to park on the Project Site. Parking in the surrounding neighborhood shall not be permitted unless the visitor lives in the neighborhood and is parking proximate to their residence.

10. Special Event Parking.

- a. Additional parking for special events shall either be provided with on-site stacked attendant parking or by utilizing a shuttle service.
- b. The athletic fields may be utilized for overflow parking.
- c. In the event either of the athletic fields are utilized for overflow parking, a parking attendant will be required to direct pedestrians and traffic.

11. Vehicular Access.

- a. Vehicular access to the below-grade parking structure shall be provided via a two-way driveway on Whitsett Avenue.
- b. The Project shall provide a second driveway to access the below-grade parking structure from Valleyheart Drive. The second driveway shall also allow access to the surface parking and vehicle roundabout.

- c. There shall be no vehicular access to the subject property located along Valley Spring Lane and Bellaire Avenue.

12. Pedestrian Access. Pedestrian access to the pedestrian paths and 5.4 acres of landscaped areas open to the public shall be provided in accordance with Revised Exhibit A.

- a. Pedestrian Improvements. A Controlled pedestrian crossing shall be installed at the intersection of Whitsett Avenue and Valleyheart Drive. The Applicant shall consult with the Department of Public Works and the Department of Transportation on the installation of the controlled pedestrian crossing. The Applicant shall work with the Bureau of Engineering and the Department of Transportation in the design process for Segment 8 of the LA RiverWay (Whitsett Avenue to Lankershim Boulevard) to ensure compatibility of the controlled crossing with the forthcoming Segment 8 plans and construction. The Applicant shall work with Department of Public Works and the Department of Transportation to assess further improvements as needed for drainage and flow southward from the southwest corner of Valley Spring Lane at Whitsett Avenue and install such improvements if necessary.

13. Drop-off/Pick-up.

- a. Student drop-off/pick-up activities shall be located at the south driveway roundabout, accessible via Valleyheart Drive, as indicated on Revised Exhibit A.
- b. There shall be adequate signage on the Project Site to indicate on-site drop-off and pick-up locations.
- c. All unloading and loading of visitors (including but not limited to students, parents, spectators, and visitors) shall take place onsite and shall not interfere with traffic on any public street. Public sidewalks and other public ways shall not be used for parking or unloading and loading.

14. Shuttles.

- a. On weekdays where School athletic and recreational programs take place, the School shall use shuttles to transfer students, coaches, and visitors between the Upper School campus and the Project Site from 2:30 p.m. to the end of the day's last school-based activity.
- b. On days in which concurrent event attendance is expected to exceed 300 spectators, including parents and other spectators, students shall not be permitted to drive to the Project Site. A parking pass shall be required to enter or park at the Project Site. Spectators without a parking pass shall be directed to park on the Upper School campus and ride the School-provided shuttle to the Project Site.
- c. Ingress and egress for the shuttles arriving to and leaving from the Project Site shall be at the south driveway roundabout at Valleyheart Drive.
- d. Shuttles shall follow a prescribed driving route, travelling northbound on Coldwater Canyon Avenue, turning right at Moorpark Street, and turning right onto Whitsett Avenue.

- e. Shuttles and other vehicles shall queue within the internal Project Site driveways. The School shall monitor shuttles to ensure the shuttles do not idle with their engines running or queue on local streets.
- f. All shuttles utilized to transfer students, coaches, and visitors between the Upper School campus and the Project Site shall use electric engines or other zero-emission vehicles.

