

## CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on July 27, 2023)

Pursuant to Sections 12.22 A.25, 16.05, 11.5.7 and 12.37 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 plans dated March 13, 2023, submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 129 dwelling units including Density Bonus Units.
3. **Affordable and Income Restricted Units.**
  - a. A minimum of 17 dwelling units, that is at least 15 percent of the base dwelling units permitted in the C2-1VL-RIO Zone, shall be reserved as Very Income units, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
  - b. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make at least 15 percent of the base number of dwelling units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of LAHD, and in consideration of the project's Housing Crisis Act of 2019 (SB 8) Replacement Unit Determination, dated August 22, 2022. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. The project shall also comply with any other requirements stated in project's SB 8 Determination, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.
5. **Incentives (On-Menu)**
  - a. **Floor Area Ratio.** The project shall be permitted a maximum floor area ratio of 3:1 for a project located on a Major Highway within 1,500 feet of a Transit Stop in lieu of the otherwise permitted 1:1 FAR limitation pursuant to the Ventura/Cahuenga Boulevard Corridor Specific Plan Section 6.B.3.
  - b. **Lot Area.** The project shall be permitted up to a 20% increase in lot coverage to allow a maximum of 72% lot coverage in lieu of 60% lot coverage limitation pursuant to the Ventura/Cahuenga Boulevard Corridor Specific Plan Section 7.B.

6. **Incentives (Off-Menu)**

- a. **Height.** A 30-foot increase in building height to allow a maximum height of 75 feet in-lieu of the 45-foot building height limitation of the C2-1VL-RO Zone; and to allow building height to exceed of the transitional height limitations pursuant to LAMC Section 12.21.1-A,10.

7. **Waivers of Development Standards**

- a. **Compact Parking Spaces.** The project shall be permitted to provide up to 43 of the 132 required parking spaces as compact spaces in-lieu of the compact parking limitations pursuant to LAMC 12.21-A,5(c); and
- b. **Side Yard.** The subject multi-family development shall be not be required to comply with the Commercial Corner Development Standards pursuant to LAMC 12.22-A,23(a) including limitations for height (LAMC 12.22-A,23(a)(1)) and landscape setbacks (LAMC 12.22-A,23(a)(10)(i)).

8. **Parking.**

- a. **Automobile Parking for Residential Uses.** Minimum residential automobile parking requirements shall be provided consistent with AB2345 and California Government Code Section 65915(p) to provide one on-site parking space for each zero and one-bedroom unit, 1.5 on-site parking spaces for each two- to three-bedroom units, 2.5 on-site parking spaces for each four and more bedroom units.
- b. **Unbundled Parking.** Required parking may be sold or rented separately from the units.
- c. **Adjustment of Parking.** In the event that the composition of residential units changes (i.e. the number of bedrooms), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to California Government Code Section 65915(p).
- d. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
- e. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article9, Chapter IX of the LAMC.

9. **Circulation.** The applicant shall be allowed no more than one driveway and shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.

**Site Plan Review Conditions**

10. **Massing.** Building massing shall include variations as shown in Exhibit A.

11. **Materials.** A variety of high-quality exterior building materials, consistent with Exhibit A, shall be used. Substitutes of an equal quality shall be permitted, to the satisfaction of the Department of City Planning.
12. **Pool Deck connection to LA River.** A stairwell or other direct access route from the pool deck to the lower rear yard area and gate to the Los Angeles River shall be provided as shown in Exhibit A. Alternative direct access shall be reviewed by Planning.
13. **Graffiti.** 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.
14. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer(s), if located at-grade and facing the public right-of-way, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).
15. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
16. **Landscaping.**
  - a. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
  - b. Landscaping shall conform to LAMC Section 13.17 F,1 ("RIO" River Improvement Overlay District) and 75 percent of the newly landscaped area shall be planted with any combination of the following as shown in Exhibit A: native trees, plants and shrubs, or species defined as WatershedWise, or species listed in the Los Angeles County River Master Plan Landscaping Guidelines and Plant Palettes.
  - c. **Tree Wells and other Planters.**
    - i. The minimum depth of tree wells on the rooftop or any other location where planters are used shall be as follows:
      - (1) Minimum depth for trees shall be 42 inches.
      - (2) Minimum depth for shrubs shall be 30 inches.
      - (3) Minimum depth for ground cover shall be 18 inches.
    - ii. The minimum amount of soil volume for tree wells on the rooftop or any other location where planters are used shall be based on the size of the tree at maturity:
      - (1) 600 cubic feet for a small tree (less than 25 feet tall at maturity).
      - (2) 900 cubic feet for a medium tree (25-40 feet tall at maturity).
      - (3) 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).
17. **Street Trees.** Plant Street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The contractor shall notify Urban Forestry Division at 213-847-3077 upon completion of construction for tree planting direction and instructions.

