

## CONDITIONS OF APPROVAL

Pursuant to Section 12.24-W,1, 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 mixed use building with a maximum of 124,371 square feet of self-storage facility (storage building for household goods) and a minimum of 13,664 square feet of offices for artist uses.
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. The location, type, and size of signage is not a part of this approval. Minor deviations may be allowed in order to comply with provisions of the Municipal Code and the conditions of approval.
3. **Hours of Operation.**
  - a. The self-storage rental office may operate Monday through Saturday, 8:00 AM to 6:00 PM and Sunday, 9:00 AM to 4:00 PM. Hours of secure access for self-storage customers hours are limited to Sunday through Saturday, 5:00 AM to 10:00 PM.
  - b. The office space for artist use may operate 24 hours daily, with secured access.
4. **Automobile Parking.**
  - a. Parking shall be provided in accordance with LAMC Section 12.24-A,4. Up to a 20 percent reduction in required automobile parking is permitted.
  - b. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Section 99.05.106 of Article 9, Chapter IX of the LAMC.
  - c. **Bicycle Parking.** Bicycle parking shall be provided in accordance with the provisions of LAMC Section 12.21-A,4 and 12.21-A,16.
5. **Design.**
  - a. **Pedestrian entrances.** The project shall provide a multiple building entrances as shown in Exhibit A. The Vineland Avenue frontage shall include an entrance to the artist uses and the southern frontage shall include an entrance to the self-storage rental office.
  - b. **Massing.** Changes in the façade plane, building massing, setbacks, and upper floor step backs shall be provided as shown in Exhibit A.
  - c. **Windows.** The Vineland Avenue façade shall include transparent glazing such that the artist uses along this frontage are visible from the public right of way. Windows and transparent glazing shall be included on all building facades as shown in Exhibit A.

- d. **Front yard open space and plaza area.** The project shall provide a paved and landscaped pedestrian area within the western front yard and near the southwest corner of the building as shown in Exhibit A.
  - e. **Pedestrian Lighting.** The project shall provide pedestrian scale lighting to illuminate the east, west, and south areas of the building. Lighting shall be shielded to prevent illumination of nearby buildings.
  - f. **Integral Awning.** The project shall provide an integral awning along the second floor street frontage as shown in Exhibit A.
6. **Landscaping.** The project shall comply with the provided Landscape Plan included in Exhibit A.
7. **Sustainability.**
- a. **Solar.** The project shall provide a minimum of 12,873 square feet of solar panels on the roof of the self-storage building and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
8. **Utilities.** The transformer, trash area, and stormwater infiltration infrastructure shall be shielded from public view. Transformer location is subject to approval by the Department of Water and Power; the transformer shall be fully screened from view from the street with elements such as landscaping.
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. **Department of Transportation.**
- a. A minimum 20-foot reservoir space is required between any security gate or parking space and the property line, or to the satisfaction of DOT.
  - b. A minimum width of  $w=24$  feet at the driveway apron curb cut is required for all two-way driveways, or to the satisfaction of DOT.
  - c. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the 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.

### **Environmental Conditions**

11. **Archeological Monitoring (MM).** To reduce the impact of ground-disturbing activities on any potentially present cultural resources, an archaeological monitor that meets the Secretary of Interior's professional qualification standards shall monitor asphalt removal, above ground structure removal, and ground-disturbing activities from surface to bedrock. The purpose of having an archaeologist on site is to assess if any significant cultural resources are encountered during ground-disturbing activities. If such features are identified, then the "discovery" protocol will be followed.

The archaeological monitor shall collect any diagnostic historic material uncovered through grading within a disturbed context, and can halt construction within 50-feet of a potentially significant cultural resource if necessary. Artifacts collected from a disturbed context or that do not warrant additional assessment can be collected without the need to halt grading. Discovery situations that do not lead to further assessment, survey, evaluation, or data recovery can be described in the monitor's daily Monitoring Report. However, if foundations, privies, or other older historic features are encountered, the "discovery" protocol shall be followed.