15. Parking and Transportation Management Program.

- a. The School shall develop and implement a Parking and Transportation Management Program that will be employed by the School for all athletic competitions or Special Events that are expected to draw more than 300 attendees. The Program shall include additional measures such as a left-turn prohibition on Special Event days, off-site parking at the Upper School campus, attendant-assisted parking, temporary increases in traffic management and parking personnel as needed, use of security personnel, signage, and/or other measures. The School shall submit the Program to the Department of Transportation prior to the issuance of the first Certificate of Occupancy. The Program may be modified to incorporate new technologies or techniques in parking and transportation management.
- b. The Program shall include a parking reservation system for events where concurrent attendance is expected to exceed 300 spectators. A parking reservation system for Special Events shall be set forth in the Program. Guests without a parking reservation seeking to attend a Special Event or generally enter or park at the Project Site on days in which more than 300 concurrent spectators are anticipated, shall be denied access to the Project Site. Instead, such guests shall be directed to park their vehicle(s) on the Upper School campus and ride a School-provided shuttle to and from the Project Site.
- c. The School shall designate a Transportation and Parking Coordinator to manage the School's Parking and Transportation Management Program.
- d. Notification to Parents, Students, and Employees of Parking and Transportation Management Program.
 - i. To ensure implementation of the transportation and parking management programs, the School shall inform parents, students, and employees in writing on an annual basis of all rules regulating School transportation and parking. The School shall require parents, students, and employees to acknowledge acceptance of the rules. These rules and regulations shall also be included in the annually updated, "Student/Parent Handbook."
 - ii. The School shall maintain a progressive disciplinary system of enforcement in which the first violation shall result in suspending driving privileges for the student to and from the Project Site for one week. The second violation shall result in suspending driving privileges for the student to and from the Project Site for two weeks. The third violation shall result in suspending driving privileges for the student to and from the Project Site for the remainder of the trimester. The fourth violation shall result in suspending driving privileges for the student to and from the Project Site for the remainder of the school year. A violation requires that the student ride the School-provided shuttles.

16. Transportation Passes.

- a. **Walking Pass.** Students, employees, and guests who live within one mile of the Project Site and who sign a contract with the School to walk to and from the Project Site may be issued a “Walking Pass” by the School. The Walking Pass shall allow the individual to walk to the Project Site and must be available to present to the Project Site’s security personnel on each such visit.
- b. **Bicycle Pass.** Students, employees, and guests who sign a contract with the School to ride a bicycle to and from the Project Site may be issued a “Bicycle Pass” by the School. The Bicycle Pass shall allow the individual to bicycle to the Project Site and must be available to present to the Project Site’s security personnel each such visit.
- c. **Transit Pass.** Students, employees, and guests who sign a contract with the School to ride public transportation to and from the Project Site may be issued a “Transit Pass” from the School. The Transit Pass shall allow the individual to ride public transit to the Project Site and must be available to present to the Project Site’s security personnel each such visit.

17. Traffic Monitors for Special Events.

- a. Two or more transportation and parking monitors in distinctive attire (e.g., orange vests) shall be located at the Whitsett Avenue entrance and Valleyheart Drive entrance (at least one monitor at each entrance) during the hours of all Special Events to monitor compliance with rules against noise from car horns, car radios, car alarms and loud voices, to direct traffic flow and the student and visitor drop-off/pick-up process at the drop-off area and roundabout from Valleyheart Drive, to assure that School visitors and employee vehicles do not queue on the adjacent streets, block any public right-of-way, and/or private driveways, or adversely affect traffic circulation for local residents, and to assist with smooth ingress to and egress from the underground parking garage.
- b. Monitors shall instruct that shuttles and vehicles that bring students, employees, and guests to and from the Project Site are prohibited from parking on residential streets.
- c. Monitors shall observe and report any violations of the rules regulating School transportation and parking to School administration. The School shall retain a list of violations of the rules regulating School transportation and parking.

18. Hours of Operation. Hours of operation for the various activities that will take place onsite shall be limited to the following:**a. Athletic and Recreational Activities of the School**

- i. School hours (Monday - Friday, during School year): 7:00 a.m. to 8:00 p.m. (outdoor activities) and 9:30 p.m. (indoor activities)
- ii. Off-Season school athletic and summer program hours (Monday - Friday): 9:00 a.m. to 6:00 p.m.
- iii. On Saturdays, whether during the school year, off-season, or summer, athletic activities: 9:00 a.m. to 6:00 p.m., except for up to 10 Saturdays per calendar year

when outdoor athletic activities may take place up until 8:00 p.m. and indoor activities may take place up until 9:30 p.m.