18. **Tree preservation.** The applicant shall provide Urban Forestry with a tree protection plan to ensure the trees being maintained on- and nearby off-site per the Tree Report (Exhibit C.2) are sufficiently protected during construction from root zone compaction, and physical damage.
19. **Exterior Lighting.** Outdoor lighting shall additionally comply with the following provisions of LAMC section 13.17 F,3:
  - a. All site and building mounted lighting shall be designed such that it produces a maximum initial luminance value no greater than 0.20 horizontal and vertical foot candles at the site boundary, and no greater than 0.01 horizontal foot candles 15 feet beyond the site. No more than 5.0 percent of the total initial designed lumens shall be emitted at an angle of 90 degrees or higher from nadir (straight down).
  - b. All low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz, incandescent greater than 60 watts, mercury vapor, and halogen fixtures shall be fully shielded in such a manner as to not exceed the limitations in (a.), above.
20. **Rear Fencing and Gating.** Fencing and gating within 10 feet of the Los Angeles River corridor shall comply with the following provisions of LAMC Section 13.17 F,4:
  - a. All fences located within 10 feet of the river corridor shall be consistent with the fence designs identified in the Los Angeles County River Master Plan Landscape Guidelines.
  - b. All fences located less than 10 feet from the river shall be no higher than 6 feet in height. All fences located at the 10 foot landscape buffer setback line shall not exceed 10 feet in height.
  - c. All gates or fences located within 10 feet of the river or a river frontage road shall be consistent with the gate designs identified in the Los Angeles County River Master Plan Landscape Guidelines. The gate height shall be consistent with the adjacent fence height and the gate shall be designed so as not to encroach into the river or public right-of-way when opened.
21. **River Access and River Front Door.** A pedestrian path connecting Arch Drive to the Los Angeles River shall be maintained along the eastern side of the property as shown in Exhibit A. The project shall maintain a door or gate which provides access from private property to the Los Angeles River.
22. **Parking.** With the exception of vehicle and pedestrian entrances, fresh air intake grilles, and metal security grilles, all vehicle parking shall be enclosed along all sides of the building.
23. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way. Trash and recycle receptacles shall be stored within a fully enclosed portion of the building at all times.
24. **Solar.** The project shall dedicate a minimum of 15 percent of the total roof area will be reserved for the future installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A", and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

25. A minimum 20-foot reservoir space is required between any security gate or parking space and the property line, or to the satisfaction of LADOT.
26. A two-way driveway width of W=28 feet is required for all driveways, or to the satisfaction of LADOT.
27. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Los Angeles Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.
28. Prior to the issuance of the Certificate of Occupancy, street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
29. Construct new street light: one (1) on Arch Dr. If street widening per BOE improvement conditions, relocate and upgrade street light: one (1) on Arch Dr.

