

CONDITIONS OF APPROVAL
(As modified by the PLUM Committee at its meeting on December 8, 2020)

Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A" dated August 13, 2020 and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Single Permit Jurisdiction Area.** The project is located within the Single Permit Jurisdiction area of the California Coastal Zone. The applicant shall provide a copy of the Coastal Commission's Notification that the City's coastal development permit is effective.
3. **Residential Density.** The project shall be limited to a maximum density of 39 dwelling units.
4. **Affordable Units.** A minimum of four units, that is 10% of the total 39 dwelling units, shall be reserved for Very Low Income Households, as defined by Government Code Section 65915(c)(2). Additionally, four (4) units shall be reserved for Moderate Income Households as defined by HCIDLA.
5. **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 (9a-d).
6. **Housing Requirements.** Prior to issuance of a building permit, the applicant shall submit an Affordable Housing Provision Plan subject to the review and approval of HCIDLA. Additionally, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to ensure four units or 10% of the proposed units are available to Very Low Income Households and four (4) units available for Moderate Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. 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 HCIDLA.
7. **Height (Off-Menu Incentive).** The Project shall not exceed a maximum height of 60 feet 9 inches and five-stories, as measured from the lowest grade (varied grade) to highest wall of the rooftop deck.
8. **Floor Area Ratio (Off-Menu Incentive).** The Project shall not exceed a maximum Floor Area Ratio (FAR) of 2.15:1.

Automobile Parking.

- a. *Residential Parking.* Vehicle parking shall be provided consistent with LAMC Section 12.22-A.25, Parking Option 1. Reductions in the required automobile parking shall be consistent with the requirements of bicycle replacement pursuant to LAMC Section 12.21-A,4.
 - b. *Commercial Parking.* Commercial parking shall be provided in conformance with the Pacific Palisades Commercial Village and Neighborhoods Specific Plan. One vehicular parking space shall be provide for each 300 square feet of floor area. Reductions in the required automobile parking shall be consistent with the requirements of bicycle replacement pursuant to LAMC Section 12.21-A,4.
9. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to tenants), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
 10. **Unbundled Parking.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.
 11. **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 Article 9, Chapter IX of the LAMC.
 12. **Bicycle Parking.** Bicycle parking shall be provided consistent with Section 10.D of the Pacific Palisades Commercial Village and Neighborhood Specific Plan.
 13. **Commercial Floor Area.** The Project shall be limited to a maximum of 2,900 square feet of commercial floor area (retail use). As shown in Exhibit "A", the ground floor retail use shall occupy a minimum of 75 percent of the linear frontage of the building along Sunset Boulevard with a minimum depth of 30 feet.
 14. **Façade Materials.** The materials and colors of the proposed project shall be consistent with those shown on Exhibit "A."
 15. **Open Space.** The Project shall provide open space consistent with LAMC Section 12.21-G.
 16. **Landscaping.** A final landscape plan shall be submitted that is in substantial conformance with the landscape plan in Exhibit "A". Open areas not used for buildings, driveways, parking areas, recreational facilities, pedestrian amenities, or walkways shall be landscaped. The landscape plan shall include an irrigation plan. Landscaping shall be maintained in good health for the life of the project.
 - a. Landscaping which includes grouping of plant materials, consisting of small trees, shrubs, planter boxes or tubs of flowers, shall be placed at entrances to courtyards and along walkways.
 - b. Side yard areas shall be landscaped using plant materials similar to those used in the front yard of the Project.

- c. The rear yard shall be landscaped with plant materials reaching a height of a minimum of six feet to eight feet at maturity. If not feasible, a decorative block wall shall be utilized as determined by the Director of Planning or his/her designee.

17. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:

- a. Minimum depth for trees shall be 42 inches.
- b. Minimum depth for shrubs shall be 30 inches.
- c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches
- d. Minimum depth for an extensive green roof shall be 3 inches.

The minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:

- a. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
- b. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
- c. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity)

18. **Street Trees.** A minimum of 4 street trees shall be planted on Sunset Boulevard, adjacent to the Project. Street trees shall be planted at least 30 feet apart and no more than 10 feet from the curb. The minimum size of new street trees shall be 10 feet in height and 2 inches in caliper.

19. **Greywater.** The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by the Department of Water and Power in consultation with the Department of City Planning.

20. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.

21. **Solar-ready Buildings.** 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.

22. **Solar Panels.** A minimum of 525 square feet of solar panels shall be installed on the building rooftop as shown on the roof plan provided as a part of an operational photovoltaic system to be maintained for the life of the project. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

23. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

24. **Underground Utilities.** Utility connections shall be placed underground, where feasible.

25. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
26. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
27. **Trash.** Separate trash collection areas for residential and commercial trash collection shall be maintained, and shall also accommodate the separate collection of recyclable trash. The separate trash collection areas shall be clearly identified on final plans submitted for review and sign-off.
28. **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.
29. **Mechanical Equipment & Screening:** All ventilations, heating, or air conditioning ducts, equipment for other related appurtenances shall be adequately screened from the public view.

Environmental Conditions

30. **Air Quality.** All off-road construction equipment greater than 50 hp shall meet USEPA Tier 4 emission standards to reduce NO_x, PM₁₀, and PM_{2.5} emissions at the Project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
31. **Hazards.** Either a soil vapor extraction (SVE) system or a vapor intrusion mitigation system (VIMS) shall be implemented in order to remediate or mitigate the PCE in soil gas at the Site in compliance with LARWQCB requirements. An SVE system, if implemented at the Site, shall remediate soil/soil gas contamination through physical removal methods (i.e., vapor extraction). Alternatively, a VIMS, if implemented at the Site, shall mitigate soil/soil gas contamination through the use of an impermeable liner (i.e., vapor barrier) combined with a passive or active sub-slab vapor depressurization system. It is anticipated that the Responsible Parties shall prepare a remedial action plan (RAP) for submission to the LARWQCB for review and approval prior to the implementation of any remediation or mitigation activities. The RAP shall provide both a description and a detailed scope of work for the proposed remediation or mitigation actions to be performed at the Site.
32. **Noise.**
 - a. All capable diesel-powered construction vehicles shall be equipped with exhaust mufflers or other suitable noise reduction devices.

- b. Temporary sound barriers capable of achieving a sound attenuation of at least 5 dBA shall be erected along the Project's north, west, and south-facing boundaries.

33. **Transportation/Traffic**

- a. A Construction Traffic Management Plan shall be submitted to LADOT for review and approval. The bulk of the work will be conducted on site. However, if temporary lane closures were needed, it would require Street Services approval. Existing access for the site shall be maintained for construction access. Deliveries of construction material shall be coordinated to non-peak travel periods, to the extent possible.
- b. The Applicant shall install appropriate construction related traffic signs around the Project Site to ensure pedestrian and vehicle safety. The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the Applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding) from Temporary pedestrian facilities shall be adjacent to the Project Site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects. The Applicant shall keep sidewalks open during construction until only when it is absolutely required to close or block sidewalk for construction and/or construction staging. Sidewalks shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

34. **Tribal.** 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 a 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 archaeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources ("OHR").

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 archaeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archaeological monitor in consultation 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.

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 temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. 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.
- b. 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.
- c. 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 recommendations are reasonable and feasible.
- d. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
- e. 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. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the 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 costs and fees associated with the mediation.
- f. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.

- g. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs b. through e. above.
- h. 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.
- i. Notwithstanding paragraph h. above, any information that the 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 Confidentiality Protocols.

Administrative Conditions

- 35. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & 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 & 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.
- 36. **Notations on Plans.** Plans submitted to the Department of Building & 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.
- 37. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
- 38. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
- 39. **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.
- 40. **Department of Building & 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 & 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 & 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.

41. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
42. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
43. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably

cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.