- iv. No athletic activities (e.g., games or practices) shall occur on Sundays
- v. On Federal holidays, School activities, athletic or otherwise, are limited to indoor use only and can occur from 9:00 a.m. to 3:00 p.m.

b. Non-Athletic Activities of the School

- i. Non-athletic School activities, including academic uses, are limited to 9:00 a.m. to 8:00 p.m. outdoors or 9:30 p.m. indoors, Monday through Friday.
- ii. Maintenance staff hours on Project Site (Year Round): 6:00 a.m. to 10:00 p.m.
- iii. Security Personnel (Year Round): 24 hours per day

c. Athletic and Recreational Activities by the Public

- i. Clubhouse, café, and putting green - 7:00 a.m. to 9:00 p.m., daily
- ii. Tennis Courts (when not in use by the School) - 7:00 a.m. to 9:00 p.m., daily
- iii. Park Areas - Pedestrian paths, landscaped areas - 7:00 a.m. to 9:00 p.m., daily
- iv. Gymnasium Community Room and River Room (for pre-approved organizations) - 7:00 a.m. to 9:00 p.m., daily
- v. Gymnasium Courts (for pre-approved organizations, when not in use by the School) - 7:00 a.m. to 9:00 p.m., daily
- vi. Swimming Pool (for members of pre-approved swim programs and individuals, when not in use by the School) - 7:00 a.m. to 9:00 a.m., weekdays except between the months of June, July, and August, when they are in use by the School for camp. However, the School may, in its discretion, expand public hours of use for the swimming pool up to 8:00 p.m., daily. The applicant may require individuals to execute an annual liability waiver and conduct a background check to grant access to the Swimming Pool.
- vii. Athletic Fields (for pre-approved organizations, when not in use by the School) - 7:00 a.m. to 8:00 p.m., daily.

19. Special Events.

- a. **School Related Special Events.** The Project Site may be used to host up to 20 School-related Special Events per calendar year, including both weekday and weekend events. Special Events are defined as any non-athletic, non-recreational, or non-regular academic activity involving more than 100 persons.
 - i. Of the 20 Special Events:
 - 1) 12 may have up to 250 people, six may have up to 500 people and two may have up to 2,000 people;

- 2) No more than 15 can occur on a weekday, 10 on a Saturday, and five on a Sunday;
- ii. Special Events held outdoors shall end by 9:00 p.m. and Special Events held indoors shall end by 10:00 p.m.
- b. **Non-School Related Special Events.** The gymnasium building and Field A may be used for up to five public Special Events (i.e., non-School related events) per calendar year. Non-School Special Events are defined as any non-athletic activity involving more than 100 persons. These events would be limited to Field A or the gymnasium and shall end by 10:00 p.m. Non-School Special Events attendance shall not exceed 400 persons.
- c. **Concurrent Special Events.** Special Events, for the School or public purposes, are prohibited when concurrent athletic event(s) attendance is expected to exceed 500 spectators.
- d. **Special Events Calendar.** Special Events shall be identified on a "School Special Events Calendar" with the expected hours, type, and location of the specific event.
 - i. A copy of the School Special Events Calendar shall be submitted to the applicable Council District Office and the Studio City Neighborhood Council at least 10 calendar days prior to the start of each School year with an additional copy submitted to the Director of Planning for inclusion in the subject City Planning Case file. If a Special Event is scheduled after the submittal of the School Special Events Calendar, then the School shall provide the same parties an updated School Special Events Calendar at least 10 calendar days prior to the Special Event.
 - ii. A copy of the School Special Events Calendar shall also be posted online on the School's website 10 calendar days prior to the beginning of each School year for public reference. At the start of each School year, the School shall mail or hand-deliver a notice to all property owners and occupants within 500 feet of the Project Site. The public notice shall include the School year calendar, hours of operation, and dates of special events.
 - iii. No Olympic-related events, including athletic games or otherwise, shall be allowed at the Project Site.

20. Uses Available to the Public.

- a. The School shall improve and continuously maintain the Zev Greenway on the north side of the Los Angeles River from Whitsett Avenue to the western property line of the Project Site.
- b. The School shall preserve the existing clubhouse with café and the existing putting green at Valley Spring Lane and Whitsett Avenue, and allow for continued access to the public from 7:00 a.m. to 9:00 p.m.
- c. The gymnasium shall include a ground-level community room available for public use by organizations. The community room shall be available through a reservation system, and the main entrance shall face the Los Angeles River. The community room shall be available between from 7:00 a.m. to 9:00 p.m.