#### **Specific Plan Project Permit Compliance Conditions**

30. **Landscaping.** The project shall comply with the following landscaping requirements as required per Specific Plan Sections 7.A.3 and 7.D.3.
  - a. As shown in Exhibit A, the project shall provide a minimum 18-inch landscaped front yard setback as required per the Ventura/Cahuenga Boulevard Corridor Specific Plan Section 7.A.3
  - b. At least 60 percent of any building setback in excess of the required 18-inch landscaped setback, shall be landscaped and the remainder shall be finished to City standards for sidewalks, or finished with other paving materials, including concrete pavers, brick masonry pavers.
31. **Certification of Landscape Installation.** Prior to obtaining a Certificate of Occupancy, the project architect, landscape architect, or engineer shall certify in a letter to the Department of City Planning and to the Department of Building and Safety that the approved landscape plan has been implemented.
32. **Signs.** No signs are being requested as part of this grant. Any future onsite signage shall be reviewed for compliance with the Ventura/Cahuenga Boulevard Corridor Specific Plan by the Valley Project Planning Bureau staff before an administrative clearance can be provided.
33. **Streetscape Improvement.** Prior to the issuance of a certificate of occupancy, and in addition to all other requirements of the Department of Building and Safety, the property owner shall submit public right-of-way plans to the Department of Public Works (per Section 9.A. of the Specific Plan) that all required landscape and relevant streetscape elements of the Studio City Streetscape Plan (Media Sub-District) have been implemented as follows:
  - a. **Funding for Traffic Calming.** The developer shall reimburse the City for the costs of traffic calming measures to be implemented at the intersection of Ventura Boulevard and Arch Drive by making a deposit to cover the material and construction costs, plus

additional funding for worker overtime pay, for a total of \$55,000. This deposit would be made to LADOT's Fund 523 prior to issuance of the Certificate of Occupancy.

#### Lighting Fixtures and Street Lighting

- b. All modern 40-foot roadway street lighting poles and fixtures shall be painted "Spring Street Green" per Section 5.2.2. Street lighting features shall be arranged to avoid future conflicts with street trees.
- c. Any pedestrian lighting provided shall be in compliance with the Studio City Streetscape Plan Section 5.2.1 to the satisfaction of the Bureau of Street Lighting.

#### Public Art

- d. All projects subject to the 1% Cultural Arts fee are required to submit an application to the Cultural Affairs Department to place some public work of art, acceptable to the Cultural Affairs Department, onsite within public view, or within the public right-of-way when permitted by the Department of Public Works.
- e. All public art within the Studio City (Sub-Media) Streetscape Plan shall be compatible with the General Theme centering on the imagery associated with movie and television studios.
- f. Any public art shall be highly integrated with other 3-Dimensional elements of the streetscape, in particular, street trees, but also, paving patterns, building facades, and on-site landscaping.

#### Sidewalk Paving Patterns

- g. Refer to Section 5.4.3 to 5.4.6 of the Studio City Streetscape Plan for sidewalk paving details to the satisfaction of the Bureau of Engineering.

#### Curbs and Gutters

- h. The curbs should be constructed integral with the gutter using natural color concrete, not colored concrete. Gutters are to be standard, unless an alternative design is approved by the Department of Public Works.

#### Street Furniture

- i. Any proposed street furniture such as benches, bicycle racks, bus shelters, fountains, kiosks, newspaper stands, pot and planters, trash receptacles shall comply with the Studio City Streetscape Plan Section 5.3.
34. **Project Impact Assessment Fee.** Prior to Planning clearance, the applicant shall meet with the Department of Transportation (DOT) for assessment of this new mixed use project. A "Project Impact Assessment" (PIA) fee may be required and paid to the satisfaction of DOT for the purpose of funding the Specific Plan improvements and services, as well as pedestrian improvements which are intended to mitigate the cumulative impacts of new developments within the Specific Plan area. (Note: PIA fees to be paid are subject to change due to increases to the Annual Indexing as determined by the DOT.)

#### **Waiver of Dedication and Improvement Conditions**

35. **Arch Drive.** The project shall be permitted to provide a minimum 2-foot dedication in order to widen the sidewalk to 12 feet in lieu of the otherwise required 5-foot dedication. No road widening shall be required. All corner radius dedications are still required. All improvements are still required.

36. **Ventura Boulevard.** The project shall be permitted to provide a minimum 2-foot dedication in lieu of the otherwise required 5-foot dedication. No road widening shall be required. All corner radius dedications are still required. All improvements are still required.

### **Administrative Conditions**

37. **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.
38. **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.
39. **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.
40. **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.
41. **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.
42. **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.
43. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
44. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans

made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

45. **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.
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 (ii).

- 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 (ii).
- 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.