

CONDITIONS OF APPROVAL

Pursuant to Section 11.5.11(e) and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions

1. **Site Development.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A" dated November 6, 2020. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Use.**
 - a. Residential uses shall be limited to a 100 percent affordable housing building, exclusive of the manager's unit, with a maximum density of 175 dwelling units subject to Condition No. 3.
 - b. A maximum of 8,691 square feet of commercial uses permitted in the C2 Zone may be permitted.
 - c. A maximum of 4,503 square feet of residential floor area may also be utilized for ancillary on-site residential supportive services. Supportive services uses shall be ancillary to the 100 percent affordable housing development, excluding the manager units, and shall be limited to residents on-site.
3. **Affordable Units.**
 - a. A minimum of 173 of the 175 residential dwelling units shall be reserved as affordable units as follows:
 - i. A minimum of five (5) percent, or nine (9) units, shall be reserved for Extremely Low Income Households.
 - ii. A minimum of eleven (11) percent, or 20 units, shall be reserved for Very Low Income Households as determined by the California Department of Housing and Community Development (HCD),
 - iii. 126 units shall be reserved for Very Low Income Households as determined by the U.S. Department of Housing and Urban Development (HUD).
 - iv. A minimum of ten (10) percent, or 18 units, shall be reserved for Low Income Households as determined by the U.S. Department of Housing and Urban Development (HUD).

- b. **Changes in Restricted Units.** Deviations that change the composition of units shall be consistent with LAMC Section 11.5.11(a)(1)(iii).
- c. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA). The Covenant shall bind the owner to reserve nine (9) units available to Extremely Low Income Households and 20 units for Very Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Of the remaining 144 affordable units, 126 units shall be reserved for Very Low Income Households and 18 units shall be reserved for Low Income Households as determined by HUD 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.

4. **Developer's Incentives.**

- a. **Open Space.**
 - i. The total required open space required pursuant to LAMC Section 12.21 G may be reduced by a maximum of sixty (60) percent provided that:
 - (1) The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O"; and
 - (2) Except as modified herein, the landscape plan shall comply with the applicable regulations of LAMC Section 12.21 G.
 - ii. The total interior common open space required pursuant to LAMC Section 12.21 G may be increased to thirty-five (35) percent interior common open space in lieu of twenty-five (25) percent.
- b. **Parking.** No parking space shall be required for units set aside at the Extremely Low and Very Low Income levels as determined by the California Department of Housing and Community Development (HCD) or the U.S. Department of Housing and Urban Development (HUD). Residential vehicular parking for all other dwelling units shall be provided pursuant to LAMC Section 12.22 A.29(c).

5. **Parking.**

- a. Commercial vehicular parking shall be provided pursuant to LAMC Section 12.21 A.4.
- b. The project shall provide unbundled parking leases for residential units. Residential tenants shall have the option to lease parking spaces separately from the residential dwelling units or commercial tenant space, or to opt out of leasing parking spaces.

- c. 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.

6. Sustainability.

- a. 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.
- b. Prior to the issuance of the Certificate of Occupancy for each building, the applicant shall install a minimum of 21,786 square feet of solar panels on the rooftop.
- c. Landscaping. The Project shall demonstrate compliance with the Street Tree Standards in Section 9-H of the Downtown Design Guide.

7. Mechanical Equipment. All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.

8. Construction.

- a. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.
- b. Notwithstanding the provisions of LAMC Section 14.4.17, no signs shall be permitted on construction fencing except for those signs required by the Department of Building and Safety or other Department, Bureau, or Agency.

9. Lighting.

- a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
- b. Pedestrian lights shall be installed within the public rights-of-way directly adjacent to the Project Site subject to the review, determination, and approval by the Bureau of Street Lighting that it is feasible to accommodate the pedestrian lights in addition to the required street lights. Pedestrian lights shall not be required if the Bureau of Street Lighting determines that the pedestrian lights would not be in compliance with the minimum distance requirements from other infrastructure located within the public rights-of-way.

B. Environmental Conditions

10. Prior to issuance of building permits, the applicant shall submit the Council Action and updated Letter of Determination confirming that the SCP Exemption has been adopted by City Council as required per PRC 21155.
11. **Condition Reporting Program (CRP).** The project shall be in substantial conformance with the Condition Reporting Program measures in the attached CRP and stamped "Exhibit C.2" and attached to the subject case file. Pursuant to PRC Section 21155.1(b),

the project is required to incorporate applicable Mitigation Measures, a detailed explanation of these Mitigation Measures and their applicability can be found in Appendix A-3 of the exemption document. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the CRP. If substantial conformance results in effectively deleting or modifying the condition measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the condition measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact. If the Project is not in substantial conformance to the adopted condition measures or CRP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a condition measure shall not require a Tract Map Modification unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.

12. **Condition Monitor (Construction).** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant, the election of which is in the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning which approval shall not be reasonably withheld, who shall be responsible for monitoring implementation of project design features and condition measures during construction activities consistent with the monitoring phase and frequency set forth in this CRP. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and condition measures 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 report to the Enforcement Agency any non-compliance with condition measures and project design features within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of written notification to the Applicant by the monitor or if the noncompliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.
13. **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 (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving 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:
 - (1) 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 at (213) 978-1202.
 - (2) 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.
- (3) The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
 - (4) 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 and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
 - (5) If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, 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.
 - (6) 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 by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
 - (7) 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.

C. Administrative Conditions

14. **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.
15. **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.
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 offices, 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.** 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.
20. **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.

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 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 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.