A final Monitoring Report will be produced that discusses all monitoring activities and all artifacts recovered and features identified through monitoring the demolition and ground-disturbing activities on the Project Site. Discovery situations that do not lead to further assessment, survey, evaluation, or data recovery can be described in the final Monitoring Report.

All artifacts recovered that are important, with diagnostic or location information that may be of importance to California and Los Angeles City history, will be cleaned, analyzed, and described within the Monitoring Report. All materials determined important shall be curated at an appropriate depository or returned to the Applicant or Project Proponent for public display. If important materials are found during monitoring, a Curation Plan may be required for review by the Lead Agency prior to the publication of the Monitoring Report. The costs of the Monitoring Report, Curation Plan, and any processing, analysis, and curation of all artifacts shall be the responsibility of the applicant, within the cost parameters outlined under the California Environmental Quality Act.

12. **Archeological Discovery Protocol (MM).** The following "discovery" protocol shall be followed if potentially significant intact deposits are encountered within an undisturbed context during ground-disturbing activities. If older historic (or prehistoric) features, artifact concentrations, or larger significant artifacts are encountered during demolition or ground-disturbing activities within native soils or original context, then all work in that area shall be halted or diverted away from the discovery to a distance of 50-feet until a qualified senior archaeologist can evaluate the nature and/or significance of the find(s). If the senior archaeologist (not the field monitor) confirms that the discovery is potentially significant, then the Lead Agency will be contacted and informed of the discovery.

Construction will not resume in the locality of the discovery until consultation between the senior archaeologist, the Applicant or Project Proponent's Project Manager, the Lead Agency, and all other concerned parties, takes place and reaches a conclusion approved by the Lead Agency. If a significant cultural resource is discovered during earth-moving, complete avoidance of the find is preferred. However, if the discovery cannot be avoided, further survey work, evaluation tasks, or data recovery of the significant resource may be required by the Lead Agency. The Lead Agency may also require changes to site monitoring, based on the discovery.

All costs for the additional monitoring, discovery assessment, discovery evaluation, or data recovery shall be the responsibility of the applicant, within the cost parameters outlined under the California Environmental Quality Act. All individual reports, including the final Monitoring Report, will be submitted to the South Central Coastal Information Center at the conclusion of the Project.

13. **Inadvertent Discovery of Human Remains (MM).** The inadvertent discovery of human remains is always a possibility during ground disturbances; State of California Health and Safety Code Section 7050.5 addresses these findings. This code section states that in the event human remains are uncovered, no further disturbance shall occur until the County

Coroner has determined the origin and disposition of the remains pursuant to California Public Resources Code Section 5097.98. The Coroner must be notified of the find immediately, together with the City and the property owner.

If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials and an appropriate re-interment site.

14. **Paleontological Monitoring (MM).** To reduce the impact of ground-disturbing activities on any potentially present paleontological resources, a qualified paleontological monitor shall monitor ground-disturbing activities that directly impact bedrock. The paleontological monitor shall collect any fossil material uncovered through grading that is found within a disturbed context, and shall halt construction within 50-feet of a potentially significant fossil resource as necessary. Fossils collected from a disturbed context, or fossils that do not warrant additional assessment, can be collected without the need to halt grading.

If fossils are encountered that cannot be removed during grading and that the monitor believes need further assessment, then the following “discovery” protocol shall be followed. Discovery situations that do not lead to further assessment, survey, evaluation, or data recovery may be described in the monitor’s daily log and final Monitoring Report.

Discovery Protocol: All fossils recovered that may be of importance to California paleontology shall be cleaned, analyzed, and described within a final Monitoring Report. All materials shall be curated at the Natural History Museum of Los Angeles County or placed on public display by the owner. If important fossils are found during monitoring, the monitor shall prepare a Curation Plan for review by the Lead Agency prior to the publication of the Monitoring Report. The costs of the Monitoring Report, Curation Plan, and the processing, analysis, and curation of all fossils will be the responsibility of the Applicant.