- d. The School shall provide public access to the tennis courts from 7:00 a.m. to 9:00 p.m. when they are not in use by the School.
- e. The School shall provide public access to the approximately 5.4 acres of open space and landscaped paths from 7:00 a.m. to 9:00 p.m.
- f. The School shall allow pre-approved organizations, including local schools and youth groups, to reserve via a reservation system use of the swimming pool from 7:00 a.m. to 9:00 a.m. and Field A, Field B, and the gymnasium courts from 7:00 a.m. to 9:00 p.m. (Field A and Field B until 8:00 p.m.) when they are not in use by the School.
- g. The School shall be supportive of any neighborhood requests to the City for “traffic calming” measures, such as speed humps and Preferential Parking Districts on residential streets surrounding the Project Site.
- h. The School shall allow individuals access to Field B, including the track, from 7:00 a.m. to 12:00 p.m. year-round except between the months of June, July, and August, when they are in use by the School for camps. The applicant may require individuals to execute an annual liability waiver and conduct a background check to grant access to Field B.

21. Community Liaison.

- a. A Community Relations representative shall be designated and the contact information of that person shall be posted online on the School’s website and prominently at the Project Site.
- b. The School shall post signs at the Clubhouse, the primary pedestrian entrance off of Whitsett Avenue, and on the School’s website informing the public of a 24-hour “hot line” telephone number to notify the School administration of any problems associated with the operation of the Project. The “hot line” telephone number shall be attended by a live person during hours of operation and events. 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 Project. A live person shall respond to all voicemail messages within 24 hours of the call being placed.
- c. An email address to submit concerns shall also be established and made available to the public.
- d. A complaint log shall be kept aggregating all live person calls, voicemails, and emails, and include (if provided by the complainant) 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 the response of the complaint, and a description of how the issue was responded to or resolved. Record of all complaints shall be maintained on the premises.

22. Noise.

- a. The amplified sound system for special events at Field A shall be installed and designed using a line-array speaker system, so as to not exceed a maximum noise level of 92 dBA (Leq) at a distance of 50 feet from the amplified sound system.

- b. The stage for Special Events shall be located at the north side of Field A, with the amplified sound system facing south in the opposite direction from the off-site sensitive uses to the north of Field A, in order to reduce speaker noise at the nearest off-site sensitive uses to the north and east of Field A.
- c. Motorized cleaning and landscaping (taking place outside) shall not be permitted before 8:00 a.m. or after 6:00 p.m.
- d. Equipment sounds shall be buffered, to the extent feasible, by locating rooftop mechanical equipment in a well surrounded by a vertical wall supporting the mansard roofs. Compressors and other equipment that may introduce audible noise beyond any property line shall be enclosed or otherwise attenuated so as to be inaudible off-site, to the extent feasible.
- e. No exterior, electronically activated bells are permitted except for those required by law (e.g., fire alarms).

23. Security.

- a. The School shall provide on-site security personnel at the Project Site 24 hours a day, seven days a week.
- b. Security personnel shall monitor pedestrian and vehicle entry points surrounding the Project Site and help direct visitors to available on-site parking areas.
- c. Security personnel shall confirm with all students, visitors, and employees arriving via foot that they have not parked within the off-site neighborhood and confirm whether they are residents living within walking distance of the Project Site or arriving via bicycle or public transportation. If determined to have driven to the Project Site and parked within the adjacent neighborhood, security personnel shall deny entry to such "walk ins" and require them to return to their vehicle to park within the Project Site or at the Upper School Campus.

24. Property Rental. The rental, lease, or use of the Project Site by anyone other than the School, related organizations, or as expressly authorized by this grant, shall be prohibited.

25. Commercial Filming. Filming on the Project Site for commercial (non-School related) purposes shall be prohibited.

26. Deliveries. The School shall instruct companies who deliver products, supplies, and/or equipment, to do so between 8:00 a.m. and 5:00 p.m.

27. Determination Letter. All School administrators and School board members shall be provided a copy of the subject determination.

27a. Construction Best Practices and Communication. The Applicant shall implement Good Neighbor Construction Practices, attend Neighborhood Council meetings to provide timely Project Construction updates, conduct daily site cleanings during construction, have a superintendent/construction monitor and add signage with contact information on-site during construction activities, and implement dust control measures. The Applicant shall coordinate construction activities with concurrent neighboring construction projects.

