

CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on November 21, 2024)

Pursuant to Sections 12.24 W.27 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property.

Entitlement Conditions

1. **Use.** Authorized herein is a 108,248 square-foot self-storage facility (storage building for household goods) consisting of one four-story building, three one-story buildings, and one on-site caretaker's dwelling unit.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan, and elevations labeled Exhibit "A" attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code and the conditions of approval.
3. **Hours of Operation.** The self-storage use may operate from 6 a.m. to 10 p.m., daily.
4. **Shared Automobile Parking.**
 - a. **Automobile parking.** The project shall not be required to provide any vehicle parking as Assembly Bill 2097 applies to this site. The applicant may elect to provide parking voluntarily.
 - b. **Electric Vehicle Parking.** All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in Section 99.05.106 of Article 9, Chapter IX of the LAMC.
 - c. **Bicycle parking** shall be provided in conformance with the Municipal Code.
5. **Signage.** On-site signs shall be limited to the maximum allowable under the Municipal Code and shall be in substantial conformance with those shown in Exhibit A.
6. **Solar Panels.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
7. **Landscaping.** 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 decision maker.
 - a. Except as additionally conditioned herein, a submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." Proposed trees shall have a minimum trunk diameter of two inches and a height of eight feet at the time of planting. Palm trees shall not be considered in meeting this requirement.
 - b. The project shall be planted with trees at a minimum ratio of one tree for every four surface parking spaces, planted evenly throughout the parking area.
8. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division. Per Exhibit "A", nine (9) Street trees shall be provided.

- 9. Roof Structures.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view from any abutting properties.
- 10. Loading Area.** The project shall provide a loading area near the south-west corner of the site where there are three drive-up storage units facing the Alley. The loading area shall comply with the requirements of LAMC 12.21-C,6 including 12.21-C,6(c) which states that the loading area must *“have a minimum area of 400 square feet, a minimum width of 20 feet measured along the alley line, and a minimum depth of ten feet measured perpendicularly to the alley line except as hereafter provided in this Subsection.”* As an alternative to providing a loading area these three drive-up storage units may be converted to walk up storage units with access only from the interior of the building.

Environmental Conditions

- 11. Mitigation Monitoring Program.** The Project shall comply with the adopted Mitigation Monitoring Program in compliance with Appendix J of the State CEQA Guidelines.
- 12. TCR-1-MM-1:** Prior to commencing any ground disturbance activities at the Project site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleño Band of Mission Indians – Kizh Nation. Any qualified archeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources (“OHR”).
- a. The qualified archeological and tribal monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring the on-site monitoring shall end when the ground disturbing activities are completed, or when the archeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.
 - b. Prior to commencing any ground disturbance activities, the archaeological monitor in consulting with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.
 - c. In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporary cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in conjunction with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- i. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, 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 OHR.
- ii. If OHR determines, pursuant to Public Resources Code Section 21074(a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- iii. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendation are reasonable and feasible
- iv. In addition to any recommendations from the applicable tribe(s), a qualified archaeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with the best practices identified the Native American Heritage Commission and in compliance with applicable federal, state, or local law, rule or regulation.
- v. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate an significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all cost and fees associated with the mediation.
- vi. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long the radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.
- vii. The Applicant, or successor, may recommence ground disturbance activities inside of the specified radius of the discovery only after it has complied with all the recommendations developed and approved pursuant to the process to the process set forth in paragraphs 2 through 5 above.
- viii. 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 and to the Native American Heritage Commission for inclusion in its Sacred Lands File.

- ix. Notwithstanding paragraph 8 above, any information that Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidential Protocols.

13. PDF-1 Construction Traffic Management Program: A Construction Traffic Management Program, including but not limited to, lane closure or modification information, hauling, staging, and temporary access and parking plans, as necessary, shall be prepared by the Project construction contractor and submitted to the City for review and approval. The Construction Traffic Management Program shall convey the specific actions of the construction process, with focus on the activities that may potentially affect off-site rights-of-way. The Construction Traffic Management Program shall be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site, and shall include, but not be limited to, the following elements, as appropriate:

- a. Construction vehicle and equipment parking or staging on surrounding public streets shall be minimized to the extent feasible.
- b. Temporary vehicular traffic controls (such as signage and/or flag persons) during construction activities adjacent to public rights-of-way to improve traffic flow on public roadways shall be implemented.
- c. Safety precautions for pedestrians and bicyclists, through such measures as signage and protection barriers, shall be implemented, as appropriate.
- d. Construction-related activities (such as deliveries and/or hauling) shall be scheduled to occur outside the commuter peak hours.
- e. To avoid structural damage related to construction period vibration, loaded trucks shall be prohibited from operating within 15 feet of off-site structures.

Administrative Conditions

14. Approval, Verification and Submittals. Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

15. Code Compliance. Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.

16. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

- 17. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
- 18. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 19. Building Plans.** 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.
- 20. Corrective Conditions.** The authorized use shall be conducted at all time with due regards to the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code to impose additional corrective conditions, if in the Commission's or Director's opinion such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 21. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, 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 (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, 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.