15. **Data Gap Investigation (MM).** To mitigate the release of lead and arsenic in the shallow soils on the Project Site, the Applicant shall retain a qualified consultant to investigate, delineate, and properly remediate soils to the written satisfaction of the Site Mitigation Unit of the Los Angeles County Fire Department prior to issuance of any permit for demolition, grading, or construction.
16. **Vapor Intrusion Mitigation System (MM).** To mitigate potential vapor intrusion from tetrachloroethene (PCE) in soil vapor and methane at the Project Site, the Applicant shall install a Vapor Intrusion Mitigation System (VIMS) beneath the foundation of the proposed building. The Applicant shall submit design documents for the VIMS to the written satisfaction of the Site Mitigation Unit of the Los Angeles County Fire Department and the Department of Building and Safety prior to issuance of any permit for demolition, grading, or construction. The VIMS shall be designed in conformance with standard engineering principles and practices.

The Applicant shall retain a qualified engineer to independently analyze methane hazards as defined in Ordinance No. 175,790 and Section 91.7102 of the Los Angeles Municipal Code. As necessary depending on site conditions, the engineer shall investigate and design a methane mitigation system in compliance with the Methane Mitigation Standards for the appropriate Site Design Level to prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer’s design recommendations for review and approval by the Site Mitigation Unit of the Los Angeles County Fire Department, City of

Los Angeles Department of Building and Safety, and City of Los Angeles Fire Department.

17. **Increased Vibration Levels (Construction Activities) (MM).** To reduce the impact of groundborne vibration and noise annoyance potential from a bulldozer operating less than 15 feet from the recording studio nearest the southern Project Site boundary, the Applicant shall implement one or more of the following options:
  - Provide a minimum 15-foot setback of bulldozer activity from the recording studio adjacent to the southern Project Site boundary,
  - Substitute equipment with lower groundborne vibration generation potential. This measure would reduce vibration at the adjacent recording studio to a level that would not exceed the human annoyance criterion for high sensitivity land uses,
  - Give prior notification to the recording studio to avoid or minimize the interference of Project construction on existing business operations. This measure would reduce activity interference at the recording studio by allowing for the rescheduling of vibration-intensive construction activities (i.e. bulldozer operation within 15-feet of the building) or recording, thereby reducing or eliminating co-occurrence of the sensitive activity with the potential exceedance of vibration criteria.
  - If the 15-foot bulldozer setback is not technically feasible, vibrations should be monitored and recorded with seismographs during bulldozer activity within the 15 foot buffer to detect the magnitude of vibration and oscillation experienced by adjacent structures. If the vibration levels at the recording studio exceed 65 VdB (equivalent to approximately 0.007 PPV in/sec), the construction contractor shall modify the procedure to reduce the values to acceptable levels.
  
18. **Transportation Demand Management (TDM) Strategies (MM).** To reduce the transportation impact of the Project, the Applicant or Project Proponent shall implement the following Transportation Demand Management (TDM) strategies:
  - Transit – The Applicant or Project Proponent shall proactively offer 40 percent of employees a transit subsidy of \$2.98 per passenger per day at least once annually for a minimum of five years. The transit subsidy amount and employee allocation may be modified based on the number of parking spaces provided to the satisfaction of the Department of Transportation.
  - Education and Encouragement – On an ongoing basis, the Applicant or Project Proponent shall provide all employees with marketing and promotional tools to educate and inform drivers about site-specific transportation options and the effects of their travel choices.
  
19. **Inadvertent Discovery of Tribal Cultural Resources (MM).** 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, auguring, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleno 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”). 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
  7. 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 2 through 5 above.
  8. 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.
  9. Notwithstanding paragraph 8 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.
20. **Construction Traffic Management Program (PDF).** 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:
- Construction vehicle and equipment parking or staging on surrounding public streets shall be minimized to the extent feasible.
  - 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.
  - Safety precautions for pedestrians and bicyclists, through such measures as signage and protection barriers, shall be implemented, as appropriate.
  - Construction-related activities (such as deliveries and/or hauling) shall be scheduled to occur outside the commuter peak hours.
  - 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**

21. **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.
22. **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.

23. **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.
24. **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.
25. **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.
26. **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.
27. **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.
28. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
29. **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.