- 27b. All-Electric Buildings.** The project shall construct carbon-free buildings to the greatest extent possible, and shall be constructed to be consistent with Ordinance No. 187,714, with the exception that the swimming pool may utilize natural gas. Ordinance 187,714 also explicitly exempts certain cooking equipment contained within kitchens located in a public use area, and therefore, both proposed kitchens may also rely on natural gas.

Site Plan Review Conditions

- 28. Site Development.** The use and development of the Property shall be in substantial conformance with the plans stamped: Revised Exhibit A, dated August 24, 2023 (hereafter referred to as "Revised Exhibit A"). No change to the plans will be made without prior review by the Department of City Planning, Major Projects, 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 Municipal Code or the Project conditions.
- 29. Historic Resources.** All construction on the subject Project Site shall be subject to review and sign-off by the Department of City Planning, Office of Historic Resources.
- 30. Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Chapter IX, Article 9, LAMC Sections 99.04.106 and 99.05.106.
- 31. 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 Landscape Architect and to the satisfaction of the Department of City Planning.
 - b. The Project's landscaping must be consistent with guidelines set forth in the Los Angeles River Improvement Overlay District and the Los Angeles River Master Plan Landscaping Guidelines and Plant Palettes.
 - c. Decomposed granite in the outdoor courtyard area, located adjacent to the Clubhouse building and tennis courts, and north of the northern driveway shall only be utilized for pathways, and the outdoor area shall be improved with new landscaping and plants for a pocket park and as publicly accessible green space on the Project Site.
 - d. If artificial turf is utilized at Fields A and B, the artificial turf shall be permitted pursuant to California Assembly Bill 1423 (Schiavo, 2023), as amended July 3, 2023, and utilize temperature reducing coatings. If artificial turf becomes not compliant with future state and local legislation, it shall be replaced with a suitable and compliant alternative, with the artificial turf responsibly recycled.
- 32. Tree Removal/Planting Plan.**
- a. Any street trees removed as part of the Project shall be replaced at a 2:1 ratio, per the Bureau of Street Services, Urban Forestry Division. Removal or planting of any tree in the public right-of-way requires approval from the Board of Public Works.

- b. All trees deemed protected trees by the City of Los Angeles, within the public right-of-way or on the Project Site, shall be preserved.
 - c. Non-native trees proposed to be removed as part of the Project shall be replaced with two 24-inch box trees (at a minimum) that shall be of native species that comply with the RIO District and Los Angeles County Master Plan Landscaping Guidelines. Replacement trees shall be planted on the Project Site or along the Los Angeles River.
 - d. All invasive palms (e.g., Mexican fan palm) on the Project Site shall be removed and replaced at a 1:1 ratio with RIO compliant trees.
 - e. All Mexican fan palms located in the public right-of-way along Valley Spring Lane shall be preserved.
- 33. Water Reclamation/Stormwater Capture.** The Project shall implement a water reclamation and stormwater capture system that will treat, capture, and reuse rainwater that falls onto the Property, with a treatment and storage capacity of three hundred and fifty thousand (350,000) gallons.
- 34. Solar Panels.** The Project shall comply with the Los Angeles Green Building Code's solar-ready roof requirements. The Project shall also install solar panels on the building rooftop, in substantial conformance with Exhibit "A".
- 35. Trash/Storage.**
- a. All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
 - b. Trash receptacles shall at all times be stored in a fully enclosed building or structure, constructed with a solid roof.
 - c. Trash/recycling containers shall be locked when not in use.
- 36. Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
- 37. Reflectivity.** Glass used in building façades shall be non-reflective or treated with a non-reflective coating in order to minimize glare from reflected sunlight.
- 38. Construction Generators.** The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. The Project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
- 39. Utilities.** All utilities shall be fully screened from view of any abutting properties and the public right-of-way.
- 40. Mechanical Equipment.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.

41. **Graffiti.** All graffiti on the Project 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.
42. **Aesthetics.** The structure, or portions thereof, shall be maintained in a safe and sanitary condition and good repair and free of graffiti, trash, overgrown vegetation, or similar material, pursuant to Municipal Code Section 91.8104.
43. **Construction Signage.** There shall be no off-site commercial signage on construction fencing during construction.

Environmental Conditions

44. **Implementation.** The Mitigation Monitoring Program (MMP), attached as Exhibit "B" and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Feature (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
45. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain a and independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs 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 immediately report to the applicable Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the applicable Enforcement Agency.

46. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows:

the enforcing department or agency, or the decision maker for a subsequent discretionary Project-related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modification(s) to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new, significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

47. **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 (Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding 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:

- 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.
- 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 14 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.
- The Applicant shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- 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 to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, 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.
- 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 determined to be reasonable and appropriate.

- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

48. **Archaeological Resource Inadvertent Discovery.** In the event that any subsurface archaeological resources are encountered unexpectedly at the project site during construction or the course of any ground disturbing activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified archaeologist to implement the following procedures associated with the inadvertent discovery of archaeological resources:

- The applicant shall retain a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) to prepare a treatment and disposition plan for any discovered archaeological resource. The qualified archaeologist shall retain an archaeological monitor who shall be present during further ground disturbing activities on the project site, including peripheral activities, such as sidewalk replacement, utilities work, and landscaping, which may occur adjacent to the project site.
- A 50-foot buffer around any find shall be established, subject to modification by the qualified archaeologist, within which construction activities shall not be allowed to continue around the find until work is allowed to resume in accordance with the treatment and disposition plan. Ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated as part of a treatment and disposition plan. Work shall be allowed to continue outside of the buffer area.
- All archaeological resources unearthed by project development activities shall be evaluated by the qualified archaeologist. If a resource is determined by the qualified archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If, in coordination with the City, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the qualified archaeologist in coordination with the City and may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school, Tribe, or historical society in the area for educational purposes.

If the inadvertent discovery identifies a tribal cultural resource, the applicant shall comply with the inadvertent discovery condition for tribal cultural resources.

- The frequency of required archaeological monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), the depth of excavation, and, if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified archaeologist. Prior to any further ground disturbing activities on the project site, Archaeological Sensitivity Training shall be given for applicable construction personnel. The training session shall be carried out by the qualified archaeologist and shall focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.
- All artifacts, other cultural remains, records, photographs, and other documentation shall be curated by an appropriate curation facility. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.
- The treatment and disposition plan shall be submitted to the City prior to any further ground disturbing activities continue within the buffer area. Recommendations contained therein shall be implemented throughout any further ground disturbance activities.

49. **Paleontological Resource Inadvertent Discovery.** In the event that any subsurface paleontological resources are encountered unexpectedly at the project site during construction or the course of any ground disturbing activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to implement the following procedures associated with the inadvertent discovery of paleontological resources:

- The project applicant shall retain a qualified paleontologist meeting the Society of Vertebrate Paleontology Standards (SVP) to complete a treatment and disposition plan for any discovered paleontological resource. The qualified paleontologist shall retain a paleontological monitor who shall be present during further ground disturbing activities on the project site, including peripheral activities, such as sidewalk replacement, utilities work, and landscaping, which may occur adjacent to the project site.
- A 50-foot buffer around any find shall be established, subject to modification by the qualified paleontologist, within which construction activities shall not be allowed to continue around the find until work is allowed to resume in accordance with the treatment and disposition plan. Ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated as part of a treatment and disposition plan. Work shall be allowed to continue outside of the buffer area.
- All paleontological resources unearthed by project development activities shall be evaluated by the qualified paleontological. The qualified paleontologist or designated paleontological monitor shall recover intact fossils consistent with the treatment plan and notify the City of any fossil salvage and recovery efforts. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt future construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer

salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be handled and deposited consistent with the treatment and disposition plan prepared by the paleontological monitor.

- The frequency of required paleontological monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), the depth of excavation, and, if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified paleontologist. Prior to any further ground disturbing activities on the project site, Paleontological Resource Sensitivity Training shall be given for applicable construction personnel. The training session shall be carried out by the qualified archaeologist and shall focus on how to identify paleontological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.
- All artifacts, other cultural remains, records, photographs, and other documentation shall be curated by an appropriate curation facility. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.
- The treatment and disposition plan shall be submitted to the City prior to any further ground disturbing activities continue within the buffer area. Recommendations contained therein shall be implemented throughout any further ground disturbance activities.

Administrative Conditions

50. **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.
51. **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.
52. **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 assigns. 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.
53. **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.
54. **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.

55. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
56. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in Site Plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
57. **Indemnification and Reimbursement of Litigation Costs.** The 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.
58. 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.

59. 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.