

## CONDITIONS OF APPROVAL

The project continues to be subject to all conditions of approval as required by CPC-2007-3888-CU-ZV-SPR, except as modified below:

*Modify Condition No. A.14 to read as follows (deletions are in ~~strikeout~~):*

### **A. Entitlement Conditions: Conditional Use and Variance for Waste Transfer Station and Materials Recycling Facility**

#### **14. Community Plan Design Guidelines:**

- a. Designing the site and building(s) as to convey visual interest and to be visually compatible with adjacent uses.
- ~~b. Treating large expanses of blank walls and tilt-up concrete walls visible from the public right-of-way with contrasting complementary colors, building plane variation, murals, planters and/or other landscape elements to create visual interest.~~
- c. Screening of mechanical and electrical equipment from public view.
- ~~d. Screening of all rooftop equipment and building appurtenances from public view.~~
- e. Requiring the enclosure of trash areas for all projects.
- f. Requiring freestanding walls to conform to the requirements of Section A.2b above.
- g. Directing exterior lighting onto the project site and locating flood lighting so as not to impact any surrounding residential uses.

*Modify Condition No. A.15 to read as follows (deletions are in ~~strikeout~~):*

15. **Traffic and Circulation.** The project shall comply with the following conditions to the satisfaction of the Department of City Planning.
  - a. Delivery of refuse, recyclable materials, green waste or wood waste shall be performed completely on the subject property within the area designated for pick-up/drop-off.
  - b. Stacking for vehicles shall occur completely on site and not occur in the public right-of-way.
  - c. Within the Transportation Demand Management (TDM) Plan, the applicant shall implement the following:
    - ~~i. The applicant shall hire or assign an individual to direct traffic at the driveway entrance of the subject facility at Tujunga Avenue/Bradley Avenue. The monitor shall direct traffic entering the site to ensure no blockage occurs on the public street during the hours of 6:00 a.m. to 7:30 p.m.~~

*Modify Condition No. A.16.h. to read as follows (deletions are in ~~strikeout~~):*

16. **Environmental Justice.** The following conditions shall be performed by the applicant in the spirit of furthering environmental justice and in an effort to reduce and off-set the significant impacts identified by the Environmental Impact Report, including project-specific and cumulative air quality impacts and to further reduce less than significant project specific and cumulative land use compatibility impacts:
  - h. Weekly roadside cleanup of litter for typical truck access routes including but not limited to San Fernando Road, Glenoaks Boulevard, Bradley Avenue, Tujunga Avenue, Sheldon Street, Tuxford Street, and Penrose Street.

*Modify Condition No. A.23.d.iv. to read as follows (deletions are in ~~strikeout~~):*

**23. Public Improvements:**

- d. Dedication(s) and Improvement(s). Prior to the issuance of any building permits, public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary), for the following:

iv. Improvements.

- ~~(1) Tujunga Avenue — Construct additional surfacing to join the existing improvements to provide a 35 foot half roadway in accordance with Secondary Highway Street standard, including asphalt pavement, integral concrete curb, and 2-foot gutter and a 10 foot full width concrete sidewalk for a frontage length of 700 feet along Tujunga Avenue, north of the intersection with Bradley Avenue. Improvements shall minimize or avoid disruption/conflict with the existing easements with Vulcan Industries and monitoring wells or equipment required by state and local permits. Improvements need not include widening of the roadway. These improvements should suitably transition to join the existing improvement to the satisfaction of the City Engineer. Such improvements shall be constructed to the satisfaction of the City Engineer prior to issuance of the final certificate of occupancy.~~

*Modify Condition No. A.26.c. to read as follows (deletions are in ~~strikeout~~):*

26. **Conditions of Case No. ZA 94-0792(ZV)(PAD):** The following conditions from previous grant of entitlement No. ZA 94-0792(ZV)(PAD), APPROVAL OF PLANS, dated June 2, 1998, although primarily governing the use of the site as a landfill operation, remain pertinent as they represent the amalgamated terms and conditions of approval of prior cases [Case No. ZA 92-0002(ZV) and Case No. ZA 94-0792(ZV)]. Therefore, the following applicable terms and conditions shall continue with the parenthetical indicating the previous condition number as stated in the June 2, 1998 entitlement:

- ~~e. The area in front of the masonry wall along Tujunga Avenue shall be landscaped with Oleander or similar shrubs and have a permanently installed watering system provided. (9)~~

**Administrative Conditions (Plan Approval Application)**

1. **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.

2. **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.
3. **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.
4. **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.
5. **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.
6. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
7. **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.
8. **Expedited Processing Section Fee.** 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.
9. **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, 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 (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 in paragraph (b).
- 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 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.